

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-FIFTH PARLIAMENT
FIRST SESSION**

**13 May 2004
(extract from Book 5)**

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Thursday, 13 May 2004

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.33 a.m. and read the prayer.

PETITIONS

Following petitions presented to house:

Mitcham–Frankston freeway: tolls

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 Parliament that the Victorian government has decided to break its 2002 pre-election pledge and introduce tolls on the Mitcham–Frankston (Scoresby) freeway.

Your petitioners therefore pray that the Parliament undertake to ensure that the government:

1. honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham–Frankston (Scoresby) freeway, and
2. immediately reverses its decision to impose tolls on vehicles on the Mitcham–Frankston (Scoresby) freeway and thereby honour its commitment to the citizens of Victoria.

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

By Mr COOPER (Mornington) (278 signatures)

Planning: rural zones

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house that the government’s proposed new rural planning zones are inadequate and should be rejected.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria urges the government to withdraw and redraft the new rural planning zones and introduce a planning system that:

- (i) strikes a fairer balance between the need to preserve prime agricultural land and acknowledgment of the rights of landowners;
- (ii) does not impinge on a landowner’s rights to retire with dignity;
- (iii) encourages young people to take up farming; and
- (iv) gives local government flexibility in the determination of subdivisions and use of rural land.

By Mr JASPER (Murray Valley) (29 signatures)

Tabled.

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

BUSINESS OF THE HOUSE

Adjournment

Mr CAMERON (Minister for Agriculture) — I move:

That the house, at its rising, adjourn until Tuesday, 25 May 2004.

Motion agreed to.

MEMBERS STATEMENTS

Malvern: government initiatives

Mr STENSHOLT (Burwood) — I wish today to speak on behalf of the people of Malvern, as the Leader of the Opposition, who is the member for Malvern, failed to mention them yesterday. I am not surprised that the member for Malvern is not well known in his electorate; in fact the *Stonnington Leader* has reported that 60 per cent of his electorate did not recognise him. In 2004–05 the Bracks Labor government will rebuild the Malvern Valley Primary School, which unfortunately burnt down on 5 March, at a budgeted cost of \$3.4 million.

I vividly recall that particular day. The Labor member for Monash Province, John Scheffer, was at the school earlier in the morning talking to and comforting staff and parents. I visited the school at around 8.15 a.m., and as I am in the neighbouring electorate I attended a meeting of teachers and parents that morning. We kept in close touch with ministers and everyone was pleased when the Minister for Education and Training visited later in the morning to announce that the school would be rebuilt. It took the member for Malvern until later in the day to arrive on the scene. He also failed to attend the community barbecue the following Sunday. I do not think he has ever done much for the schools in Malvern.

I remember in 1998 looking at the maintenance needs of the schools in Malvern, but no action was taken by the member for Malvern until the Bracks Government fixed the problems that required urgent repairs at Malvern Primary School to the tune of hundreds of thousands of dollars.

Other actions by the Bracks government in Malvern include an allocation of \$2.3 million for independent living units at Elm Road, the installation of automated pedestrian gates at Tooronga railway station, the \$207 000 red spot program, the reconstruction of the road surface on High Street between Burke Road and Malvern Road at a cost of \$470 000, and strengthening and waterproofing the Monash Freeway bridge over Warrigal Road at a cost of \$370 000 — —

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

Point Nepean: future

Mr DIXON (Nepean) — What a contrast between the state and federal government's commitment to the environment at Point Nepean. I applaud the federal government's decision to fund the Australian Maritime College at Point Nepean over the next five years. The college will provide three levels of education for primary, secondary and tertiary students, starting next year with 40 students and moving up to 150 students. The maritime college will specialise in coastal processes in the environment and will be housed in the existing buildings. It will be a wonderful education opportunity, not just for local young people but throughout the state, and will become a very famous Australian maritime institute. Compare this with the state government's push for commercial development at Point Nepean, including commercial accommodation, which will not happen under this plan.

The neglect of the Mornington Peninsula National Park at Point Nepean is quite evident — with an 85 per cent cut in the budget the environment works are visibly suffering and the seawall is crumbling into the sea. In its recent budget the federal government announced \$2.4 billion in spending. Compare that with the state government making a 9 per cent cut in the budget of the Department of Sustainability and Environment. That will affect the Rosebud foreshore, the Mornington Peninsula National Park, the piers that need a lot of work, and the Flinders breakwater that has never appeared. The environment rates a low priority with this government.

Mountain Goat Brewery: award

Mr ROBINSON (Mitcham) — I congratulate Cameron Hines and Dave Bonington from Mountain Goat Brewery, who last Thursday took out the Premier's trophy for the best Victorian beer at the renowned Australian International Beer Awards held in Melbourne.

Honourable members interjecting.

Mr ROBINSON — I will come to that in a moment. They won the award for their product Surefoot Stout, which I am told is a lovely drop. It is a credit to the enterprise of Cam and Dave for their initiative and hard work — two young blokes having a go. They have built the business up from very humble beginnings over the past six years.

Warrnambool: May Racing Carnival

I also congratulate Marg Lucas, the chair, and Chris Nolan, the secretary, of the Warrnambool Racing Club for their magnificent organisation of the time-honoured May Racing Carnival, which was held last week and which has undoubtedly become the premier regional racing carnival in Australia. I was very pleased to attend last Thursday as the government's representative. I was also joined by the Liberal Party's spokesperson on racing in another place. It was great. I understand it was the first time he had been to the Warrnambool races, and I was pleased to show him around. It was great that the club had a magnificent carnival and that at least some people in the Liberal Party understand the significance of this event.

Water: storages

Mr JASPER (Murray Valley) — Water is a major issue for all of us living in Australia. With the recent dry years and the current drought situation still evident in many country areas, water conservation has become an even more critical issue. I support the actions being taken by all governments in encouraging more efficient water usage, not only in irrigation areas but in country cities and towns — and even in metropolitan Melbourne. We need to recognise that without the water storages that were built decades ago we would now be facing an even more desperate situation in water availability.

I have been a key supporter over many years of the continuation of the development of more water storage capacity, and in particular the extension of existing storages such as Lake Buffalo and Lake William Hovell in north-eastern Victoria. These small storages in the upper reaches of the Ovens and King rivers have the capacity to be enlarged, particularly Lake Buffalo. Despite my representations to extend the storages, the Murray-Darling Basin Commission and Goulburn-Murray Water have rejected the suggestions on the basis that water in the Murray-Darling Basin has been allocated under the cap established in 1994.

However, I applaud The Nationals, which has set up a committee to investigate options to improve water security throughout Victoria, including increases in water storages and the implementation of efficiencies in the water supply system generally.

I firmly believe that extension of existing dams would ensure the collection of additional water to underpin the supply of essential water for the food bowl of Australia through irrigation, additional town water supplies and environmental flows down through the system.

Cardinia-Casey community health ball

Mr PERERA (Cranbourne) — I rise to congratulate Mary Garrett and Liezle Mitterer, who run the adult day activity centre under the Cardinia-Casey Community Health Service, for volunteering to organise the inaugural Cardinia-Casey community health ball using their spare time. It was with great pleasure that I attended the inaugural Cardinia-Casey community health debutante ball as a guest of honour on Saturday, 8 May. The debutante ball was organised for special-needs clients of the community health service. A lot of these special needs clients miss out on these opportunities and do not have the opportunity to participate in normal teenage activities. It was a special day for them; all were dressed in their finest outfits, some arrived in limousines and all happily danced the night away.

The debutantes were: Caroline Magill, Helen Ramage, Vicki Dighton, Brigette Rees, Ellen Luks, Kim Magill, Victoria Johnson, Emma Johnson, and Marie McLellan, the beautiful daughter of a former member for Frankston East, the late Peter McLellan. They were presented to Carol Fountain, the general manager of the Cardinia-Casey Community Health Service, and me. The debutantes were partnered by friends, boyfriends and members of their families.

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth!

Mr PERERA — It was demonstrated that they have picked up very good dancing skills. I would like to congratulate the dancing teacher, Glenda Garrett, for a job well done. I would also like to thank the ushers, Katie and Michael Garrett, for their contribution. Most of the debutantes were from the Casey-Cardinia health disability program; however, some of them were from other programs —

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

Federal budget: terrorism

Mr McINTOSH (Kew) — Buried somewhere in the budget announcements was the federal Attorney-General, Phillip Ruddock, committing the commonwealth government to spending an extra \$750 million over five years on national security initiatives and Australia's fight against terrorism. This is very good news which will be welcomed by all Australians. This extra money builds upon the \$2.3 billion committed since September 11 and the Bali bombings. The extra resources will improve our national intelligence capabilities, enhance regional counterterrorism capabilities, strengthen our borders and enhance our protective security arrangements. Included is an extra \$85 million to help secure and protect the 2006 Commonwealth Games in Melbourne. This is particularly welcome news.

There is also an additional \$50 million over four years to strengthen the critical partnership between the commonwealth, state and territory governments and private corporations to protect critical infrastructure, supply, and information and communication networks. This of course includes food, water, energy, health, transport, banking, communications and other essential industries, as well as national icons.

Acknowledging the important role the state and territory governments, as well as the commonwealth government and the federal Attorney-General, will play in fighting terrorism, we hope that further measures to enhance the protection of Australia and its citizens will evolve from a high-level business-government ministerial forum in June this year.

Wellsprings for Women: 10th anniversary

Mr DONNELLAN (Narre Warren North) — On Wednesday, 12 May, I was fortunate enough to join Ann Haupin from the Presentation Sisters and her wonderful team at Wellsprings for Women, Dandenong, to celebrate the centre's 10th birthday. What a marvellous job Wellsprings does for women isolated in Dandenong and the surrounding area: it builds the confidence of women through activities like art, computer studies and English language training. Many of the women involved have suffered greatly in the past. They have lost family, husbands and children; they have suffered domestic violence; many simply have not had a chance to build friendships; many are not engaged in the outside world because they are caring for children; many are isolated because of their language; and many fear the outside world because they think their Muslim faith is being questioned. I congratulate Ann Haupin, the Presentation Sisters and

all the volunteers for providing a magnificent service to those lonely, lost, battered and psychologically damaged women of Dandenong and surrounds. They do marvellous work.

Rail: V/Line alcohol service

Mr MULDER (Polwarth) — It would appear that not only are the service levels of V/Line declining under the management of the Bracks Labor government but passenger comfort and safety levels are also being dramatically affected. A 19-year-old female has contacted me regarding an horrific trip she recently had travelling from Melbourne to Swan Hill by V/Line. The letter describes a male who had two sixpacks of beer when he boarded the train and who then staggered to and from the buffet car buying two cans of beer at a time. By the time the train reached Swan Hill he was totally intoxicated and could hardly stand up. During the trip this drunk shouted obscenities at young women in the presence of children and other passengers. The young lady complained to the person behind the counter who advised her that someone would speak to the man. Nobody did, and both this young lady and her friend endured the disgusting behaviour for most of the journey.

I have been asked to raise these concerns on behalf of the young lady, so I put the following to the Minister for Transport: what is the government's policy on the responsible serving of alcohol on V/Line trains; why was no assistance given to these teenagers when they asked for help; and what is the government's position on passengers bringing alcohol onto V/Line trains? I have copies of the letter that the young lady has sent to my office describing the obscenities that were delivered to her and her friend by the drunken slob; however, they are such that I could not repeat them in this house.

I call on the Minister for Transport to take immediate action in relation to the responsible serving of alcohol on V/Line trains.

Building industry: safety induction

Ms BEATTIE (Yuroke) — I was astounded to be sitting in this chamber last week hearing the member for Swan Hill insinuating that the lives of his young constituents should be endangered. The requirement that training relating to the risks and hazards of a building site be undertaken by every individual wishing to work on a building site is a measure that I support and fully commend. The safety induction scheme was established over three years ago by Foundations for Safety through a voluntary industry agreement. Since its establishment many thousands of workers have

completed basic occupational health and safety induction training through one or other of the 16 employer associations and unions participating in the scheme. WorkSafe has strongly supported Foundations for Safety's efforts in seeking to ensure that everyone who works on a construction site has undergone general industry safety induction training.

The number of construction deaths and the frequency of construction injuries has been steadily declining in recent years. WorkSafe has no doubt that the widespread take-up of the Foundations for Safety induction scheme has contributed to the improved levels of safety we are finding on Victorian construction sites. I applaud the efforts of members of the Foundations for Safety, such as the Construction, Forestry, Mining and Energy Union, for their unswerving commitment to saving young apprentices' lives. I condemn the member for Swan Hill for adopting a reckless and dangerous position that would serve to reverse the trend towards reduced workplace injuries among our young apprentices and would endanger their lives and wellbeing.

First Mildura Irrigation Trust: initiatives

Mr SAVAGE (Mildura) — I wish to draw the attention of the house to the First Mildura Irrigation Trust (FMIT) and its exciting plans for the future. This statutory water authority has been in existence for 106 years. It has survived floods, droughts and the predations of successive governments.

Mr Jasper interjected.

Mr SAVAGE — As the member for Murray Valley says, it is very good. That is a good endorsement.

The FMIT is unique because it is the only water authority in Victoria that has an elected board and it reflects the wishes of its customers. The FMIT has developed a master plan which has some exciting initiatives. The upgrade of the 17th Street channel will save approximately 2 gigalitres of water — an incredible amount. The proposed storage reservoir will have 800 megalitres of water and will protect FMIT customers in the event that there are any restrictions on the Murray River. The Department of Sustainability and Environment is holding back money for the FMIT's master plan, but I am sure that will come forward.

I congratulate the FMIT for the vision that is unfolding, and I welcome its initiatives. It certainly has my support. I will continue to work with the FMIT to ensure that it delivers good outcomes for its customers.

Rail: level crossings

Dr NAPHTHINE (South-West Coast) — I raise an issue about the need to improve safety for vehicles and pedestrians on a number of railway crossings in south-western Victoria. In particular, I urge the government to install railway crossing flashing lights at three crossings at Panmure and at the crossing on Myamyn-Macarthur Road at Myamyn.

Panmure is a great rural community on the Princes Highway about 26 kilometres east of Warrnambool. The Melbourne–Warrnambool railway line runs just to the south of the township. This line carries six passenger services each day plus a daily freight service. The line has unguarded crossings across three local roads at Panmure: at Panmure-Laang Road, Heath-Marsh Road and Station Street. Each of those are potentially very dangerous, with local traffic, milk tankers, parents taking children to the local primary school and buses taking children to the local secondary college, plus an ever-increasing volume of visitor traffic. The areas are not well signposted, nor are they well lit at night, and it is particularly dangerous when the freight trains go through that area at night. There have been several very near misses, and we certainly want flashing lights on those three crossings before there is a serious accident.

This crossing on Myamyn-Macarthur Road is on the Portland–Hamilton freight line. Many grain freight trains travel on that line. They are very long and not well lit at night. That is also a potentially dangerous crossing which deserves flashing lights.

Local government: G21

Mr CRUTCHFIELD (South Barwon) — I bring to the attention of the house an organisation called G21, which stands for ‘Geelong 21st century’. It will be gracing us with its presence in Queen’s Hall in the spring. The organisation encompasses five municipalities. In itself it was a challenge to bring those disparate organisations or municipalities together. The municipalities and their mayors are: Golden Plains, Bill McArthur; City of Greater Geelong, Ed Coppe; Colac Otway, Jim Ryan; Surf Coast, Beth Davidson; and Queenscliffe, Val Lawrence. They are also in partnership with a number of government and non-government organisations including chambers of commerce and the Committee for Geelong, and they look at a strategic view of where the Geelong region will go in the 21st century.

I thank the Treasurer for \$150 000 in initial funding for that organisation. It looks at communication across the

region. I want to emphasise that it is not Geelong focused; it is much broader and more strategic than that. It is very much regional, and I know a number of municipalities in other members’ electorates are looking closely at G21. It is a wonderful organisation and I commend it to the house.

Seymour: health services

Mr HARDMAN (Seymour) — I rise to thank the Minister for Health for the work she is doing to rebuild the health services in the Seymour electorate. Members will be aware that last week the minister announced funding of \$5 million to rebuild Barrabill House, which is the Seymour Hospital’s aged care facility. This facility will be built across the road, moving the aged care facility from the flood plain, but it will also be on the same site as the Seymour ambulance station, which is run down and inadequate. It is inadequate now because the Bracks government has introduced two-officer crewing, making it safer for the people from the area or those travelling through Kilmore and Seymour to travel on the Hume Highway, as well as providing a safer workplace for the dedicated officers in those cars working out on the road. There are more people there so it is inadequate.

I thank the Minister for Health for recognising this need and for providing \$900 000 today to build a new ambulance station which will be closer to the hospital and emergency services. I also thank the minister for providing a further \$80 000 to refurbish the Kilmore ambulance station and give it a permanent home, which in the past was a factory. Now it has moved into the not-so-old but closed-down Kilmore police station. I thank Rural Ambulance Victoria for its strategic planning and for making sure we have resources in our area to make people secure.

Elm leaf beetle

Dr SYKES (Benalla) — Autumn is a great time to visit north-east Victoria and enjoy the cool, clear nights, beautiful sunny days and magnificent tranquil scenery. One particular attraction is the autumn colours of our magnificent elms and other English trees, particularly in Bright, Myrtleford and the villages of the Ovens and nearby valleys. Regrettably the beautiful elm trees are under threat from the elm leaf beetle, which has invaded the area. Magnificent elms that are over 100 years old are at risk of dying under the constant assault of the elm leaf beetle.

Enter the elm leaf beetle queen, Ros Ferguson-Pelley, who is leading the crusade to save the elms. She is ably supported by the Alpine shire, which has committed

\$40 000 to locate and map the thousands of elms on public and private land and then prioritise them for saving. The Department of Sustainability and Environment and private land-holders are also cooperating but much more needs to be done. I ask the Minister for Environment to encourage DSE staff to be more involved in the elm leaf beetle control, and I also ask the Minister for Tourism to dig deep into his coffers to help fund the protection of one of north-east Victoria's most treasured tourist assets. Let us all get behind Ros Ferguson-Pelley and tackle the elm leaf beetle by a combination of spraying, chemical banding and soil treatment of priority trees, as well as removing inappropriately located sucker trees.

Autism Awareness Week

Ms GILLETT (Tarnait) — This week is Autism Awareness Week. Yesterday at Parliament House some remarkable people demonstrated great courage and honesty. They were some young people who had been diagnosed with an autism spectrum disorder (ASD), their families, health professionals and experts in the field. Many members of Parliament were given an insight into what ASD is and how it affects the lives of those who have been diagnosed with the disease and the lives of those who love them. It was a powerful and moving event, and I congratulate all who offered us their honesty and insight. They helped to dispel the ignorance and fear that surrounds autism. There is still a long way to go, but this was an important step along the way.

My interest in autism spectrum disorder is both professional and personal. It is my experience as a parent and parliamentarian that the most important thing we can all do to support parents and health professionals is to learn more about autism spectrum disorder so that we can do our bit to reduce the ignorance and fear of ASD in our communities.

Rotary: Namibia library

Mr THOMPSON (Sandringham) — I pay tribute to Alan Rae, a consulting civil engineer and the current president of the Rotary Club of Sandringham, for his vision and leadership in the establishment of the Ben Hur Community Library in Namibia. I also acknowledge the collaboration and practical support of Oxfam and members of the rotary clubs of Sandringham, Moorleigh-Bentleigh East, Moorabbin East, Bentleigh and Moorabbin Central.

The Rotary Club of Sandringham initiated the construction and equipping of a community library near the Kalahari Desert in Namibia, about 300 kilometres

from the capital, Windhoek. The community was resettled under apartheid prior to independence in 1990 and comprises four ethnic races. A population of over 2000 people is spread over four settlements in an area comprising 20 000 hectares. The poorest group is a bushman community known as the San tribe.

Literacy levels are at 50 per cent. Income levels are generally less than \$500 per year. Transport is usually on foot; however, the wealthier families use donkey carts. There is only one car in the community.

The direct construction cost of the library was \$70 000. The equivalent would have been four times that amount if the development had taken place in Melbourne. Some 2000 books and a computer with an Internet connection were installed. At the official opening of the building 200 students from the school participated in the proceedings, demonstrating traditional bushman skills. Alan Rae made a total of three trips to Namibia at his own expense.

I pay tribute to the vision and accomplishment of Alan Rae and members of the Rotary Club of Sandringham in making a difference.

Autism Awareness Week

Ms McTAGGART (Evelyn) — This week is national Autism Awareness Week. After participating in the Pin a Pollie day yesterday to raise autism awareness among members of Parliament, I would like to share a story of my very special friend, Victoria. Victoria, her mum, Julie, and her brother, Chris, have become members of my extended family. Victoria was diagnosed with autism in 1989, when she was four and a half years old. Julie was absolutely devastated by this news and was told to take Victoria home and love her — not particularly good or helpful advice.

Life for this family was extremely difficult, as there was insufficient information and access to any emotional or physical assistance. After many months of waiting, Victoria was accepted into an early intervention program at Irabina Special Developmental School designed specifically for children with autism. This program provided the basic social skills required for Victoria to integrate into the family unit and, in time, into the wider community. However, there will still be many challenges for Victoria and her family to face.

Victoria has been a very special part of my life. Her quirky sense of humour is something to behold. This is partly a family trait which is fuelled by obsessional autistic characteristics, such as a love of public

transport. Buses are her favourite. Many happy hours have been spent chasing buses, admiring their happy smiling faces and delighting in their corporate names. Her favourite buses are the 'Variety Club Sunshine Coach Toyota buses'. We have both spent many hours laughing at these phrases. She is now 19 years old, and five years ago she was diagnosed with epilepsy and is currently undergoing tests for a possible heart condition. Victoria brings sunshine into our lives, and she has a very special place in my heart.

Ballarat: Excellence in Learning awards

Ms OVERINGTON (Ballarat West) — Ballarat recently hosted a gala dinner to celebrate the Ballarat region Excellence in Learning awards. The evening showcased the region's diverse educational training and employment providers, including our first-rate state and private primary and secondary schools, universities and training and employment facilities. The evening, which was designed as a way of publicly recognising the great achievements of our education system, created enormous interest among the local education community.

I congratulate the following winners: Canadian Lead Primary School, Pleasant Street Primary School, Highlands Local Learning and Employment Network, Ballarat Grammar School, Ballarat and Clarendon College, Ballarat Secondary College, Australian Catholic University, the Smith Family, City of Ballarat universities, the Victoria Police police involvement program, Ballarat University of the Third Age, Linton Primary School, BRACE Education, Training and Employment, Damascus College, Optimal Learning and the Ballarat Community Correctional Services.

I would also like to quote from the editorial of the Ballarat *Courier*:

Ballarat proudly carries the title of a learning city and with our first-rate education facilities at primary, secondary and tertiary levels, we can rightly claim to be one of the nation's premier centres of study ... The sheer quantity and quality of all nominees ensured that those few selected for special mention as achievers had well and truly earned their accolades.

Again I congratulate all of those winners.

Budget: education allowance

Ms CAMPBELL (Pascoe Vale) — Primary and secondary students, their families and schools applauded our state budget increases to the education maintenance allowance (EMA) — an increase from \$127 to \$200 for primary students and from \$254 to \$400 for secondary students. This state budget grants

the first EMA increases since 1988, and the fact that this is the first time they will be indexed has been particularly acclaimed.

Students are ably assisted in their endeavours by the leadership shown by school principals and, in the state system, by their school council presidents. I pay tribute to the following principals and presidents: Cheryl Baulch and Terry Haughton at Box Forest Secondary College; Tracey Hammill and Robyn Carroll at Coburg North Primary School; Jennifer Strachan and Aaron Hope at Coburg Primary School; Moira Bradley and Faye Bergin at Coburg Special Development School; David Randall and Trevor Budge at Glenroy Primary School; Kaye Gauci and Kirk Le Roy from Glenroy West Primary School; Salah Salman at King Khalid Islamic College of Victoria; Ms Elizabeth Monahan at Mercy Diocesan College; Margaret Lacey and George Kolovos at Moreland City College; Gavin Healy and Paul Mamro at Oak Park Primary School; Helen Jackson and Lindsay Knight at Pascoe Vale Girls Secondary College; Peter Adams and Martin Hogg at Pascoe Vale North Primary; Phillip Elliot and Garry Van Niel at Pascoe Vale Primary School —

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

Edith Morgan

Mr WYNNE (Richmond) — I rise this morning to pay my respects to the life of Edith Morgan, who died on 10 May. Edith was a true Collingwood icon, a tireless and outstanding community worker and leader.

Her life was spent fighting for social justice for others. This commenced in 1972 when Edith worked as social worker at Collingwood council, and she made a considerable mark in the history of advocacy and community development in the inner city. Edith was respected and admired for her community work on the board of the North Yarra community health centre, as an employee of the former City of Collingwood, with the Collingwood Children's Farm and as founder of the Older Persons Action Centre.

Edith was featured in a book entitled *Dancing in the Kitchen — Portraits of Collingwood's Older Women* by Andrew Livingstone in 1994, in which she is quoted as stating:

I don't feel old. I have always believed people can lead fruitful lives to the end.

That is exactly what Edith did. After retirement and until the end of her life she advocated for older people. Edith received the Order of Australia for her

community work and was recently honoured by the Australian Catholic University with the establishment of the Edith Morgan chair in aged care presented by the federal aged care minister.

I know that all members in this house are very sorry for the death of Edith. She has left an incredible legacy in the health and welfare sector which will remind us of just what can be achieved through tireless and selfless work. We are very grateful for the life of Edith Morgan.

Coatesville Primary School: walking bus

Mr HUDSON (Bentleigh) — On Monday I had the pleasure of participating in the launch of the walking school bus initiative at Coatesville Primary School. Funded by VicHealth, the walking school bus is a bus powered not by an engine but by legs. It encourages children to walk in a group to school with an adult ‘driver’ in the front and an adult ‘conductor’ at the rear. The bus travels along a set route to and from school, picking up or dropping off children along the way at designated bus stops. The whole purpose is to encourage children to walk to school in safety instead of being driven there. According to a recent survey in the United Kingdom over half of all primary school children are driven to and from school — nearly double the number that went by car 10 years ago. I congratulate Coatesville Primary School on being a part of this wonderful project.

The ACTING SPEAKER (Mr Ingram) — Order! The time for members statements has expired.

APPROPRIATION (PARLIAMENT 2004/2005) BILL

Second reading

Debate resumed from 4 May; motion of Mr BRACKS (Premier).

Mr CLARK (Box Hill) — I would like to raise a point of order, Acting Speaker, that relates to the form in which the Appropriation (Parliament 2004/2005) Bill has been brought before this house. I want to draw your attention to the new standing order 91, which provides:

An appropriation bill must contain a schedule which includes the same divisions, subdivisions and items as are used in the Treasurer’s annual estimates of expenditure.

During consideration in detail, each division in the schedule must be considered in the order shown in the schedule.

I draw your attention to the form of the Appropriation (Parliament 2004/2005) Bill itself, and in particular to

schedule 1. The house will see that initially, schedule 1 contains a summary of the estimates. Subsequently, in relation to each department of the Parliament there is a listing of items. For example, in relation to the Department of the Legislative Council the schedule lists item 1 as ‘Provision of outputs’ and item 2 as ‘Additions to the net asset base’, and then it lists ‘Total appropriation’. The same format is followed for the remaining parliamentary departments.

The new standing order that we adopted only a few weeks ago requires that the appropriation bill schedule must include:

... the same divisions, subdivisions and items as are used in the Treasurer’s annual estimates of expenditure.

The question then becomes, ‘What are the Treasurer’s annual estimates of expenditure?’. This year we have a new format in which none of the budget papers is actually designated as the annual estimates of expenditure, but there are three areas which may, perhaps, be considered to constitute those estimates.

The first is set out at page 33 of budget paper 4, entitled *2004–05 Statement of Finances*, and it is simply the summary statement of the total expenses from the ordinary activities of each department of the general government sector, including a listing for Parliament. I do not believe that is the Treasurer’s annual estimates of expenditure for the purposes of the standing order because it is simply a summary table.

I then draw your attention, Acting Speaker, to page 112 and following of budget paper 4, which provide more detail about the Parliament of Victoria, including tables headed ‘Statement of financial performance’, ‘Statement of cash flows’, ‘Statement of financial position’, ‘Administered items statement’, and ‘Authority for resources’. That, arguably, may be considered to be the Treasurer’s estimates of expenditure.

The other option for what constitutes these estimates is what is set out at page 250 and following of budget paper 3 entitled *2004–05 Service Delivery*. These contain a breakdown by the various parliamentary departments, including various performance measures and a total output cost for each of the departments, listed as ‘Legislative Assembly’, ‘Legislative Council’, ‘Parliamentary services’, ‘Parliamentary investigatory committees’ and the ‘Auditor-General’s office’.

However, Acting Speaker, whichever of those pages in the various budget documents that I have referred you to are considered to be the Treasurer’s annual estimates of expenditure, none of them is consistent with the

appropriation bill. To put it the other way around, the appropriation bill does not contain the same breakdown of divisions, subdivisions and items that are used in any one of these sets of data set out in the budget papers.

Accordingly, I submit that the Appropriation (Parliament 2004/2005) Bill, as it has been brought to the Parliament, does not comply with standing order 91.

The ACTING SPEAKER (Mr Ingram) — Order! On the point of order raised by the honourable member for Box Hill in relation to new standing order 91, I am not in the position to make a ruling on this matter at the moment. I will pass the matter on to the Speaker and she can investigate the issues that have been raised. We will continue with the debate and the honourable member for Box Hill has the call.

Mr CLARK — Thank you, Acting Speaker. Whatever format the bill comes into the house in, it is a bill to provide Parliament with the appropriations that are necessary for its operations in the forthcoming financial year. As in previous years, this bill comes to the Parliament separately from the main appropriation legislation in recognition of Parliament's special and unique role in our constitutional system.

In that regard, before returning to the detail of the bill and the appropriations estimates and other references in the budget papers, there is one in particular that I want to single out for comment — that is, the statement at page 250 of budget paper 3 under the heading 'Parliament of Victoria', and I quote:

The following section provides details of the outputs to be provided to government, including performance measures and costs for each output.

I put it to you, Acting Speaker, and I put it to the house that this statement is offensive to the house and shows complete ignorance or disregard of the role of Parliament in our constitutional system. It is offensive for the government to bring to this Parliament a document which suggests that the role of this Parliament is to provide outputs to the government. It shows no understanding whatsoever of our constitutional history and shows no understanding of the Westminster system of democracy in which parliamentary representatives are elected by the people and under which the government is accountable to the Parliament rather than vice versa.

I suggest that it is quite likely that this offensive statement originated in ignorance or thoughtlessness when whoever was preparing the budget papers within the Treasury simply replicated in relation to the Parliament the same preliminary words as appear in

similar form in relation to the departments of government, where there may be some justification for that statement to be made. However, it is something that should have been picked up in the scrutiny and review of the drafting of the budget papers either within Treasury, or if not within Treasury then certainly within the Treasurer's office or by the Treasurer himself or his parliamentary secretary. I hope that whoever speaks on this bill on behalf of the government will accept that that reference is inappropriate and will undertake on behalf of the government that it will not occur in future, and I certainly hope that the Speaker will intercede on behalf of the Parliament with the government to ensure that that occurs.

In relation to the actual appropriations within the bill, I think it is fair to say that in large part this bill continues the status quo in relation to the funding of the Parliament. It is regrettable that in the new format budget papers that we have this year, there is no output summary table in budget paper 3 or elsewhere in the budget papers that summarises the output groups of the Parliament, or indeed summarises the output groups of any department.

However, when one totals the various outputs that are set out under the individual parliamentary departments on pages 251 and following of budget paper 3, the sum of the outputs is \$93.4 million for Parliament itself plus an additional \$25.5 million for the Office of the Auditor General, and that totals \$118.9 million. There is one small anomaly which I have not been able to resolve, and possibly other speakers on the bill may be able to, and that is the fact that this figure of \$118.9 million does not tally to the \$121.5 million total expenses for the Parliament which are set out on page 33 of budget paper 4. In the past the sum of the outputs has totalled the figure that is in that summary table, and it would be helpful to have an explanation of that discrepancy.

There is a further issue in relation to the estimates that needs to be clarified — and I have been able to obtain verification on this aspect — and that is the fact that if one looks at the summary table on page 33 of budget paper 4, it can be seen that the estimated expenses for the Parliament are listed to fall from \$121.5 million in 2004–05 to \$104.9 million in 2005–06 and thereafter up to \$107.7 million and \$109 million in 2006–07 and 2007–08 respectively.

I understand this does not in fact represent a fall in the real level of resourcing for the Parliament. Rather it reflects the fact that a triennial review of the parliamentary superannuation fund is due to be completed, and until that review is completed and the revised costing figures are known it will not be possible

to include an allowance for superannuation in the future estimates. In other words the apparent falls in 2005–06 and onwards reflect that omission rather than a real change of policy direction.

The point should be made that the proposed expenses for this year and future years for the Parliament, as for the various departments of government, reflect the government's new policy of including future wage cost allowances in the various departmental or parliamentary expense estimates.

There are a number of initiatives of a relatively minor nature that are proposed for the Parliament and those are set out in budget paper 3 on pages 305 and following. They include a provision in 2004–05 for the sum of \$200 000 in connection with the 150th anniversary of democratic government in Victoria and the commemorative celebrations that are planned in conjunction with that. There is \$200 000 allocated for additional vehicle lease costs. There is a total estimated investment of \$2.4 million planned for asset replacements for the Auditor-General, principally for the replacement of computers, office equipment and software. There is \$6.1 million total estimated investment for capital works in Parliament House including the replacement of obsolete equipment.

There is one further item that I wish to give more attention to — that is, the provision of \$300 000 in the current financial year 2003–04 and \$700 000 in 2005–06 and \$600 000 thereafter, which covers several items including increased electorate office lease costs and hosting the Australian and Pacific Presiding Officers and Clerks Conference, which I gather is next to be held in Victoria. Beyond that, in this item there is also funding for what the budget papers describe on page 305 of budget paper 3 as changes to sitting hours and other operating costs:

This government has introduced changes to the sitting times of the Legislative Council. Funding is being provided to meet the operating costs of Parliament to support these extended sitting times.

I would have thought it would be news to most of us in this place that the other place was sitting longer. I do not say that with any disrespect to the other place, but its sitting patterns appear to be similar to what they have been in the past in what happens week to week. I gather, however, that until recently funding has only been provided on the assumption that they would sit two days a week, and they are now sitting three days a week. I do not know whether that reflects a policy decision or not, but it does seem curious that for so long the Legislative Council has not been funded to sit for the sort of days it has been sitting.

More significantly still, this item draws into question the whole issue of the sitting times of the Parliament. We well recall that when the present government came to office it promised that Parliament would sit 50 days every year. But when one examines the figures for the parliamentary sitting days, one finds that it very quickly started to forget that commitment. If we look at the record from the year 2000 onwards, we see 51 sitting days in the year 2000, 51 sitting days in the year 2001 and 38 sitting days in the year 2002. That was an election year, and we would expect the next year to be back on track — but no, it was not, with 47 sitting days in the year 2003. So far for the autumn sittings of 2004 we have 21 sitting days scheduled. That suggests that we have another 29 sitting days that will need to occur in the spring sittings if we are to meet the 50 sitting days a year.

It is interesting to contrast that number with the pattern of sitting days in the first four years of the Kennett government, which has been so berated by the current government for its lack of parliamentary sittings. In 1993 the Parliament sat for 62 days, in 1994 it sat for 58 days, in 1995 it sat for 49 days and in 1996 — an election year — it sat for 35 days. So in the first four years of the Kennett government Parliament sat for 204 days. In the first four years of the Bracks government the Parliament has sat for 187 days. So despite all these allegations of a lack of parliamentary sittings and a lack of accountability under the previous government, the current government's record is worse than the corresponding period under the previous government.

If government members want people to give any credibility whatsoever to their commitment to have Parliament sit more often, and in particular to sit for more than 50 days a year, then they need to start getting their act together and call the Parliament to meet more often, rather than simply gagging bills through this place, cutting members' speaking times down to 10 or 15 minutes on most bills, whizzing through legislation with as little scrutiny and as little opportunity for comment as possible, and then adjourning the Parliament.

Ms Pike — On a point of order, Acting Speaker, my understanding is that we are currently debating the parliamentary appropriation bill. While I understand that the member for Box Hill is trying to draw some connection with an appropriation for Legislative Council sitting times, I believe he is now straying far beyond the scope of this bill into matters that are entirely irrelevant. I ask you, Acting Speaker, to draw him back to the purpose of this debate.

The ACTING SPEAKER (Mr Ingram) — Order! The debate is currently on the Appropriation (Parliament 2004/2005) Bill, and the member for Box Hill is within his rights to be discussing sitting days and the funding of Parliament around that, so I do not uphold the point of order.

Mr CLARK — Thank you for your ruling, Acting Speaker. The point of order shows the sensitivity of the government and the fact that it simply does not want to be held accountable and judged for what is being achieved with the money that is being spent on Parliament. Nor does it want to be held accountable for how well this Parliament performs during the period in which it has the numbers to control most of what we do. As I say, the present government really needs to schedule more sitting days in order to live up to its promise and maintain its accountability to this Parliament.

I will move on to some other aspects of the bill. I should make the point that we continue to welcome the fact that the Auditor-General is an officer of the Parliament, a situation that was established under the previous government and continued by this government. The appropriation for the Auditor-General would seem to have fallen — in fact the formal appropriation for the Auditor-General has fallen — from \$23 069 000 from the current year down to \$10 403 000 for 2004–05. However, this does not amount to a reduction in the real level of resourcing for the Auditor-General, because the difference is to be made up by the fact that the Auditor-General will be authorised to have provided to him as an annotated appropriation the fee revenue that is paid in relation to at least some of the audits that he conducts.

The merits of this may be debated. The important aspect is that if this arrangement is to continue, then we need to make sure that there is an objective standard for the way in which the Auditor-General's fees are assessed. Clearly, if the Auditor-General derives the income raised from the fees that the Auditor-General charges to departments and statutory authorities for the conduct of certain audits there should not be the temptation or the facility for those fees simply to be increased in order to add to the resourcing available to the Auditor-General's office. There is that potential for conflict of interest.

I am sure the Auditor-General is well aware of that and intends to take measures as best he can to ensure that it does not happen, but I think it is important that the way in which fees are to be determined by the Auditor-General and imposed on departments and statutory authorities needs to have some objective basis

so that in the end if there is some question as to the level of those fees it can be assessed by reference to objective criteria and not be simply within the scope of the Auditor-General to specify what the fees should be.

More broadly, bills such as this raise the question of the role and accountability of Parliament, because when we judge the appropriation we need to judge it by reference to the ends which it is intended to achieve. The role of Parliament in a modern democracy is a vexed question which often attracts comment, debate and a degree of concern. Some of the concern arises from the fact that in the broader community while there is a general recognition of the role of Parliament and general expectations as to what Parliament should do, there is not a lot of focus on exactly how Parliament goes about performing its role and exactly what the dynamics are of the various institutions within the modern form of the Westminster system. Indeed it has to be acknowledged that out in the broader community the Parliament, government and politicians in general are not held in very high regard.

What is the role of the Parliament in a modern Westminster democracy, particularly when the government of the day is formed on party lines and when therefore the government of the day can generally rely on a majority in the Parliament? As you will remember, Acting Speaker, that is not always the case, but generally it is. That means the role of the Parliament is to hold the government of the day to account. It is also to provide a forum for the government of the day to explain and justify its conduct to the broader community, and to provide a forum in which public issues generally can be canvassed.

We debated a lot of those aspects in recent times during the debate on the new standing orders, and I certainly do not want to go over everything that has been said. However, I make the point that we as a Parliament are missing a lot of opportunities to do things better. In presenting the opposition's reply to the main budget just recently it was brought home to me how difficult it is for this Parliament to have a debate on financial issues when it is not possible for members, for example, to make a PowerPoint presentation of their case to the chamber. There is no facility for members to distribute documents to the Parliament to which they wish to refer prior to the debate. There is no provision for the incorporation of hyperlinks or other cross references to documents into *Hansard*. In other words, we are using basically the same techniques for debate and consideration as were used back in the 18th and 19th centuries — indeed before then — in times when none of the modern aids to communication and debate were available.

Our parliamentary debate is not even streamed in audio form to the Internet. It is difficult for members of the public to feel they play any role in how the parliamentary debate operates. There is no capacity for members of the public to make submissions as a matter of course to parliamentary committees on legislation before it is debated. There is no provision for us to have a consideration in another chamber — in the way the commonwealth Parliament does — where perhaps a less formal, more interactive style for exchange of information could take place. There are a lot of shortcomings in the way we do things in this Parliament. We have not taken advantage of the technological opportunities available, but we also have not really thought through how we can best perform our function in serving the community, given the changed dynamics of government and Parliament, the changed demands on people's time and the changed level of interest the public has in taking part in the democratic process.

It is interesting to reflect on attitudes to democracy 100 years ago or so when the packed public meeting was one of the key vehicles for political debate, and when it was not unusual for the politicians at public meetings to speak for 2 hours or more to a very large audience. I think those of us who still hold annual public meetings these days find, first of all, that the attendance is not so great and, secondly, that one could never hope to hold the attention of an audience for 2 hours. That may be considered to be a reflection on the calibre of the speakers, but I think it reflects more that life is very compacted these days and people do not have the same time to devote to such matters; and unfortunately, as I said, in a sense I think there is not as much interest in the detail of the parliamentary system.

Again that is reflected in the amount of media coverage that is given to the proceedings in this place and in the federal Parliament compared with the amount of media column inches that were devoted 100 or so years ago. Where all of that leads to is that we have to compress a lot into a tighter space. Beneath that compression at the peak we need to allow opportunity for the detail that has to be dropped due to the compressions to be examined and canvassed more thoroughly in other forums. That is one of the key aspect that is missing from the Parliament and the way we operate at present.

Each year when we deal with these appropriation bills we should take the opportunity to consider and reflect on some of these broader issues. This spills over into the way we account in the budget papers for what we do. I refer in particular to the various performance measures included in budget paper 3. My concern is that the level, range and quality of those performance

measures has been dropping off considerably over recent years.

Members in this place know from their direct personal experience that the officers and staff of the Parliament do a pretty good job on relatively limited resources. We know in particular that our library and Hansard service deliver a very high standard of information and reporting to us. We know of the dedication the staff that support us in this chamber bring to the job and the care and attention that they provide. We know of the roles of the various divisions of the joint parliamentary services. It is one thing for us to know that, but another thing for us to demonstrate that to the public. Just as we expect accountability of government to the Parliament and to the people through adequate disclosure of performance measures, we need to be accountable to the public and demonstrate that the performance measures that are included in the budget papers on behalf of the Parliament show exactly what we are achieving with the public money that is entrusted to us. It is therefore regrettable that the range of performance measures in the budget papers has been slimmed down progressively over the years.

One can draw a contrast to what was in the budget estimates document of 2000–01, budget paper 3 at pages 389 and following, with what is in the corresponding provisions in budget paper 3 for 2004–05 at pages 250 and following. By way of initial example I take what is provided as the performance measures of the Legislative Assembly. I have to say that the performance measures of the Legislative Assembly now give very little information indeed about what the Assembly does in relation to the quantity of what we do. We have two quantity measures: 'procedural references updated biannually', which has had a constant target and expected and actual outcomes of two per year; and 'security audit requirements met each year', which is also two per year. That is not exactly informative of the quantity of what we do in this place.

In terms of quality, we have 'bills and amendments processed accurately through all relevant stages — 100 per cent'. That is a reflection of the dedication and ability of the clerks and their support staff. However, it is not informative to the public, nor is it informative to say that we have a 100 per cent success rate in meeting constitutional, parliamentary and statutory requirements. We have a reference to 'member satisfaction with accuracy and timeliness of advice', for which the target is 80 per cent and the expected outcome is 95 per cent. I would have thought that generally members are very satisfied with the accuracy and timeliness of advice, but it is a very subjective measure and I do not know how it is measured.

Similarly, 'visitor satisfaction with service quality in relation to tours of Parliament' has a constant target and an actual rate of 80 per cent. I have to say that is quite a nebulous measure. Under the heading 'Timeliness' we have a measure of 'house documents tabled within time guidelines' ranging between 90 and 95 per cent. That would seem to reflect more on the delivery of the documents to Parliament by the government than on the performance of the Assembly, and we have a target and expected rate of 98 per cent for 'parliamentary documents available one day after sitting day'.

As I say, this gives the public very little indication about what we do or what we achieve. Since the 2000–01 budget papers we have seen measures disappear such as the number of house-related documents that are produced, the number of papers tabled, the number of questions processed, the number of bills and amendments processed and the number of visitors received. We have seen disappear from the budget papers figures on the breakdown of the output groups in terms of cost: the employee-related expenses, purchases, supplies and services and the capital assets charge — all of that information has disappeared. I have to say even what was there back in 2000–01 left considerable room for improvement.

For example, why are we not disclosing the number of sitting days of the Parliament? Why are we not disclosing the number of speeches made? I dread to suggest that we should have some indicator of the quality of speeches made because it would be a highly subjective issue and difficult to measure. I would not be sure of the judgment that would be passed on it. But we should be able to measure, report and be accountable on both the quantity and quality of what we do in this place.

We have to be conscious of the fact that the sheer act of measuring can impose a burden. We certainly do not want the requirement to take measures imposed on our staff in the Assembly chamber, the library or anywhere else that distracts them from doing their job to an unreasonable extent, but to the extent that we can undertake to measure and be accountable we should be doing so. For example, in relation to Hansard, why do the measures not show the number of pages of *Hansard* produced for the Legislative Assembly and the Legislative Council or the number of pages of *Hansard* produced for parliamentary committees?

Why are we not reporting on the number of visitors to the parliamentary library — if it is feasible to measure that — or the number of new books acquired by the library, the subscription services it subscribes to, the number of periodicals and papers, and measures of the

Internet-based information services that the library provides to members, which are so valuable and so effective and a demonstration of what Parliament can do when we put our minds to moving with the times?

In relation to joint services, again we have some pretty banal measures of what is being achieved in what is now called the Department of Parliamentary Services. We have measures, for example, in the processing of payroll. We have a measure of 'payroll entries processed without error' — the expected actual is set at 95 per cent. In terms of processing payroll entries, to say that one payroll entry in 20 is defective is a bit concerning.

Mr Walsh — Especially if it is yours.

Mr CLARK — Yes, as the Deputy Leader of The National's remarks, if it is one's own, it is particularly concerning. We have the measure of 'fully resourced electorate offices outside of the parliamentary precinct'. Believe it or not the number is 132, it has been 132 and it remains at 132 — and I am sure it will continue to be 132 as long as we have 132 members of Parliament — —

Mr Loney interjected.

Mr CLARK — I give thanks to the member for Lara for pointing out that it will drop to 128 after 2006, and he is absolutely right on that score, but I think the member for Lara will agree with me that when the number of electorate offices is set to the number of members of Parliament, it is not an informative measure of what the support services actually achieve. The information and accountability of what we are doing has been shrinking over the years when it should have been getting better over the years. We in this Parliament need to lead by example in demonstrating that we can be accountable to the public and, once we are accountable, that we are performing to an acceptable or better standard.

In conclusion, as I said at the outset the bill does in large measure continue the status quo. At the same time the bill and the budget papers reflect some striking areas in which there is room for significant improvement on the part of the Parliament, not so much in the way that internally those who support us and those who deliver the services conduct themselves — because as I said we know from our own first-hand experience that generally we are supported very well — but in terms of demonstrating to the broader public what we do with our resources and more importantly demonstrating to the public that we in this Parliament continue to perform a valuable role as the cornerstone of the Westminster system of democracy.

The ACTING SPEAKER (Mr Ingram) — Order! Before calling the Deputy Leader of the National Party, I refer to the point of order regarding standing order 91 raised by the honourable member for Box Hill before his presentation. I referred that to the Speaker and the clerks, and the advice that has come back is that, as the honourable member for Box Hill pointed out, the appropriation bill must contain a schedule which includes the same division, subdivisions and items that are used in the Treasurer's annual estimates of expenditure.

The Treasurer's annual estimates of expenditure are referred to the Governor for appropriation; that schedule is contained in the response from the Governor and is the same as what is contained within the Appropriation (Parliament 2004/2005) Bill, which is being debated at the moment.

The advice from the Speaker is that the bill is consistent with standing order 91.

Mr WALSH (Swan Hill) — In joining the debate on the Appropriation (Parliament 2004/2005) Bill it is important that all members of Parliament reflect on their performance as part of this Parliament. We are appropriating quite a substantial sum of money today to run the Parliament, and we have a responsibility as members of Parliament to make sure that we fulfil our obligation to ensure that the community of Victoria gets value out of that money.

In recent times there has been a growing trend in the disturbing public perceptions of politicians and the roles that they fill in life. A recent survey published by Monash University does not rate the public's perception of politicians very highly. We are appropriating a substantial amount of money, and we need to make sure that we fulfil the community's expectations of our obligations. I would like to see us work hard to raise the community's acknowledgment of the important role that we have in society.

Recently most members of Parliament would have attended an Anzac Day service and would have reflected on the sacrifices that our forefathers and foremothers made during the wars that this nation has fought. What we have here in a democracy is something that continually has to be earned. We as politicians need to ensure that we continue to earn our right to be in this place and represent the community of Victoria.

We have excellent staff in the parliamentary system. I am continually amazed at the way Hansard performs —

Mr Hulls — They fix up your speeches!

Mr WALSH — They do. When you hear some of the contributions in this house and then you read them the next day, Hansard performs almost magic at times to produce what it does.

In appropriating money and talking about the bill, we need to acknowledge the excellent service that we as politicians have in here. The previous speaker mentioned the library — a fantastic resource for us all to use — but we do not acknowledge widely enough the services that are available there.

The people who support us in our roles as parliamentarians provide an excellent service, but have we lived up to the public's expectations? It was sad to see the press coverage we received recently when a bill could not be passed because someone had gone home early. That was a very sad day for the Victorian Parliament; it lowered the community's perceptions of our performance in this place.

We have heard from the previous speaker about the number of sitting days that we have in this place. Speaking on behalf of The Nationals I would much sooner see us have more sitting days and less late nights. We have done a lot of work on this — I notice the Minister for WorkCover is at the table — and spent a lot of time in this place talking about occupational health and safety issues in other industries. If we seriously had a look at our own time frames and our own driving distances we would find that in any other industry they would be considered to be non-compliant. It would be worth reconsidering having more sitting days and more sensible hours.

We heard a fanfare about making Parliament more family friendly. It must have been very, very unfriendly before if what we have now is actually family friendly. Most of the members of The Nationals have somewhere between a 2½ and a 4½-hour drive to get home from Parliament when we finish for the week. If we have been in this place until midnight every night and then have that long drive home on a Thursday night, in most other industries it would not be acceptable. We recently dealt with legislation on driving hours for truck drivers; I do not think we would comply with those sorts of hours if we put that discipline on ourselves.

In appropriating the amount of money that we are dealing with at the moment and in reflecting on our performance as a Parliament and our standing in the community as politicians, every member needs to spend a few moments to think about the fact that this

debate is not just about the amount of money that we are appropriating, it is actually about the value that we give back to the community for that money.

Turning to the bill, clause 3(2) deals with appropriating extra moneys where there is an increase in salaries and related costs because of acts or determinations of this Parliament. One of the things that concerns The Nationals is that we have had a reduction in our staffing entitlements as an economy measure to cover a blow-out in other costs, as I understand it. The presiding officers made that determination. If we are going to have an effective Parliament with an effective opposition that scrutinises the government and makes sure that it does the best by all Victorians, we need the resources to do that.

If opposition parties — and everyone has their turn in opposition sooner or later — do not have the resources to scrutinise the government, then Victoria will be the lesser for it. No government, if it is doing its job, should be afraid of scrutiny. We have some concerns about the management of the money we are appropriating, in that the presiding officers are reducing some staff entitlements, which will reduce the effectiveness of the opposition to hold the government accountable into the future.

It was not until we had a briefing on this bill that we understood it. I understand the appropriation for the Auditor-General's office has an exemption under section 29 so that the receipts that are received by the Auditor-General are retained to offset expenses instead of having it all appropriated under this bill as previously. We are assured by the people who briefed us on this bill that that in no way risks compromising the Auditor-General, but when members first read the papers and the bill, they will see it is not set out very clearly.

We have had constant debates in this place over many years about the role and independence of the Auditor-General. That should have been better clarified so that everyone could go away from this place after the passing of this bill with a clear picture in their minds of the changes to the way the receipts are to be received and retained against expenses, instead of being included in state revenue and then appropriated out again, as they were originally. Everyone should be able to go away with a clear understanding that this in no way has the potential to compromise the independence of the Auditor-General.

We have heard a lot about the previous government, but the issue of bringing the Auditor-General under the control of Parliament instead of the Department of

Premier and Cabinet was an important signal about maintaining the independence of the office. We all appreciate the work of the Auditor-General and the reports he produces. No-one should be above the scrutiny of the Auditor-General.

In talking about cutting costs and staff entitlements, it is interesting to note the number of government members who are on some form of higher salary for their parliamentary duties with a committee or for their roles as parliamentary secretaries, and under this government that number has increased compared with the previous Parliament.

I have spoken about the role of politicians and the Parliament and about making sure we do a good job. A strong emphasis needs to be put on making sure those committees produce something worth while. A lot of them do, but they are expensive to run, particularly those committees that travel overseas. We need to make sure that we are accountable and we produce something worth while for the community. It is not about someone having a July trip to the northern hemisphere just to get away from Melbourne's cold winter!

The National Party supports the bill, with the qualifications I referred to about people needing to understand that the Auditor-General is now funded differently. It is not only about appropriating money to run the Parliament, it is about providing valuable time for everyone who sits in this place to reflect on their performance and the message they give to the wider community. Respect from the wider community needs to be earned in here. It is not a right, it is a privilege we have to earn.

Mr LONEY (Lara) — I welcome the opportunity to speak on the Appropriation (Parliament 2004/2005) Bill. I commence by briefly referring to some issues raised by the previous speakers. The member for Box Hill in his opening referred to page 250 of budget paper 3 and to the sentence:

The following section provides details of the outputs to be provided to government, including performance measures and costs for each output.

I must admit that in a mild way this could be read to be impinging on the independence of the Parliament and the way it conducts itself and its relationship with the government. I point out to the member for Box Hill two things in relation to this. Firstly, I understand his point, but I say to him that I do not believe there is anything malevolent about this sentence. I point out for his interest, because my memory is that in 1999 he was the parliamentary secretary to the Treasurer, a quote from the 1999–2000 budget papers:

The following section provides details of the outputs to be provided to government, including their performance measures and the cost for each output group.

The sentence is the same and has been included for some time. Notwithstanding that, I am happy to say in passing that perhaps it is not the most appropriate wording, but I think the member will accept that this is not some malevolent act by this government.

A few comments have been made about the number of sitting days of the Parliament. I point out that the Bracks government, prior to its election, promised a minimum number of sitting days, which was an extension of the previous sittings. To my memory that commitment has been met on each occasion other than in the election year. We can argue at times about the number of sitting days, but some credence should be paid to that.

Both speakers raised the appropriation for the Auditor-General. This is an important issue, and I make two comments about it. I note the comment by the member for Box Hill that while there may appear to be a reduction there is in fact no real reduction in the Auditor-General's appropriation when one takes into account the way in which he raises income for his office. I also note, in response to the member for Swan Hill, that as part of the arrangements for the Auditor-General's budget these days, the draft budget is presented to the parliamentary Public Accounts and Estimates Committee, which looks at it and inquires into its appropriateness. The committee is in a position, should it wish to do so, to make comment to the Treasurer or to the Parliament if it believes it not to be appropriate. I am not aware that the Public Accounts and Estimates Committee, of which the member for Box Hill is still a member, has made any such comment in relation to the Auditor-General.

The member for Box Hill spoke about performance measures. Being a former chair of the Public Accounts and Estimates Committee, this is an area in which I also have some interest. For a number of years many of us have argued that the performance measures included in budget papers, for at least the last decade, have not been as appropriate and meaningful as they might be. We have seen improvement in performance measures in a number of areas, but there is still room for further improvement, and we should be saying the same thing about the parliamentary performance measures.

Over the last few years we have seen the state of parliamentary accounts improve. That is not to say there is not scope for further improvement, but the trend is positive. Speaking as a previous chairman of the Public Accounts and Estimates Committee, I think the

member for Box Hill is right to keep raising the issue of the adequacy of performance measures in all of these areas. They are important both to the Parliament and to the public.

My own personal favourite is the budget output group of a previous Treasurer — I will not mention who — in which he demanded, judging by the targets in his output group, that his budget needed to be only 80 per cent correct and 80 per cent on time and that his budget needed to be only 80 per cent complete! Sometimes these performance measures have a way of embarrassing people, because they have not looked at them appropriately.

I note that that the annual appropriation for the Parliament this year seems to have fallen by around \$8 million — or 10 per cent — on the previous year and that there has been a rearrangement in the way funding has been allocated. There is of course one area that is the major contributor to that, and that is the budget for the Auditor-General which was previously mentioned. If one simply looked at the bottom line one would say there had been a reduction in funding, but that is not the case in relation to that part of the budget that is applied to the services for the Parliament. As I say, there has been a rearrangement in the way funding has been allocated, and there are now only four line items or four output groups for the Parliament, plus of course the Auditor-General. They are: the Legislative Council, the Legislative Assembly, the parliamentary investigatory committees and the Joint Services Department.

Before turning to some of the specific provisions of this budget I will comment on a number of initiatives that were completed during the last budget period. The first and most obvious is the security upgrade of Parliament which has been carried out. We now have metal detectors, a higher level of screening of visitors entering the Parliament, and things of this nature. This is reflective of the fact that this level of security is now a fact of life, and it should be noted that further attention will be paid to security issues into the future. Security, unfortunately in some ways, has to be a priority of places such as this.

Another fairly obvious initiative is the opening up of the Parliament to the public in a much greater way. The dining room is now more open to the public to come into, and of course we have had the advent of the tours and high teas which have also been introduced into the Parliament somewhat successfully, as I am advised by the catering department.

Last year, as members of Parliament will know, there was some reporting on information technology by the Auditor-General after the last debate on parliamentary appropriations. I will say in relation to that that the Parliament has found the Auditor-General's report very useful in refining the systems. All recommendations from the Auditor-General's report have now been adopted, and that is an important thing to note. As a result of that, the information technology unit has now been reorganised. Something we should be proud of in this place is the fact that following that reorganisation the unit has now become a recognised model for help desks, and it is being visited regularly by both private and public-sector organisations seeking to have a look at the way things are done here.

A number of structural changes have occurred in the Parliament, the most notable of which — it has been commented on by the member for Box Hill — is the grouping of three departments, the Parliamentary Library, Parliamentary Debates and Joint Services — into a single administrative unit, the Department of Parliamentary Services, which will have an oversight role. It is important to note that this is a single administrative unit and that the three departments will continue to operate and provide their services in much the same manner as they have consistently provided their services over the years. But there will now be an administrative oversight role by a single parliamentary services department under the newly appointed secretary, Stephen O'Kane.

We have also moved to a One Parliament model of administration which puts in place single-line management reporting to the Presiding Officers, which is in line with modern parliamentary practice. The purpose of this is to maintain the rigorous independence of the two chambers, as should be done, while providing administrative support in a more efficient and effective manner.

One of the other things that members may not have noticed is that during the last year Parliament applied for and obtained a liquor licence for the first time in 140-odd years.

Mr Hulls — Take us through the history.

Mr LONEY — Year by year?

One of the by-products of this is that it actually enables staff to participate in training courses for the responsible service of liquor. It aligns the Parliament with other institutions in the community, and it also places out there a public view of Parliament — a comment was made about that — that we come under

the same requirements in things like liquor licensing as the rest of the community.

We have seen staff training approached in a much more structured way and with the great involvement and cooperation of our staff. Parliamentary committees have continued their work, and that has been commented on at some length by both previous speakers. We all know the importance of parliamentary committees to this place.

Over the last 12 months Parliament has developed a full business plan for the whole of Parliament and not for the five individual departments. This is in line with Public Accounts and Estimates Committee recommendations going back to 1997. That is a welcome initiative by the Parliament, and that business plan will of course be used to support requests for funding for initiatives on behalf of the Parliament.

There are a couple of initiatives worth commenting on in this budget. There is of course the planning for the 150th anniversary in 2006 of democratic government in Victoria — a major milestone for Victoria and one that we should make sure is properly commemorated. It is interesting to note, as I was saying to the Speaker last night, that on the 100th anniversary in 1956 we had the Olympic Games, and in 2006 we will have the Commonwealth Games — almost by design.

More funding has been allocated in this budget as a result of the Legislative Council sitting extra hours, and that has been commented on as well.

The efficient working of Parliament depends on many people, and I will put on record the thanks of members of Parliament who are served by these people to those various groups: the attendants, cleaners, maintenance workers and gardeners around this place, who do a wonderful job; the library staff, who are the backbone of many of the speeches made in this place; the Hansard reporters from Parliamentary Debates, and many comments are made about how much we rely on them to tidy up the things we have had to say in here, and indeed they do a wonderful job of it; the catering department, which has undergone great change over recent times, including changes to presentation and changes to the menu in the Parliament — it is all first class; and I mentioned the IT help desk before, and given the trials and tribulations they have been through and where they have got to now, the fact that they are regarded as a model by many parts of the business and public sectors is a great achievement by them.

I would like to finally convey our gratitude to the parliamentary procedures groups; our clerks, the

Serjeant-at-Arms and his staff and the staff in the table office and the procedures office. All of those people make sure that this Parliament is indeed an efficient place, and without them we would not be able to do our jobs in the manner that we can.

Mr COOPER (Mornington) — I am pleased to be able to join the debate on the Appropriation (Parliament 2004/2005) Bill. Given all the changes that have been made to procedures, standing orders and everything else in this Parliament, it is a delight to do this. We have still got a separate bill for Parliament and this has not been folded into the general appropriation bill. It enables members to be able to make some remarks relating to this place, to comment upon some of the things that have happened and some of the things that we would like to see happen around this Parliament.

I have a few points I want to make and I will start with the building itself. This historic building, which has never been completed, has been a subject of comment over the years by various members. There have been attempts by a number of speakers and at least one government to address that issue. Finishing this building is important for this state and for the future. I would like to see this government take some steps in this direction. Both the north and the south wings have not been built. While they have not been built, this Parliament has grown in size. As a result, various functions of the Parliament are spread up and down Spring Street. There are committees meeting down the south end of Spring Street, over the road there is the parliamentary services department, and out the back we still have the chook shed — that temporary building that was put up 30 or 40 years ago — and despite the fact that it has had a coat of paint put on it and there are lights around it, it is still a blot on the garden as far as I am concerned.

Ms Barker — It is a great place to be!

Mr COOPER — It might be a great place to be, but it is still a blot on the gardens! The gardens would be significantly enhanced if that structure were pulled down and sent to the tip.

We have that responsibility to the entire community to start, at the very least, some process with regard to the completion of this building. We also have a responsibility to the taxpayers of this state with regard to the costs in time and money that comes from not being able to conduct the business of this Parliament within the one building. It is something that needs to be addressed, and I would like the government to do something about it. The vast majority of the members of Parliament will not be around to participate in any

completion project, but the time is well overdue for it to start.

With regard to the bill itself, I attended a briefing yesterday with the member for Box Hill and the Honourable Bill Forwood from the other place and discovered some interesting things. Some of them have been touched on by others speakers; by the member for Box Hill in particular and also by the member for Lara. I wanted to start with the Office of the Auditor-General, which now comes under the parliamentary appropriation bill, and this is an appropriate thing to happen. As the member for Lara said, if you look at the base figures you would ask, ‘What on earth is going on?’. Last year in the 2003–04 budget, the Auditor-General’s budget was \$23.069 million and this year it is \$10.403 million. One would have to ask whether we are cutting funds to the Auditor-General. That is not so.

The reality is that for the first time the Auditor-General is going to be able to keep receipts and fees that he receives from audits that he carries out for various organisations. I am informed that those receipts will be of the order of some \$14 million in the coming financial year, which would mean that the total amount of money that the Auditor-General is going to receive will go up from \$23 million to \$24 million in round terms.

That is fine; that would certainly seem to be keeping up with the additional costs, and perhaps additional responsibilities taken on by the Auditor-General. But the point I want to make is that this demonstrates a form of hypothecation. Hypothecation is something that I have discussed with various treasurers over a number of years.

Mr Hulls — They have all said the same thing, I bet.

Mr COOPER — No matter what their political colour is and no matter what their views were before they became Treasurer, as the Attorney-General says, once they become Treasurer the black cabinet gets at them and they say, ‘No way, Jose, will there be hypothecation’. I can understand that argument; however, it appears that we now have hypothecation being applauded and approved by the government with regard to the Auditor-General. In the past the moneys the Auditor-General has received from conducting audits have gone into consolidated revenue, and the Auditor-General has been dependent upon whatever money is allocated to his department in the annual appropriations. Now less than 50 per cent of the Auditor-General’s appropriations will be allocated

under that system; the remainder of his department's income will be in the hands of the Auditor-General himself.

I do not have any big arguments about the commercialisation of the Auditor-General's office, because that is what it is. I do not have a problem with that at all, but I want to make the point that you cannot be, as somebody once said, a little bit pregnant. If you are going to accept an argument for hypothecation in one area of government, it certainly opens the door for hypothecation in other areas of government. To give an example of this, this government has opened up hypothecation in one other area, and that is — and this is just to demonstrate my point — the public transport area. The franchised companies running the tram and train services are now going to be able to be rewarded with a section of the fines that are imposed on people who do not have tickets.

This argument was put at the time public transport operations were franchised, but it was rejected by the government because it was felt that would reward the activities of those dealing with people who had not paid fares and would be seen to be an incentive for them to go out and grab hold of those people rather than encouraging them to pay fares. There are some dangers in this approach, and whilst I do not believe there would be a danger that would flow through to the Auditor-General, nevertheless we are now seeing that hypothecation is becoming very much an acceptable issue within government. I will be interested to see the development of hypothecation into other areas of government in coming years.

I turn now to parliamentary services and the joining together, the folding in if you like, of several departments into one, to be known as the Department of Parliamentary Services. The member for Lara mentioned, and also the member for Box Hill, that the separate departments of the Parliamentary Library, Parliamentary Debates and Joint Services have now been folded together into one department under the title of the Department of Parliamentary Services. In this coming financial year this department has an allocation of \$51 million, which is a lot of money. Of course one has to look at the services that are being provided and look at the detail to understand whether or not that amount is an excessive amount, an insufficient amount or what. The fact is that the information provided to members is not sufficient for them to be able to make that judgment. I would like to see far more information made available so that we can make some judgments on what this new, enlarged Department of Parliamentary Services is doing and where the money is actually going.

One area where I think there will be a need or a demand for increased funding is information technology services. In particular I want to concentrate on what the help desk is doing at the moment with regard to Parlynet, because it is under a major attack from viruses, as all computer systems are now. The virus spread is absolutely enormous. I am sure all members in this place have noted that when they open their email program they are getting emails that seem to be from members of Parliament but which in fact are dodgy; they are spoofing emails. Yesterday the member for Box Hill emailed a response to an email I had sent and said that because I had put a particular thing in the subject line he had thought it was a spoof email rather than a genuine email. We are all getting those, and there are significant dangers in all of that, not the least of which is the spreading of viruses throughout the parliamentary computer system.

Parliamentary services and the information technology area, and the help desk in particular, are doing a fantastic job in protecting the Parlynet system, but they are under enormous pressure. There is no doubt in my mind that that pressure will increase dramatically, therefore the associated costs will increase dramatically as well. I hope there is capacity within this budget to deal with the increased pressures that IT services are going to be under. Perhaps this will require additional personnel or additional equipment. I do not know; I am not expert enough in that field to make that judgment. But one thing is for sure — that is, we do not want to see the Parlynet system crash, as computer systems in other enterprises around the world and in Australia have crashed, because the cost of that happening with respect to the work that we all do and the officers of this Parliament do would be significant indeed. It has only been in a few short years that we have all gone from having computers and saying, 'Here are the computers, aren't they interesting?', to now being totally and utterly dependent upon them. To have clever viruses circulating that can destroy the system is something that we should all be very concerned about. We should compliment the parliamentary IT help desk, and the IT services in general, and tell them they have our total support in being able to deal with these problems in the future.

I hope in that budget of \$51 million there is enough money and flexibility to support information technology services if they need to have extra personnel and extra equipment to deal with virus outbreaks, which will no doubt expand as these lunatics try to destroy IT systems around the world.

Finally, I want to talk about what the Parliament does in this house and the other place, particularly with regard

to the commitments and promises that were made by the Labor Party on the way Parliament would run. Those commitments were made back in 1999 under a heading 'A more effective Parliament'. I quote from a Labor Party policy document which states:

Labor will restore the integrity and effectiveness of Parliament and win back public respect for the political process.

It went on to say that it was going to introduce a number of reforms including an increased number of sitting days, more time for private members bills and other debates, reasonable family-friendly sitting hours, televised sittings and access to proceedings through a state-of-the-art online democracy via the Internet.

I do not have enough time to have a good look at all of those, but I certainly want to touch on every one of them. The fact is that the government has not kept any of the promises that it made in the flush of opposition, with no thought that it would ever have to carry them out because it probably would not win an election. Because of the actions of the so-called Independents, it was shoehorned into government and has now been there for five years. What have we seen? We certainly have not seen an increased number of sitting days, as the member for Box Hill very clearly demonstrated from the realities of what was promised and what has occurred. We have seen a decrease in the number of sitting days from the days of the Kennett government.

A promise was made for more time for private members bills and other debates — what an absolute joke that turned out to be! There has been not a word from the government benches about that, and there has been no time given to private members bills and other debates. Through the new standing orders and the sessional orders that proceeded them we have seen a diminution in the ability of members to be able to stand up and make meaningful contributions to debate in this house. There has been a gagging of this Parliament rather than an opening up of it.

As for reasonable family-friendly hours, that is another joke. That has not occurred. So this government has not kept its promise on that at all. As the member for Swan Hill said, 'If we are getting family-friendly hours now, it must have been hell before!'. I can tell him that it is no better; there has been no change.

We do not have televised sittings, and that was another government promise. Access to proceedings through a state-of-the-art online democracy via the Internet is just something that is off in the wind and will never be seen. It is just an empty promise that has not been kept.

It is a shame because this government has had the opportunity to do all of those things but has preferred to walk away. It has preferred to truncate the business of this Parliament rather than open it up, and that is a shame for democracy and certainly a shame for the people of Victoria.

Ms BARKER (Oakleigh) — I very much welcome the opportunity to speak briefly on the Appropriation (Parliament 2004/2005) Bill because it is an opportunity to thank the people who greatly assist us in this place.

Many members previously have referred to the building itself, and on page 306 of budget paper 3 under the heading 'Capital works at Parliament House' it states:

Parliament House is a heritage building. Funding is provided to address structural issues associated with uneven floors and deteriorating ceilings in some areas. Funding will also go towards replacing obsolete equipment.

It is important to note that because that is what we have here. There is no doubt that we have a beautiful building, and it is correct that it has never been finished. There are needs in this building not only for the members of Parliament who are here some of the time but particularly for the staff who are here all of the time. We have come a long way in bringing the building up to what you would say is a more acceptable standard for today.

The member for Box Hill talked about the provision of equipment and technology and again, we have come a long way in dealing with that. In looking at the building itself, members of Parliament are here for the sitting days and that is possibly how the public views the work of the Parliament, but a lot of work occurs here on a daily basis throughout the year, not only when we are here but at all other times. I really think that the staff of the Parliament do a magnificent job. The building is not totally the way in which we would probably want it to be. I commend the staff.

When we are here the dining room staff work quite frantically at times, particularly in the dinner break, and as the Deputy Speaker said, during the non-sitting weeks they now prepare high tea for visitors.

Mr Andrews — Paying customers!

Ms BARKER — As the member for Mulgrave says, they are paying customers. But more importantly, it brings people into this beautiful building to appreciate it.

I also thank the library staff. A lot of their work probably occurs when we are not here. I constantly look

at the library web site and use it in my work in the electorate. I know that my electorate staff greatly appreciate that.

In talking about visitors, we have our wonderful attendants. Of course I am biased towards the Legislative Assembly attendants, but I know that the attendants on the other side — the red side — also work very hard, not only in the way in which they assist us in the chamber and in other things that we do, but in their very capable handling of the many tours that come through this place. A number of groups come in from my electorate, particularly schoolchildren, and the attendants who take the tours are fantastic.

Mr Andrews interjected.

Ms BARKER — As the member for Mulgrave said, they are just fantastic. I can have grades 5 and 6 from Oakleigh Primary School, and then I can have a senior citizens groups in here and while conveying the history and their knowledge of the building, the attendants adapt that for the primary school or the senior citizens group or other people, and are able to engage them in talking about the history of the building. Here in the Legislative Assembly our attendants are very capably led by Warren Smith, who does a great job.

I think all members would agree that the clerks are terrific not only for the work in the running of the Parliament but also in terms of their support of the work that I am happy to do as an Acting Speaker. They are Ray Purdey, Marcus Bromley and Liz Choat, our new Deputy Clerk. The work they do is often not noticed, but absolutely essential to the running of the Parliament. I admit that there are many occasions when I am in the Chair as Acting Speaker, and I think, ‘Do I have to refer to my book?’, but I know that Ray, Marcus or Liz will help me — and they do: Our Serjeant-at-Arms, Gavin Bourke, has a great presence in this place not only because of his stature but because he carries the very large mace in and out of the house.

An honourable member interjected.

Ms BARKER — You have to be very strong!

The Hansard people are just amazing. They work long hours, as we do, but again they do a great job.

We have beautiful gardens and areas in this place, and our garden staff, cleaning staff and maintenance staff are just terrific.

In conclusion, page 254 of budget paper 3 under the heading ‘Public Relations and Education’ states:

Enabling citizen access to parliamentary processes through publishing key information online; involving young people in democratic system.

That is very important. At some stage most of us have come in during non-sitting periods to work as the Speaker for a Youth Parliament, whether it is the primary schools’ Parliament that is coming up shortly or for the secondary students who come in here for their Parliament. Those educational forums are extremely important not only in giving them an opportunity to be in the building but also to participate in a debate structure which educates them on our democratic process. Within that public relations and education process Karen Dowling does a fantastic job.

In conclusion, I note the line item in the budget papers for the 150th anniversary that is to occur next year. That brings home the point that I am trying to make: we have a beautiful building, and our parliamentary procedures are a mixture of heritage and tradition and what we need to do in the current day and age. Providing the appropriate balance between the extent of the capital works that are needed in this place and what we need to do to bring our Parliament into the modern era is sometimes a little difficult, but we are progressing in that way. I commend the Speaker and the President for putting together what is necessary for us to do the work we need to do on an ongoing and sustainable basis. With those few words, I commend the bill to the house.

Mr PLOWMAN (Benambra) — The Appropriation (Parliament 2004/2005) Bill is very similar to the bills introduced in each of the 12 years that I have sat through debates on them. I have to say that the big change of importance here is having the Auditor-General as an officer of the Parliament. That was actually achieved in the last Parliament but having that does add a different dimension to this bill before the Parliament. It is of great importance, and it means we have to ensure the independence of the Auditor-General in his role and ensure his independence not purely from the executive of this government but from any government. There needs to be that separation. It is of interest to note that in the past debates on parliamentary appropriation bills speakers on both sides have asked for exactly that.

I would like to quote from the *Hansard* of 14 May 1999 part of a speech by the then member for Sunshine, Ian Baker. He said:

As for the financial independence of Parliament, it is always oppositions that talk about parliamentary reform and governments, whatever their political hue, never seem to show a great deal of interest. I suggest that the Parliament’s budget should be separate from that of the executive. The best way to do that is to have Parliament take its budget before the

Public Accounts and Estimates Committee and to establish a tradition, custom and practice where the PAEC, on which I sat for many years, reviews the approach made by the Speaker and the President on behalf of Parliament for funds so it is completely free from executive domination.

I happened to be on the Public Accounts and Estimates Committee with Ian Baker. We discussed this at length, and it would be a very valuable change to the way the parliamentary appropriation is dealt with, particularly now that the funds for the Auditor-General's office are part of this appropriation. I go on to quote Ian Baker again:

Similarly, I suggest that those statutory and independent watchdogs, the Auditor-General and the Ombudsman, and the Electoral Commissioner should go to the PAEC with their proposed budgets.

Again, getting that level of separation is I think well and truly worth considering.

One issue in this appropriation identified by the member for Box Hill and the member for Mornington is the reduction of the appropriation to the Auditor-General's office. When you see that it has gone from \$23 000 down to \$10 000 you have to accept that this is made up for by the fact that the receipts that the Auditor-General now gets can be held by him or by his office, and that then adds to the income source of the Auditor-General. But this is very open ended, and an important point that was made earlier was that although the Auditor-General's office is a commercial operation — and I applaud that move towards the commercialisation of the Auditor-General's office — it should not be a profit-making operation. There will always be that possibility that the Auditor-General's office will seek to maximise its returns, or a tendency for it to do that, which is not in the best interests of the role of the Auditor-General.

Having had three to four years on the Public Accounts and Estimates Committee, you recognise quite clearly that there has to be a good working relationship between the Auditor-General and the clients he is auditing in order to get the best outcomes from the Parliament. If those clients believe they are being charged a fee that is inappropriate to the service the Auditor-General is giving then that relationship will break down. It is important to remember that giving the opportunity for the Auditor-General to retain the receipts from accounts he or his office audits provides for that opportunity to occur. It is essential that we ensure that the Auditor-General's office never, ever gets into that situation.

I would like to comment briefly on the committees. Having served on three committees — the Public

Accounts and Estimates Committee, the Scrutiny of Acts and Regulations Committee and the Road Safety Committee — with my friend and colleague over the way the Government Whip, I have to say it is probably the most satisfying part of the parliamentary procedure, inasmuch as you are not only getting a good working relationship with people on both sides of the house but also doing something from which you can see a productive outcome. Too often in this place at the end of the day or the week you can wonder exactly what you have achieved, but in the committees — and I am sure, Acting Speaker, you would agree with me from your experience on committees — you can actually see something substantial that this Parliament has achieved through your efforts.

Any suggestion by any party in this Parliament that the appropriation to those committees should be reduced or minimised or that the opportunity for those committees to conduct overseas research be minimised is very, very short sighted and narrow. I suggest that the work those committees have done over the years that I have been a member of Parliament has meant they are one of the more productive areas of this Parliament. Again I quote Ian Baker from the same appropriation speech:

One of the best features of parliamentary life for me has been to work on parliamentary committees, because I have found that is one of the few places here where one can get some sense of cooperation and noble intention across the hard-drawn party lines.

The hard-drawn party lines are there, but you still get the cooperation and therefore you still get the achievement.

The other area that is vital in the appropriation to Parliament is the library. The service that the library gives to us all is second to none. I have talked to members in the New South Wales Parliament who have compared with theirs the service we get through our parliamentary library. Despite the fact that our resources might be slightly less, our service is regarded as one of, if not the best, in Australia. On that basis I suggest that it is a service that is well and truly worth the appropriation that it gets.

I will respond briefly to the comment made by the member for Lara on the relationship between Parliament and the government. I do not think it is about the relationship between the Parliament and the government; I think it is the relationship between the Parliament and the executive that is important, and that applies not only to Parliament and the parliamentary appropriation but to the role of the Auditor-General. It is essential that we retain that arms-length separation, and it is also essential that we introduce a system, as

was suggested by a former member for Sunshine, which allows for a separation of appropriations so that the executive cannot hold the purse strings for Parliament or for the Auditor-General.

In respect of sitting times, I accept that there will be occasions when we need to sit late in order to get the government's business program through; but it has always been a surprise to me to have heard in the past speeches on the parliamentary appropriation which now defy the reality of what is happening at the moment in respect of family-friendly hours. I am glad the member for Altona, who is also the Minister for Education and Training, is here at the moment, because I will quote a little bit of a speech of hers on the Appropriation (Parliament 1998/99) Bill:

As honourable family members will be aware, I have spoken previously about having a family-friendly Parliament — that is, a Parliament which actually operates to the benefit of members and staff who work in this place. I and many honourable members would like to see improved working conditions in Parliament which reduce illness and make it a happier place to work. This week is a good example of the long sitting hours the house sits.

I understand the difficulty that governments of either persuasion have. I also understand the justification for having hours that better meet the needs of those who work for us in this place — but you cannot have it both ways. If you are going to promote that, you have to stick to it. The difficulty is that we have talked about the number of days, hours or weeks that we have sat and criticised past governments for the lack of sitting days and so on, but what we really need to do is sit more days in order to avoid the late night sittings.

It is of interest to note a comment made in a past debate on the appropriation for Parliament by the current Minister for Transport, who is also the manager of government business:

The government should be providing more parliamentary time. The Victorian Parliament sits at one of the lowest levels of parliamentary engagement of any chamber in Australia. That is not good for Victoria, and it is not good for democracy.

Those are the words of the minister when he was in opposition. In fact in his term of office we have sat for one week less than the absolute minimum for any week during the Kennett years — so it is a double standard. I say that if we get to the situation where we need to restrict the sitting hours, then we must sit for additional days or weeks and live up to the plea that the Minister for Transport made in his earlier debate.

The last issue I wish to cover was raised by earlier speakers, and it is to do with improvements to this

building. Clearly conditions in this building are substandard. If you compare the conditions of this building as a workplace with those of any other Parliament in Australia, this one falls well behind.

In his last speech in this place, which was on parliamentary appropriation, the then member for Sunshine, Ian Baker, suggested that if this place were to be rebuilt the ministerial offices should be located here rather than in offices over the road, so that when people come to visit their ministers they actually come to the Parliament and it then becomes a place of the people. Frankly, I think that is a good idea. It is important that we look at the possibility of rebuilding this place and completing Parliament House.

I quote from the parliamentary appropriation debate in 1997, when the current Premier, then in opposition, said:

I am concerned about the Premier's —

meaning the past Premier —

personal decision to prevent the refurbishment, development and extension of Parliament House. I place on record the fact that the opposition viewed that as an important project for the future. Democracy would be better served if Parliament House was a modern and efficient building in which to work ...

He then went on to say:

... members of the opposition and I am sure all members of Parliament would wish that the project goes ahead ... I give the assurance that a future Labor government would also see it as an extremely high priority. The building is a significant place of democracy ... ensuring that visitors to and people working in this building have modern and up-to-date resources and equipment. That is extremely important.

It is for those reasons that I have placed on record the opposition's view to the completion of this building.

In other words, in that speech he supported the completion of Parliament House and made the promise that a future Labor government would bring that to effect. It is important that this actually occur.

Ms CAMPBELL (Pascoe Vale) — I wish to make a very brief contribution on the Appropriation (Parliament 2004/2005) Bill. I believe the Auditor-General and the Parliament would say that this appropriation is adequate to discharge the duties of the Attorney-General and his officers, as well as our own duties.

Twelve months ago when we were debating the parliamentary appropriation bill we as MPs, along with the parliamentary departments, were faced with a key challenge — that famous old IT system. I am pleased

that as a result of the Auditor-General's recommendations and numerous complaints from members of Parliament, the IT system has improved dramatically. It was pleasing to hear the Deputy Speaker comment in his contribution that IT in Parliament is improving. It has become a site that those from within our own government and outside are keen to investigate.

Part of that, or I suggest the vast majority of it, is the result of the very good recommendations of the Auditor-General and the fact that the presiding officers and the Parliament have taken on board and implemented each of the recommendations.

In just a few minutes I will have the opportunity to show some people around our magnificent Parliament house.

Mr Baillieu interjected.

Ms CAMPBELL — They can sing beautifully, and if the member for Hawthorn likes to come out I am sure that the children from my Glenroy West Primary School will personally give him a fantastic rendition of whatever he wishes — but back to the bill.

I want to pay tribute to everybody who ensures that this Parliament is maintained to an excellent standard, and that includes not only the very high standards maintained within the infrastructure but also the welcoming attitude to members of the public and the ways in which our working lives are made as happy as possible.

Just briefly I also want to pay tribute to all our electorate officers. I know there will only be a few members speaking on this bill, so I am sure on behalf of everybody I pay tribute to our electorate officers, who work so hard. In my case I particularly acknowledge Kathleen, Jenny, Kerrie and one person who has been a volunteer every Thursday for the last eight years — Joe Mallia.

Others have had the chance to expand upon the importance of the parliamentary committees in their contributions. I want to acknowledge in particular the work of the Public Accounts and Estimates Committee executive officer and the staff with whom she works. She is a wonderful leader and has managed to produce outstanding reports that are held in high esteem throughout Australia. It goes further than that, because the work of the PAEC was acknowledged over 12 months ago by the World Bank and was recently acknowledged again.

I pay tribute to Gail Dunston in the parliamentary library. Members have welcomed the introduction of the electronic news services. I reflect on the days when we were in opposition, which were a memorable experience in one sense, but it is easy now to forget the volume of work that had to be done. The parliamentary library fulfils a vital role for the Parliament. It helps all of us as members of Parliament, and I am sure members of the opposition are able to obtain wonderful research from the library which benefits all the citizens of this state.

Finally, regarding the catering budget, I have noticed through my work on the PAEC that the subsidy to the dining room has been progressively diminished. Members of the public always say 'Well done' when such a subsidy is diminished. The catering department has been able to gradually curtail expenses due to the good management of those involved and the introduction of very innovative methods to increase the usage of our catering facilities by members of the public. With those few words I wish the bill a speedy passage.

Mr BAILLIEU (Hawthorn) — The member for Box Hill described this bill in terms of its maintaining the status quo generally for the Parliament, and I think that is right, but I want to raise one concern with regard to the status quo. Pages 250 to 258 of budget paper 3 describe the appropriations for the Parliament, but there is no reference in detail to the security of the Parliament. I have raised this matter before. I am very conscious that efforts have been made over recent years to upgrade the security provisions in terms of entering Parliament House. I am also conscious that the parliamentary security officers are doing a reasonable job and that the Serjeant-at-Arms, who is responsible for all that, is trying very hard to upgrade security.

I have spoken in the past about security, and I have raised the matter with previous Speakers. In particular, I want to raise the matter of the security of the grounds. I do not want to go into detail for obvious reasons, but suffice it to say that the interface between the grounds and the building — and it is a large building — is an area where security should be of the highest order. All I will simply say is that in order to secure this building and the grounds as I believe they should be secured the government and the Parliament should be giving consideration to staffing levels, surveillance levels, fencing levels and lighting levels.

I note on page 269 of budget paper 3 under the reference to asset initiatives sourced from the Department of Treasury and Finance there is a one-line item on security and counter-terrorism outputs or

anticipated outputs over the next four years. The explanation goes to a few particular measures and then there are the words 'the enhancement of the security of Parliament House'. I would simply urge the officers of the Parliament and others with that responsibility to look beyond just the building itself — we are all aware of some of the matters that are going to be addressed with the building — and look too at the grounds and the interface between the building and the grounds.

Ms KOSKY (Minister for Education and Training) — In summing up, I thank the members for Box Hill, Swan Hill, Lara, Mornington, Oakleigh, Benambra, Pascoe Vale and Hawthorn for their contributions on this bill. The comments that have been made demonstrate that on many issues we can work in a bipartisan way. The discussion on this bill has also demonstrated that we value very much the services of all of those who work in the Parliament, not just the members of Parliament. I again thank them for their contributions.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

APPROPRIATION (2004/2005) BILL

Second reading

Debate resumed from 12 May; motion of Mr BRUMBY (Treasurer).

Ms D'AMBROSIO (Mill Park) — I am very pleased to be able to contribute briefly to debate on the budget, and I am particularly proud of the fact that the budget provides additional assistance to health care card holders vis-a-vis municipal rate concessions. I would like to inform the house that local residents in the City of Whittlesea are very pleased, knowing they have contributed to the introduction of this initiative.

Last year the senior citizens clubs, individuals in the electorate and municipalities commenced a campaign to lobby me and the government regarding the need to increase the rebate for municipal rates for concession card holders. I was pleased in November last year to present to the house a petition containing over 1200 signatures in support of the increase in the rate. This shows yet again that the government is prepared not only to listen but to respond where appropriate to matters that are important to the community. The lifting

of the municipal rates rebate by \$25 represents a funding boost of \$43 million over four years and will benefit nearly 400 000 pensioner householders in Victoria. I acknowledge and congratulate the many residents of the City of Whittlesea who contributed to lobbying the government and presenting the arguments for the initiative that is in the budget.

I am also very pleased that the budget has made an allocation of \$14 million to the duplication of Plenty Road between Centenary Drive, Mill Park, and Bethany Court, South Morang. This has also been received enthusiastically by residents who live along that stretch of Plenty Road. The benefits of the duplication will extend far beyond that section of Plenty Road; they will extend deeper north into the City of Whittlesea, which is one of the five growth corridors under the Melbourne 2030 policy. It is a fine example again of a government being prepared to introduce a notable and significant change in planning direction with Melbourne 2030 and also matching it with the necessary infrastructure to make it a success. I am glad the duplication of Plenty Road is an example of the government being committed to seeing that the Melbourne 2030 policy is a success.

We need only look at the growth in the area immediately surrounding the section of Plenty Road to be duplicated to see that growth is moving at a very rapid pace. The City of Whittlesea is about to approve an application for a planning permit for a facility with 120 beds and 28 private residential units adjacent to the new South Morang Country Fire Authority station. The station is another great initiative of the government, and the South Morang CFA officers are finding their new accommodation more than satisfactory. They are very pleased with the outcome. Residential subdivisions totalling more than 3000 allotments are currently before the council, not to mention the strength of the continuing growth in the new growth suburbs at the northern end of the municipality.

I comment briefly on dental health. People know and appreciate that public dental health is a federal government responsibility — one only has to look at the Australian constitution to clearly see that — yet the federal government has failed time and again, budget after budget, to contribute funds to public dental health services. Fortunately the state government has been prepared to apply remedies to ensure that public dental health services are able to reach the most needy in our community. I am also pleased to indicate regarding this matter that the Minister for Health, through a budget initiative, announced an allocation of an additional two dental chairs for the Plenty Valley Community Health Service valued at \$340 000. That will contribute

significantly to the amelioration of lengthy waiting lists for public dental treatment in the area. That has been greatly welcomed in and around my electorate.

I move to the broader issues of health, where the state government is making amends for errors caused because the federal government is derelict. Dental health is but one area where this is the case. The state government is very committed to the continuing development of the Northern Hospital. Stage 1 of the hospital redevelopment and extension will soon be officially opened and functioning, and we look forward in our local area to the funding being made available in future budgets for the second stage of the development. I am pleased with the health outcomes in and around the electorate of Mill Park. The most recent statistics on property prices published by the Department of Sustainability and Environment show that the median house price in the municipality of Whittlesea as \$224 000. This figure is well within the limit of eligibility for the first home buyers cash grant of \$5000. This indicates that a great number of first home buyers in the municipality will receive the cash grant, if they have not already received the benefits derived from the stamp duty exemption which has been extended for concession card holders. I am pleased to support the budget.

Mr McINTOSH (Kew) — Given the substantial time constraints for debate on this bill I will move rapidly through my two portfolio responsibilities and also deal with my constituency on matters arising out of the budget.

In relation to the Attorney-General's portfolio, it is welcome news that the government is coming to understand the significance of DNA testing and the importance of investing not just in the forensic science laboratory itself but of providing the 40 extra staff. The most significant part of the extra staff provision is the need for scientists. Despite calls from the opposition and many other people regarding the concerns raised in the legal profession about the security of DNA testing — the mix-up with Jaidyn Leske is a case in point — there is no doubt that DNA is a very important tool in the administration of justice and the court system for proving identity. It not only proves identity but provides those who are innocent with a true mechanism of demonstrating their innocence. Accordingly it is welcome, but it is a pity that it has taken a number of years for the government to properly fund the police forensic laboratory. There has been considerable public exposure, with magistrates releasing people charged with serious drug traffic offences on bail after hearing evidence that the delay in DNA testing could be as much as two years. There are

many, many cases that will benefit from this pleasing result.

I turn to public prosecutions. Parliament passed a bill early this year regarding the provision of indemnity to members of the Office of Public Prosecutions staff, from the Director of Public Prosecutions down. The opposition supported the bill, but I would have liked to have a further extension of it to deal with the private practitioners, particularly members of the Victorian bar, who appear on behalf of the Director of Public Prosecutions in trials. It is not an insignificant number, and certainly a large number of prosecutions are conducted in this state by members of the Victorian bar. The Attorney-General indicated that members of the Office of Public Prosecutions staff properly carry out their jobs as officers and that is being limited without their having that indemnity. Similarly that would logically extend to members of the private bar. It would seem to make sense to extend the indemnity to the bar to enable all prosecutions to be conducted in the most efficient and effective way.

Freedom of information (FOI) is still a difficult issue in this state. There was an article in yesterday's *Age* about some of the more bizarre rejections on the basis of, for example, not knowing what a contract was, a requirement to define the term 'invoice', wanting to know the meaning of a particular document and so forth. The Attorney-General announced that he may very well introduce legislation to extend the time limit for FOI requests from the current 45-day period. I suggest that that would be completely inconsistent with his commitment to this house that he would properly train the departments. Of course that will take resources, but that is something he committed to. I would have thought that rather than amending the act, extending the time and not training the FOI officers — as was demonstrated in yesterday's article — the Attorney-General ought to commit further resources to ensure all Victorians have access to expeditious FOI applications.

On the issue of speed cameras, I am somewhat concerned that following the suggestion that a number of people may be threatening to sue the government over the bodgie speed cameras and their severe impact upon people's lives — that is, when people lose their licences they lose jobs — the government, without even a proper review, would introduce retrospective legislation to prevent those people from suing. That is just abhorrent. It should be condemned. In relation to speed fines, the Monetary Units Bill went through this place earlier this month. It is a matter of profound concern that we now have a system in this state whereby the Treasurer, without any reference to

Parliament or the Scrutiny of Acts and Regulations Committee, can increase penalty units and regulation fees merely by the stroke of a pen. The Treasurer has written to that committee and suggested that his intention is to stick to the consumer price index, but as we have seen with regard to judicial salaries and issues concerning FOI and the Director of Public Prosecutions, this government says one thing but does something completely opposite.

I turn to my own constituency. The single biggest issue in my patch is not the bats, it is probably the redevelopment of the Kew Residential Services site. I and many members of my community have condemned the development that is going ahead because the government is not offering choice to the residents. It is certainly removing a large piece of public open space that is adjacent to Yarra Bend Park. It proposes to build an abhorrent high-rise, high-density development on the Kew Residential Services site, which is completely inconsistent with my — —

Mr Hudson interjected.

Mr McIntosh — High-rise — five storeys. In my patch that is high-rise, boyo!

The situation regarding Kew Residential Services is that we still do not have any indication from the government as to what impact that will have on schools in my electorate. I am glad that the Minister for Education and Training is in the house while I am making this contribution. I have spoken in this place before about overcrowding at Kew Primary School; I have had dealings with the minister's predecessor in relation to the purchase of land next door to Kew Residential Services; I have spoken to the current minister about that matter; and I understand the budgetary implications. The most important thing is that we do not have any proposal for what the government is going to do in relation to schools, given that Kew Primary School and adjacent schools like Kew East Primary School are probably overcrowded in relation to the size of the land they occupy. Despite the huge number of new home buyers or flat buyers who will be purchasing accommodation at the Kew Residential Services development there is no proposal forthcoming from the government about what it is going to do about public schooling in that area.

Road management is a significant issue. The use of rat runs through places like Walpole Street, which I have spoken about, which is also adjacent to the Kew Residential Services site, will have an impact on the local area. Again the government has not proposed any concrete road management scheme or the way that that

infrastructure will be addressed in the development. Turning to roads generally, I recently welcomed the building of a signalised crossing at the Anniversary Trail for the benefit of not only two primary schools, Our Lady of Good Counsel and Deepdene, but also Bicycle Victoria. That organisation had been in contact with me, and the local council had been prepared to put in money some two to three years ago. Indeed it is a matter I have raised with the member for Burwood on a number of occasions. Finally the government, after a very strong and spirited campaign by the local community, in which I was able to participate in a small way in this place, will come to the party and the community will get its crossing some three years after those overtures were originally made.

Concerning Doncaster Road, there is a profound concern about the way the tram lines at the Balwyn Road terminus impact upon the local road. The surface is very rough, uneven and unsafe. As a result a number of people have complained about the 1-kilometre stretch from the North Balwyn Village to the Balwyn Road terminus. Yarra Trams has upgraded the line all the way through to the North Balwyn Village, but there is still a gap of a kilometre that needs to be addressed.

I have raised concerns with the Minister for Transport about the right-hand-turn lane at Wrixon Street, which is just adjacent to Carey Grammar. It is a very dangerous corner. VicRoads tells us that the accident levels there are not high, but I think one is just waiting to happen. We should have a right-hand-turn signal operating there.

I raised the matter of the Bulleen Road overpass with the Minister for Transport a couple of years ago. He indicated it was a good idea to have VicRoads officers assess the area. This was the issue where we had stones and rocks — at one stage I brought into the house a bolt about a foot long and about an inch in diameter which had obviously fallen off a truck or a vehicle — which, if they had been thrown up somehow, could easily have gone through the grate on the side of the overpass, fallen onto the freeway traffic below and caused severe damage and injury if not death. The minister indicated that it was a good idea that an assessment be carried out. Hopefully that assessment has been carried out, and perhaps not only on Bulleen Road — he indicated it may have application right across the state.

Noise attenuation fences in my constituency are still an issue. There are places, particularly in the so-called Kew Island near Green Acres Golf Club — —

Mr Stensholt interjected.

Mr McIntosh — Indeed, as the member for Burwood says, the fences have been built, but that was money already committed by the Kennett government. The problem is that the money that has been spent has left two big holes. Near the Kew Golf Club and down near Stradbroke Park large sections of the road are still open and residents from those areas are still complaining about the noise.

Mr Hudson interjected.

Mr McIntosh — The member for Bentleigh opposite is a constant interjector when I am on my feet, and I am grateful for those interjections, because they bring me back. He is laughing, he is smug. He might be in government and can look after his constituency, but all I can do is ask about and raise these matters. I will continue to do so, and I will do that without fear or favour.

Honourable members interjecting.

The ACTING SPEAKER (Mr Kotsiras) — Order! The member for Kew, without assistance.

Mr McIntosh — It is certainly a matter of some interest to me that this government is only interested in looking after its own electorates.

Land tax is an issue in my electorate not only with land-holders but also with small business people particularly who are now being yoked with probably further increases. Another issue is that of disabilities and autism in private schools. I am glad the Minister for Education and Training is in the chamber because it is a matter I have raised with her in this house. There is certainly an issue about the way people feel they are discriminated against as to whether or not they go to a private school or public school. A number of headmasters and the Association of Independent Schools of Victoria have raised this matter with me. There should be some support for those families.

Ms Kosky interjected.

Mr McIntosh — I hear the Minister for Education and Training, which demonstrates she does not care. She may say more money has been given, but I am saying this is totally unfair. I raise the example of constituents of mine who have two children at a private school. They have a son with autism — and it is Autism Awareness Week and I am wearing my badge as is the member for Burwood; I notice the Minister for Education and Training is not. Perhaps she may not understand it. I am happy to meet with her and talk about this matter.

Ms Kosky interjected.

Mr McIntosh — You are the one heckling me, Minister.

The ACTING SPEAKER (Mr Kotsiras) — Order! The member for Kew, through the Chair.

Mr McIntosh — I come to the issue of bats. The government has committed \$1.7 million to manage the bat issue in my electorate. I raised these matters with the Minister for Environment. I hope some part of that \$1.7 million will answer two important questions for my local community: what is the sustainable population of bats, and how will the government control that sustainable level given the fact that it seems to be unable to control them in the botanic gardens? The second issue relates to public health. We all know bats create a public health concern because of their close proximity to people, like at Fern Walk. Unlike Horseshoe Bend, Yarra Bend Park is well used. There are walking, jogging and cycling trails. Residences are within 200 metres of where the bats are located. There is a popular picnic area and it is close to places like Studley Park and the Fairfield boatsheds.

I come to the issue of industrial relations, and I see I have less than 2 minutes to talk about it. We have real concerns in this state about industrial relations. The minister is prepared to parade all the glorious things about the budget, but there seems to be a complete blind spot when this government comes to dealing with the unions. I only have to rattle off the names.

There was the Saizeriya dispute, in which the government was directly involved. It was a classic demarcation dispute and not to do with workers or wages. There was OMV, and record fines were imposed this week by the Federal Court; \$300 000 was imposed on three unions because of an illegal strike. OMV is an Austrian company, so not only Japanese but also Austrian boardrooms are involved. The parent company of Geelong Wool Combing is in Germany. The Textile, Clothing and Footwear Union was unable to come to the same deal that was done by the union in New South Wales, where it protected 150 jobs up there, but 100 jobs left Geelong. That is a disgrace.

There was an illegal picket down at the Age building earlier this year by the AMWU. It got a Supreme Court injunction, and of course the government was unable or unwilling to enforce the rule of law against its union mates.

The power strikes in this state still continue. This government will tell us that it has settled this dispute.

The most important thing is that these strikes still continue. I have spoken to countless small business people who have built factories, dairies and shops but are unable to commence their business simply because of rogue union behaviour. It is only when you get something like the grand prix threatened that this government will intervene and say it wants to protect jobs and small business people. They are innocent parties just going about their own lawful business. It is a matter of deep regret.

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

Mr HUDSON (Bentleigh) — In the short time I have to speak on the Appropriation (2004/2005) Bill I want to reflect on the extraordinary contribution made by the shadow Treasurer last week in his budget reply. As part of that contribution the shadow Treasurer claimed that all the economic indicators showed that Victoria was being outperformed by the other states. He tried to do this essentially by selectively quoting from the economic indicators, particularly some of the older economic indicators, without looking at the most recent data. In doing that he basically ignored the information and the statistics released by the Australian Bureau of Statistics (ABS) on Thursday, the very day he spoke on the budget.

I thought I would look at these, because listening to the shadow Treasurer would lead you to think that the sky was falling in and the economy was about to collapse. I thought I had better have a look to see what they showed. We get quite a different picture.

On the retail and hospitality trade, the statistics show that the larger increase in turnover in the retail and hospitality services sector was in Victoria. On building approvals, the ABS statistics show that the value of non-residential building approvals in the private sector was \$447 million, or nearly half the \$919 million across the whole of Australia. They also showed that the total value of new housing approvals by councils in the March quarter was up 15 per cent year on year, or twice the growth rate in the rest of Australia. That growth lifted the total value of housing approvals in Victoria in the year to March to a national record of \$10.2 billion, ahead of both New South Wales and Queensland. In fact, in total Victoria accounted for a massive 35 per cent of the value of all business and government building approved by councils in the March quarter.

On the employment front there was more good news. The ABS estimates that Victoria added a net 35 000 full-time jobs in the six months to March. This basically confirmed what we know — except the shadow

Treasurer seems not to know — which is that Victoria is a major employment generator. Victoria has had unemployment below the national average now for almost four years — in fact, for 46 months.

On our population figures, despite the woe expressed by the shadow Treasurer, the latest population data for the year to September shows that Victoria's population grew by 1.3 per cent, which is the highest growth rate in this state since the 1980s.

What we have is a problem of selective reporting by the opposition. It seems so determined to talk down the budget and the economy that it resorts to selective figures. Each year it comes in here and tells us how we have blown the budget by wasteful expenditure — that we have blown the budget surplus and that we are overtaxing Victorians, despite the fact that we have delivered tax cuts which it never delivered in government, even as we continue to deliver these solid budget surpluses and keep our level of taxation below the Australian average. Each year they still get up here and complain that we are not spending enough in their electorates, even as they complain we are wasting money broadly in the state budget.

I thought I would look at the opposition's scrutiny of the government's so-called waste. I went to the opposition's waste watch web site which is hosted by the Honourable Richard Dalla-Riva, a member for East Yarra Province in another place. This is the web site where the opposition lists what it deems to be the waste of taxpayers money by the Bracks Labor government over the last four years. What does it say after four years? It has just one entry which says that the justice department rewards fat cats with pay rises:

Figures compiled by the state Liberal Party —

which is undoubtedly an independent source —

show that on average, each senior bureaucrat received a base salary of \$135 000.

That is it; that is the only entry. After four years in operation all it can do is find a few senior public servants in the Department of Justice who it considers are a waste of money.

Here we have it. The opposition keeps calling for money to be spent in its electorates, claiming that the government is wasting money, but it cannot actually do the work to put that material on its waste watch web site. It goes on whingeing and carping about the money we are not spending in its electorates. It demonstrates that the opposition has no ideas, no policies and

certainly no alternatives. I commend the bill to the house.

Mr HOLDING (Minister for Manufacturing and Export) — It is a great pleasure to follow the member for Bentleigh in this place and to lend my support to the Appropriation (2004/2005) Bill that is currently before us and the budget initiatives that have been introduced by the Bracks government. This is a responsible budget. It has been carefully framed to balance the economic development priorities of the state, which I will comment on for a few moments, with the importance of providing support and resources to families, particularly in the area of housing affordability, in order to make sure we make it easier for families not only in Melbourne but right throughout the state.

I will start by mentioning a couple of initiatives in my two portfolio responsibilities, manufacturing and export, and the financial services industry. I was very pleased to join with the Premier in introducing our Opening Doors to Export program, Labor's plan for supporting export growth in Victoria. It contains a range of initiatives financial support for which is contained in the bill we are debating, including the provision of trade counsellors for emerging markets in the Middle East, India and North Asia; the extension of a range of export programs to make sure they cover export assistance for our small and medium-sized enterprises across all the facets of our business sector in Victoria; and an increase in resources to our network of Victorian government business offices throughout the world to make sure they are able to better focus their investment attraction activities and provide support for Victorian exporters for the first time since 1995, when that function was removed from them. So there is a terrific package of initiatives to support exporters, and I am very pleased to have worked across government and across departments to make sure we have a comprehensive range of programs to support Victorian exporters.

In the financial services sector the budget contains a range of initiatives built around the establishment in Victoria of a centre for financial studies. We believe this centre will add a lot to our financial services sector in Victoria. It will build on our existing competitive strengths in the areas of financial shared services and funds management by adding a research capacity, for which Victoria is already well renowned. There is \$1.8 million in the budget to support the establishment of a centre for financial studies and encourage the establishment of an Australian investment research forum, as well as other initiatives to support our exporting of financial services activities and the

marketing of Victoria as a financial services hub in the Asia-Pacific region.

A range of new initiatives to support our exporters are contained within the financial services industry action plan, Investing in Victoria's Future, which I launched on Monday and which will also support our financial services industry. The plan that I launched is the first financial services industry action plan to be introduced by any state or territory government anywhere in Australia, and it shows that supporting our financial services industry is a high priority of the Bracks government.

The budget also includes a range of initiatives that support families and local communities — and I will mention just a couple of them in my electorate of Lyndhurst. The budget includes \$3.8 million for the site acquisition, design and establishment of a new police station in Springvale. I am very pleased about that. That will make the local community feel safer and will build on the additional police resources that were introduced in that area by the Bracks government in the first term of its administration. There is also funding for the additional third lane of Cheltenham Road between Springvale Road and the Dandenong central activities district. This is a long overdue project. There is \$15 million over several years in the budget to support that project, which will help make the roads in the Lyndhurst electorate safer. There is also funding through the Transport Accident Commission's road support program for the widening of Thompsons Road in the vicinity of Evans Road in Lyndhurst — another notorious black spot. There have been fatalities in that area, and that funding will be welcomed by the residents who use that stretch of road. There are also resources for stage 2 of the Dandenong Hospital.

We are very pleased about all of these projects in the Lyndhurst electorate. They will go a long way towards adding to the other initiatives in the budget which support families and support economic development in this state and which do so within the context of being fiscally responsible. I commend the bill to the house.

Mr THOMPSON (Sandringham) — Victoria is often adjudged to be the multicultural capital and sporting capital of the world, and we have great international competitive strengths in the area of food production. On 23 August 2000 the Minister for State and Regional Development noted that Victoria had secured with the assistance of the Bracks government the investment of \$40 million in a food-processing and packaging plant at Melton, creating 170 jobs in the region. It was described as being a win-win situation both for jobs in Melton and for flow-on jobs around the

state. Stakeholder agencies were praised by the Treasurer, who said they had helped gain Saizeriya's support in choosing Victoria as a location for its new plant, when it was originally planned that Brisbane would be the area of investment.

The release goes on to note:

The partnership between Western Water, Melton shire and the Department of State and Regional Development was a key factor in demonstrating to this global company that Victoria was able to meet the world-standard requirements.

The Treasurer noted that the government was:

'... delighted that Saizeriya, which is dedicated to producing high-quality value-added food products and delivering world-class services, has chosen Victoria as the location for its first investment outside Japan'.

Construction of the food-manufacturing and processing plant was scheduled to begin —

in 2000 —

with operations starting in 2001.

Later on there was a further press release put out by the Minister for State and Regional Development, who is also the Treasurer, praising the investment by Saizeriya in Victoria which would result in 170 new jobs and many other benefits for the state. It went on to note that:

Saizeriya is the world's largest chain of Italian restaurants and operates over 400 outlets across Japan.

... the Melton plant would be the company's first investment outside of Japan, reflecting Victoria's unique appeal as a centre for food-processing operations.

'When Victoria is chosen as the site for a Japanese plant that will produce Italian cuisine, it is clear we are a significant force in the global agribusiness sector'.

Mr Brumby said agribusiness was vital to the state, employing around 250 000 Victorians, turning over \$13 billion per annum and achieving \$5 billion in export income.

'The Bracks government is determined to do all it can to encourage further sustainable growth in this key sector'.

What has happened between when those press releases were put out and the present time? We have seen a disgraceful union turf war that has forced the Japanese food giant, Saizeriya, to shelve its plans to further expand in Victoria. Jobs have been put on the line and put on hold, and investment has been lost. As a result of what has taken place, Victoria's international reputation has fallen very rapidly.

How many other Japanese food and agribusiness investors will be investing in the state of Victoria as a

result of the debacle that has taken place in the case of Saizeriya? Saizeriya's establishment in Victoria has been marred by a dispute between the Australian Manufacturing Workers Union and the National Union of Workers. The completion of the first stage of the project has been delayed because the two unions have been having a fight as to who will represent the work force. What will happen now is that fewer workers will have jobs as a result of the demarcation dispute. In addition, service industries such as transport will miss out on revenue because the plans have been shelved, and Victoria will miss out on \$350 million of further investment and hundreds of jobs because of this industrial dispute.

The Treasurer and the Premier had spoken very strongly in many forums about the importance of this investment to Victoria. The failure of Saizeriya to further invest in Victoria at this stage is a sign that the Bracks government has clearly failed to generate further jobs and further investment in the state of Victoria.

In relation to the budget, there are a number of other issues I would like to comment upon. The Bracks government is reducing WorkCover premiums, but there are a few important remarks to be made for the public record. The average WorkCover premium was lifted from 1.9 per cent in 1998-99 to 2.2 per cent of payroll at a time when all other states maintained or reduced their average premiums. This meant that Victorian employers have paid an extra \$700 million in premiums above what they would have paid had the premium remained at 1.9 per cent. The proposed reduction of the premium is worth about \$180 million a year, but this will not come into effect until 2005. This means that the WorkCover premium will draw in another \$250 million for another year above what it would have if the premium had remained at 1.9 per cent. The reduction in premiums will undoubtedly assist business, but business in Victoria has already paid a very heavy price of over \$1 billion in increased or additional premiums since 1999.

Victoria's goods for export have actually fallen to \$17.1 billion over the last year to February 2004. This is \$3.4 billion less than the previous year and \$5.5 billion below the level of two years ago. There is less production coming out of Melton than what the government envisaged and certainly what the directors of Saizeriya envisaged when they decided to invest in Victoria. The value of Victorian goods exported is now less than when the Bracks government was first elected in 1999. The export revenues of Victoria are actually shrinking.

The \$30 billion export target by 2010 is a complete sham. Total exports of goods and services reached \$29.6 billion in 2000–01 and \$29.5 billion in 2001–02. Since then export revenues have shrunk by over \$3 billion to \$26.2 billion in 2002–03. The Bracks government certainly is not leading the way and is setting a benchmark that has already been achieved.

In relation to our economy, it is noteworthy that our net interstate migration has plummeted from a net increase of 5000 per year to a barely positive result, with the state gaining just 39 people in the whole year to September 2003. It is noteworthy that since the benchmark of interstate migration figures was recorded in the early 1970s, it was in 1998 or 1999 that Victoria was achieving the first net gain in interstate migration. Following the booming increase built during the period of the former coalition government, 1992–1999, the figures are now starting to drop back. Since the election of the Bracks government, our economy has grown more slowly than the national economy in three of the last four years. In the year 2003 Victoria actually lost 6500 full-time jobs, while 120 500 jobs were created nationally. The latest ANZ job advertisements for March show Victoria had the weakest job market; with a 12 per cent decline over the year to March compared with a rise of 4.1 per cent across Australia.

Furthermore, Victoria has the worst industrial relations record in Australia, with almost 40 per cent of the days lost to industrial action throughout Australia over the last 12 months. Saizeriya is a case in point where, as I noted earlier, Victoria has missed out on a further \$350 million investment in exports and hundreds of jobs because the Bracks government could not regulate the unions. In terms of those job losses it is important to note that these are jobs that affect people in the workplace — transport operators, apprentices, men and women who are meeting mortgage commitments in Delahey, Caroline Springs and Melton. These are people with real jobs and people with families to support who will not have the opportunity to support them as a result of reduced employment opportunities in the region.

I note that this budget will be remembered because it is a budget where pensioners were slugged to pay for benefits. Examples are pensioners, health care card holders and war veterans who will be paying for their motor vehicle registration. That will be a landmark element of this particular budget. There is no justification for the people of a sector of Victoria's community who are the most vulnerable and have no opportunity to increase their revenue base being slugged \$80 per year. It will be something like the Cain and Kirner levy, only it is indexed according to the

monetary units legislation. There will be no cessation of this particular levy.

Mr Wynne interjected.

Mr THOMPSON — The member for Richmond is a little bit perturbed by the mention of the Cain-Kirner levy. That was the \$100 tax introduced in 1992–93 to turn the budget deficit into a state of surplus, and it operated for two years. This impost on motor vehicle registrations for pensioners, health care card holders and war veterans has no sunset clause and will have an even bigger impact on Victorians.

I turn now to my electorate of Sandringham. There is no funding in this budget for a new police station at Sandringham, despite a promise by the Labor Party on the eve of the 1988 election or thereabouts that a new police station would be built if the Labor government was re-elected. The people of Sandringham are still waiting for Labor to commit to that particular promise. There is no funding in the present budget for beach renourishment in an important part of the Sandringham electorate adjacent to the Red Bluff Cliffs, or more particularly the Red Bluff Hotel. There is some commitment for cliff stabilisation works, but that is only half the job and there needs to be an ongoing commitment from the government to beach renourishment works around Port Phillip Bay. At this stage there is no commitment in the budget to assist with the potentially dangerous situation that exists at Mentone railway station during peak hour travel by students and other rail commuters. This station is noted as having the fifth largest volume of traffic in Victoria. There have been other budget cuts over the last couple of years that have impacted on the Sandringham electorate. These include the proposed cutbacks in preschool services run by independent schools; the funding cutbacks initially proposed for the Berendale special school. The local community worked very hard to avert the impact of funding cutbacks and the increase to staff-student ratios.

I should also mention the refusal by the government to reverse its decision to close the Central Health Interpreter Service. I understand that the funds initially dedicated to this service may have been redeployed, but there is still a great need for that service, particularly in the Barwon region where the tyranny of distance exists. The engagement of an interpreter travelling from Melbourne is not necessarily cost effective in meeting the needs of people who require an interpreter in parts of Geelong and further afield in Colac and Warrnambool.

There is also the detrimental impact of the proposed funding cuts to school sporting bodies which was understood at one point to deprive Victorian schoolchildren of the opportunity of participating in sporting activities and of the opportunity to represent their state in interstate competitions. I understand the Bracks government has endeavoured to redress this particular initiative, but time will tell whether that has been successful.

We have the hypocrisy of the Labor Party in originally supporting public housing rental payments at 20 per cent of income, condemning the increase to 23 per cent for existing tenants in 1997, but now being responsible for lifting the payment to 25 per cent of household income for such tenants, thereby imposing an increased financial burden on public housing tenants, particularly the elderly in the Highett community. We should not forget the detrimental impact on the community of the closure of the Moorabbin birthing centre and its relocation to Dandenong, and the failure of the Bracks government to fulfil its election promise to provide choice to Victorian families by giving them a range of birthing options. This birthing centre was a leader in its model of care.

Another detrimental impact on the community is the funding cut for the multipurpose taxi program, and in particular the annual cap of \$550. Despite public pressure there will still be a range of people who still will be unable to use a taxi for health services. They will be unable to access a taxi for day programs and they will be unable to visit their partners who are cared for in hospitals or nursing homes. The quality of life of a number of Victorians who had access to that service but who no longer have it will be diminished. As I noted earlier, there is a detrimental impact as a result of the \$78.50 increase in car registration imposed upon a section of the Victorian community. This will remove independence for a number of people, diminish their quality of life and diminish their freedom of movement. There is the detrimental impact of funding cuts by the Bracks government to the services for autistic preschool children from 12 hours per week to between 1.5 and 2.5 hours per week.

The budget contains a number of other measures which will have detrimental impacts. One of these is the financial impact on Victorian schools of the incorporation of WorkCover premiums into their budgets. The failure of the Bracks government to abandon these proposals will severely reduce the funds available to schools for spending on student education and force them to increase annual voluntary parents contributions, which will pressure parents further to

increase fundraising programs for charges which should be met by the government.

In conclusion I point out that Brett Foley, in an article in the 5 May edition of the *Australian Financial Review* entitled 'Fines, gaming fees to the rescue', with the subheading 'Tax and spend', noted that:

The Victorian government is relying on property taxes and a forecast substantial recovery in gaming revenue and traffic fines to help fund higher wages and capital investment —

in this state.

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

Mr LONEY (Lara) — This was a great budget for Lara, and for my region of Geelong. Before dealing with specifics, I want to mention something relating to my electorate that was raised by another speaker. The member for Kew raised the matter of Geelong Wool Combing Pty Ltd. Of course what he neglected to tell this house was that there was a lockout, not a strike. It was initiated by the employer, and conducted under federal industrial relations laws that do not require bargaining in good faith. Had those federal industrial relations laws required bargaining in good faith, then probably 100 workers in my electorate today would still have their jobs and the company would still be operating. The people who lost their jobs know that Tony Abbott, the federal minister, was to blame for that, and in August this year they will well and truly sheet home the blame.

In relation to the effect of the budget on Lara, a number of things are worth noting. My electorate of Lara now extends to Werribee, and I am pleased that one of the initiatives under this budget was \$760 000 for improvements at Iramoo Primary School. It is great primary school and one that has been looking forward for some time to this upgrade for technology-enhanced classrooms so that it can complete the provision of facilities in that area. It will be greatly appreciated. There was also \$2 million allocated for Lara Primary School to do a major upgrade. Over the last three years Lara Lake Primary School has been upgraded. The Lara Secondary College, which the Liberal Party opposed the building of, has now been constructed and 280 students are attending that school. I note that the former Minister for Education is in the house, and I point out that this school is going to be officially opened next week. I am sure that the role of the former education minister in getting that school in Lara off the ground will be well acknowledged on that day.

We also have a number of other education initiatives in our area. Corio Primary School, Corio South Primary School, Corio West Primary School, Norlane West Primary School, North Shore Primary School and Rosewall Primary School have all received grants under the Schoolyard Blitz program. In speaking to some of those schools I have been told that they are looking forward to the improvements they will be able to make to their school grounds.

As well as this there are the regional items, and in particular the Geelong bypass. We have fulfilled our commitment to Geelong with the provision of \$190 million, but of course there has been not 1 cent from the federal government in relation to it. As I said in debate yesterday, this is a compelling case. The federal government will get to it eventually — we know it will get there — but it is about time it simply announced it.

There is a further \$50 million for the redevelopment of the Grace McKellar Centre. The Liberal Party's policy was to sell-off the Grace McKellar aged care services in Geelong, but we are redeveloping the centre. There is also \$18 million for Geelong Hospital's radiotherapy services for cancer treatment, and that is very welcome in my community.

I want to mention a couple of other initiatives. The dental health initiative will be extremely important to my electorate. Dental health is one of those things that is quite often let go in low-income areas because people cannot afford it. The fact that we are now taking steps to improve the number of people who can access dental health is welcome in my area. The improvement in the education maintenance allowance is also welcome. I was speaking to a school principal just this week, and he said that of the many good things in the budget, the one that would most benefit the community he was serving was the increase in the education maintenance allowance. His words were, 'This will make a real difference to people in this community'.

This is a great budget for electorates such as Lara. I could keep talking about many of the initiatives in this budget. I congratulate the Treasurer, and I look forward to Lara receiving more of the same in the future.

Mr WYNNE (Richmond) — I rise to support my colleague the member for Geelong and also indicate what a fantastic Labor budget this is. I want to concentrate on four areas that specifically impact upon my electorate. They include the investment by this government in public housing. In this budget an extra \$50 million has been invested in public housing, which adds to the extra \$40 million that was invested in last

year's budget. The announcement brings extra funding of \$283 million to social housing, money above and beyond the government's commitment under the commonwealth-state housing agreement. This is an extraordinary government investment to build back up the fundamental infrastructure of public housing, particularly in areas like mine that were so shamefully neglected by the former government.

Dental funding is fundamental. As my colleagues have indicated, the investment of \$97.2 million over the next four years to reduce waiting lists and improve access to dental health for children and the disadvantaged is a fantastic Labor initiative. The new funding of \$58 million will be used to treat an extra 131 000 concession card holders needing dental care. We understand the fundamental nexus between poverty and dental health. This government has specifically addressed the fundamental health needs of people on low incomes and people living in poverty.

As my colleagues have also indicated, the education maintenance allowance — which, the member for Bentleigh reminded me, has not been increased since 1989 — has been increased by 60 per cent, from \$127 to \$200 for primary school students and from \$254 to \$400 for secondary school students. That is going to have a really big impact on low-income people. They will start next year knowing that \$400 for a secondary student and \$200 for a primary student will be made available for basic essentials such as books and various pieces of equipment to give their children the start they need to kick-off the teaching year. That is a fantastic targeted result.

The importance of investing in another 250 teachers goes without saying and yet again builds on this government's fundamental commitment to core service delivery, particularly in the education area.

I want to touch on one other matter which has not been given proper prominence, and that is the provision of \$78 million over the next four years for travel concessions for health care card holders. Through this initiative 230 000 people are going to be provided with access to public transport. That again is a fantastic targeting of people in most need who require the opportunity to access public transport.

Mr Hudson — Never had it!

Mr WYNNE — They never had it, as the member for Bentleigh indicates.

Needless to say, the increase in the concessions to tertiary students has been welcomed. It is a great

government commitment, delivered in full in this budget.

As is well known in this house, I represent the largest group of public housing tenants in the state, and it is an honour for me to represent them. This budget delivers in full to low-income people and to people in public housing. It delivers a Labor budget. You have to balance that commitment against the federal government's mean and tricky budget. Anyone earning less than \$52 000 a year will not feel any effect of the tax cuts. That is a major miscalculation by the federal government, and it will come home to roost whenever the election is. The people whom I represent in the seat of Richmond understand this state budget. It is targeted at them, the people who really have difficulties. This concession package and this budget are fantastic outcomes for those people. I commend the budget to the house.

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

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Speed cameras: demerit points

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his answer yesterday in which he said that as a matter of policy response, demerit points issued after the decommissioning of fixed speed cameras were not counted. I ask: what is the government's legal advice about the state's liability and exposure to litigation for fines and demerit points issued before 12 November 2003 by the same faulty cameras?

Mr BRACKS (Premier) — I reiterate that no demerit points were issued and no fines were issued past 12 November, but warning notices were issued. Any legal advice the government has is protected by legal professional privilege.

Mr Plowman — On a point of order, Speaker, the minister, in this case the Premier, must answer the question. I refer to a Speaker's ruling that when responding to a question, a minister must answer the question rather than answer it generally. The Speaker in question was Speaker Maddigan.

The SPEAKER — Order! I do not uphold the point of order. I thought it was quite clear that the Premier did answer the question.

Water: Wimmera–Mallee pipeline

Mr HELPER (Ripon) — My question is also to the Premier. Given the federal government's complete neglect of regional Victoria by failing to fund its share of the Wimmera–Mallee pipeline, can the Premier advise the house about the implications of this approach to government administration on the environment and whether the merits of any alternative policy proposals have been considered?

Mr BRACKS (Premier) — I thank the member for Ripon for his question. He and some other members of this house would be acutely aware that the decision by the federal government on three occasions, in three budgets, to provide no funds for the Wimmera–Mallee pipeline is obviously a blow to the environment. This project is good for the environment, it is good for the economy and it is good for the people of the west of the state.

The environment would benefit because of extra environmental flows which would accrue to the Wimmera and Glenelg rivers. That would be an important environmental asset as well as being a support for irrigators and would provide the capacity to plan business and attract people back to that region. This is one of the better projects for regional Victoria and one of the better projects for the environment more broadly. I can see many members in this house, including from the opposition, nodding in accordance with that. I refer back to during 2002 when the National Party leader actually supported the government at that time in the efforts to try and get funding for the Wimmera–Mallee pipeline. In a conference speech that the National Party leader gave this is what he said:

As never before, country Victoria needs leadership.

Honourable members interjecting.

Mr BRACKS — I am quoting it — it is getting exposure. Your speech is getting the best exposure it has had! The Leader of the National Party's speech continues:

The Nationals are providing it. We will go to the next election —

in 2002 —

championing a range of innovative policy initiatives including the construction of the Wimmera–Mallee pipeline within a time frame of 7 years instead of 10.

That was the aim. Three budgets have been handed down but with no funding from the federal government and no support for their local federal member of

Parliament — and do you not feel for their local federal member of Parliament, John Forrest? He is sticking his neck out. He is effectively saying that he will stand up for funding and support for the Wimmera–Mallee pipeline. I refer in particular to an article that appeared in the *Wimmera Mail-Times* of 4 May, which states:

A frustrated John Forrest MHR has again assured Wimmera people that a Wimmera–Mallee pipeline will be a reality.

‘I’ve staked my life on this project and it will be funded’, he said several times yesterday.

You would think that the Leader of The Nationals in the state would at least stick up for his local federal National Party member and would at least support the government’s position in advocating strongly for this project for country and regional Victoria. I refer back to the conference speech made by the Leader of The Nationals, when he said:

As never before country Victoria needs leadership.

Where is the leadership now from The Nationals in this state? Where is the leadership in arguing publicly for this project to be funded in the future? All we hear is silence — a mute Leader of The Nationals on this question.

This project has strong environmental, economic and social benefits. It is a high priority for this government and one that has been funded by this government. While we give high priority to environmental projects in regional Victoria, such as the Wimmera–Mallee pipeline, all we hear from the other part of the once coalition in this state — the opposition — is that its priorities are elsewhere. We hear silence, and we know that rather than funding the Wimmera–Mallee pipeline the Liberal Party wants to fund the undergrounding of every powerline in the state at a cost of \$6.8 billion. What sort of priority is that for this state?

Bio 2004: genetically modified crops

Mr RYAN (Leader of The Nationals) — I do not think I will dignify that answer with a response!

My question is to the Minister for State and Regional Development. I refer to the news that Monsanto is withdrawing totally from all genetically modified canola trials because of the government’s GM moratorium. I ask: will this be one of the biotech success stories the minister and the Premier will be promoting when they attend Bio 2004 in San Francisco next month?

Questions interrupted.

ABSENCE OF MINISTER

The SPEAKER — Order! Before I ask the minister to answer, the Deputy Premier is absent again today and questions will be answered by the same ministers as before.

Questions resumed.

Mr BRUMBY (Minister for State and Regional Development) — It is my understanding that some days ago Monsanto made an announcement in relation to wheat which of course has absolutely nothing to do with the Victorian government — it is a different crop to canola — there is wheat and there is canola. My understanding is Monsanto has suspended some of its research into genetically modified canola and that it has done that right around Australia, not just in Victoria.

The Leader of The Nationals asked what we will be doing at Bio 2004 in June. The Premier and I have attended Bio every year — this is the only state in Australia where that is the case.

Mr Doyle interjected.

Mr BRUMBY — You ought to be proud of our achievements in biotechnology.

The SPEAKER — Order! The minister, through the Chair.

Mr BRUMBY — To be fair to the Leader of the Opposition, I saw in a recent interview that he said one of the areas in which the Bracks government was performing very well was biotechnology, and we are. I thank him for that support.

There were more than 300 delegates from around Australia at Bio last year. More than half of them were from Victoria, and I think I can say with confidence that more than half of the Australian delegates at this year’s Bio conference will be from Victoria. Last year we had the largest single announcement to come out of Bio — the collaboration between Merck and Amrad, which was valued at \$179 million. That was one of the 10 biggest biotech deals in the world in 2003.

To conclude on this area of genetic research generally, as I have said before to the Leader of The Nationals, there are many aspects of genetic research. One in which Victoria is leading the way is in relation to genetic sequencing of marsupials where we have contributed \$4.5 million towards the national study of the tammar wallaby. This is the first time Australia will be leading the world in this area.

Mr Ryan interjected.

Mr BRUMBY — The honourable member asks why this is significant.

Mr Ryan — I didn't at all.

The SPEAKER — Order! Perhaps if the Leader of The Nationals stopped interjecting, the Minister for State and Regional Development would be able to answer the question.

Mr Ryan — On a point of order, Speaker, the minister is debating the question. While I understand he has some sort of fascination with the sexual proclivities of the tammar wallaby, I would rather he talked about the canola I introduced in the question I asked in the first place.

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

Mr BRUMBY — I recall answering a previous question on this matter. I have advised the Leader of The Nationals about the benefits that will come from this project in relation to the tammar wallaby. One of the things about the tammars is that if they break their backs when they are young, they have the capacity to regenerate and heal. Identifying the genes that enable the spinal cord to regrow will be of huge interest.

The Premier and I are looking forward to attending Bio again; we think it will be another great success for Victoria. We will be meeting with many companies from around the world. More than half of the Australian delegates will be from Victoria, and it is another example of the leadership the Bracks government is showing in biotechnology.

Federal budget: land transport

Mr TREZISE (Geelong) — My question is to the Minister for Transport. Given the arrogant snub the federal government gave Victorian road and rail users in its budget on Tuesday night, can the minister advise the house of what alternative policy proposals he has considered to address this issue and of the outcome of those considerations?

Mr BATCHELOR (Minister for Transport) — I would like to thank the member for Geelong for this question. He knows that yesterday in the house I expressed my disappointment and that of this government that Victorian families missed out on their fair share of federal road funding in the recent federal budget. Today I have to express my further disappointment about the complete lack of federal

funding for Victoria's rail freight network. Once again Victoria is being discriminated against, not only in road funding but now also in rail freight funding. It is not just roads that we are complaining about; we think the commonwealth government should address funding requests put forward by this government on rail as well.

We are trying to deal with road and rail freight here in Victoria as a whole land transport system. One would have thought that that was the sort of policy the federal government would have been supporting rather than what it is currently doing, which is just ripping off Victoria. There is nothing new in what the federal Treasurer, Peter Costello, or the Prime Minister, John Howard, offered for Victorian rail freight. This is despite Victoria being the freight and logistics centre of Australia. We are the capital of freight and logistics not just for south-east Australia but for the whole nation.

Instead of pouring rivers of money into New South Wales, one would have thought that John Howard would have been prepared to make money available for the rail system here in Victoria. In last Tuesday night's budget the federal Treasurer, Peter Costello, confirmed that he is putting \$872 million into the New South Wales rail network through the Australian Rail Track Corporation. He went on to announce a further \$450 million for the ARTC but to date has failed to commit even a cent to the rail network here in Victoria.

You would have thought Peter Costello would have supported the Victorian economy, not because he is Victorian but because Victoria is the capital of freight and logistics for Australia — but there is not a cent! Alternative programs and policies are available. We have put forward alternative proposals like the Dynon port rail link, which would provide improved assets for the port of Melbourne, the leading container port for Australia, but that was ignored in last Tuesday's federal budget. In terms of the Mildura rail line, we have asked the federal government to contribute towards this important freight corridor for regional Victoria, and it has consistently, year after year, refused to contribute.

The Tottenham rail yards are an important part of the great rail freight network. The efficiency and capacity of the network would be increased by improving the existing track and providing an extra track facility for the ARTC standard gauge connection between Tottenham and South Dynon. The whole of the north-east rail corridor could be improved by the attraction of funds from the commonwealth government. We have asked it to provide the funds, but again Victoria has been neglected in preference to its giving the money to New South Wales. We in Victoria wait with great interest to see what the federal

government will do on 7 June and the details it will provide of its expenditure all around Australia. But we are very fearful that once again the federal government will give our money, Victorian taxpayers money, to paving the roads of New South Wales.

It has done it again in this budget — —

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

Mr BATCHELOR — Yes. In conclusion, it is worth recalling how the federal government is prepared in this budget to put \$70 million into the Western Sydney Orbital — a tollway — in New South Wales when it is not prepared to put money into a tollway in Melbourne to help keep the prices down.

Mr Plowman — On a point of order, Speaker, the minister is now clearly debating the question. It does not relate to what the alternative policy is, nor to what those outcomes are in Victoria. I ask you, Speaker, to ask the minister to conclude his answer.

The SPEAKER — Order! I uphold the point of order, but I have already asked the minister to conclude his answer, and I understood he was doing so. I will now ask him to conclude his answer quickly.

Mr BATCHELOR — Clearly federal budget funding for Australia is a bucket that is overflowing for New South Wales. All we are asking is for our fair share of road funding as well as our fair share for rail.

Speed cameras: accuracy

Mr DOYLE (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I refer the minister to freedom of information documents which confirm that speed cameras were not checked for accuracy in 2003, and I ask: given last year's well-publicised problems with speed camera accuracy on the Western Ring Road, why were no accuracy checks carried out throughout 2003?

Mr HAERMEYER (Minister for Police and Emergency Services) — As the Leader of the Opposition is aware, the fixed speed cameras on the Western Ring Road and on CityLink are the subject of a comprehensive testing regime. We are currently analysing those tests, and I suggest that the Leader of the Opposition wait until the outcome of the results. I suggest that he keep his — —

Mr Doyle — On a point of order, Speaker, on relevance, this has to do with government performance

in 2003, and as such it has nothing to do with the investigation currently being carried out. Therefore the minister has a responsibility to answer directly the question that was asked about the performance of his department in 2003.

The SPEAKER — Order! I understand the Minister for Police and Emergency Services to have finished his answer, so I cannot rule on it.

Schools: government initiatives

Ms NEVILLE (Bellarine) — My question is to the Minister for Education Services. Can the minister advise the house of the progress on the Bracks government initiatives in relation to school capital investment, including information technology investment and student welfare and whether alternative policy proposals have been considered?

Ms ALLAN (Minister for Education Services) — I thank the member for Bellarine for her question. I am more than happy to report to the house on the massive and unprecedented investment that the Bracks government has made in education to build better schools and to really support students. Looking at the area of welfare, when we came to government there were no welfare officers in our schools. We restored them to secondary schools in our first term, and in our second term we are rolling out our primary welfare officer initiative, with funding of \$45.5 million for primary welfare officers throughout Victoria. We will employ 256 equivalent full-time primary welfare officers in those 450 primary schools. We understand the need to better support students who may be falling behind for a whole range of reasons, and we want to support those students.

Members on this side of the house and some on the other side appreciate our strong, record investment in capital works. In the budget announced last week we provided more capital works funding than the former government provided in its last three budgets. We have put a record amount of investment into our capital works.

In the area of information technology we are committed to improving bandwidth in our schools. Last week we announced that more than 300 schools will receive an upgrade of their ADSLs (asymmetrical digital subscriber lines). Schools understand the importance of this, which builds on the 900 schools that were upgraded last year. Also in the area of information technology we have funded 100 000 new computers for schools since we came to office, and there is more to

come. Thanks to the Bracks government, every teacher has received a laptop computer.

I can inform the house that I am aware of an alternative proposal around the area of providing a computer for every student. It is a very costly proposal, and it is not something that schools themselves even ask for, because I think they understand and recognise that education is more than just sitting a student in front of a computer all day. The true cost of this proposal is at least \$700 million in the first year, and then there are additional costs for technical support replacement and other associated costs. It would come as no surprise to members of the house to be told that this expensive and irresponsible proposal comes from none other than the member for Doncaster!

Mr Perton — On a point of order, Speaker, I wonder whether the minister's clipping service is 12 months late. This was a proposal made 12 months ago.

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

Ms ALLAN — There is more from the member for Doncaster. There are other alternative proposals in the area of the school capital works and student welfare. The member has committed to providing a primary welfare officer for every school, at a cost of \$32.8 million; he has committed to providing airconditioning in every classroom, at a cost of \$89 million; and he has committed to providing sprinklers in every classroom, despite the Metropolitan Fire Brigade saying that this is not necessary, at a cost of \$400 million. All his proposals together come to a conservative estimate of \$1.785 billion! We have to ask where this money would come from.

This money would come from the sacking of 6031 teachers. That is how the opposition would fund this proposal. Opposition members know that they cannot afford these proposals. They go around making these expensive and irresponsible policies, and to pay for them they will revert back to their true form. Their true form in government was to sack over 9000 teachers and staff. They would do that again if they got back into government. They would have to sack staff to pay for these irresponsible proposals. The member for Doncaster and the opposition cannot be believed or trusted when it comes to education.

Infrastructure: funding

Mr SAVAGE (Mildura) — My question is to the Treasurer. I refer the Treasurer to the report of the Allen

Consulting Group entitled *Funding Public Infrastructure* published in August 2003. This report comprehensively evaluated different approaches to public funding infrastructure and reported on the analysis by the Centre of Policy Studies of the impact of funding approaches on economic output and employment. The report concluded that the best way to fund public infrastructure was by government debt. Will the government in the light of this report use the best way of funding public infrastructure, government debt, rather than the second best option of public-private partnerships?

Mr BRUMBY (Treasurer) — I thank the honourable member for Mildura for his question. I think there is probably a third option, which is that we fund infrastructure directly from the budget — from the cash position and the operating position of the budget — which is predominately what the Bracks government has been doing. The benefit of that option we have heard today from the Minister for Education Services where just in this one budget we have been able to provide three times the amount of capital works for schools that occurred under the previous Kennett government. We have paid for that; there is no debt going forward. We have not had to borrow and future generations do not have to pay for that provision; we have already paid. I think that is a strong financial position.

I make the point that when the Bracks government was elected to office the Kennett government had been spending around \$900 million per year on capital works. We have been averaging more than twice that amount — more than \$2 billion per year — and we have been paying for all of that without borrowing and without going into debt. We have more than doubled capital works spending. We have lifted capital works spending from 0.7 per cent to 1.1 per cent of GDP — gross domestic product — and we have done it without borrowing; in fact we have done it whilst we have been reducing net government debt. Implicit in the member's question was that we may not be spending enough. I reject that, since we are spending twice the amount spent by the former government. We lifted the amount from about \$900 million per year to well over \$2 billion per year. This year we will spend \$2.9 billion on capital works.

My second point is about debt. We have got a good, strong Victorian economy, and when you have got a strong economy it is an opportunity to pay down debt. We have paid down general government net debt from \$5 billion to just under \$3 billion. The public debt interest savings on that are \$180 million per year, which is now available to put back into additional services — things like teachers, nurses and police.

The third point that I make is related to the member's reference to public-private partnerships. We use public-private partnerships for just under 10 per cent of the total capital spend, which is about \$1 in \$10. We have used it for projects like the County Court, we are using it on Spencer Street station at the moment and we have used it on a couple of water recycling projects. We use it where it generates value for money for the Victorian government. That is the test we put in place.

Mr McIntosh interjected.

Mr BRUMBY — It is going very well thank you, and it is much better than the studio that the Kennett government never built for Victoria. The Austin Hospital is going well. The fast rail is going well. The biggest rollout in school capital works is going well. The biggest — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Kew and his associates to be quiet please and to allow the Treasurer to conclude his answer.

Mr BRUMBY — Victoria was starved of capital works in the 1990s. It was starved in health, education, road funding and public transport — you could not get a cent. And if you lived in country Victoria, it was the toenails — that is what it was! We have doubled it without borrowing. We have got a judicious mix with public-private partnerships. Most importantly we are putting money into things that make a difference. You will not find the Bracks government promising to spend \$6.8 billion to underground power lines. We are building schools, hospitals, nursing homes — —

The SPEAKER — Order! The Leader of The Nationals, on a point of order.

Mr Ryan — If that is the end of it, Speaker, I do not need a point of order.

National Gallery of Victoria: Joseph Brown collection

Mr WILSON (Narre Warren South) — My question without notice is to the Minister for the Arts. Can the minister advise the house about the significance of the recent generous Joseph Brown art collection gift to the National Gallery of Victoria and its value to the people of Victoria?

Ms DELAHUNTY (Minister for the Arts) — I do thank the member for Narre Warren South, who is right, in that last week Dr Joseph Brown made the largest and most generous gift of art to any Australian

gallery or institution. It is a magnificent gift — over 150 paintings, sculptures and works on paper, which are valued at present at around \$30 million. It is an extraordinary gift, and I do not think we can overestimate how valuable this is to Victorians, to Australians and particularly to the generations following us.

The Joseph Brown collection, which will be housed in two permanent galleries in the National Gallery of Victoria at Federation Square, encompasses the who's who of Australian art right across the generations. There are works by Glover, von Guérard, Streeton, Drysdale, Boyd, Williams, Brack — that is Brack, not Bracks — and McCubbin — —

An honourable member interjected.

Ms DELAHUNTY — I do know the Premier enjoys the work of Bracks!

There are works by Margaret Preston, Jeffrey Smart, Whiteley and Booth. Yet when he was standing in front of one of the beautiful paintings by McCubbin entitled *Autumn Memories*, Joseph Brown said in response to a question:

I am not giving it away, because it is still here for me and for everyone who is a citizen of Victoria and Australia. We are all part owners of it.

That sums up the generosity of the gift.

It will be housed in the permanent collection, as I said, in the two galleries from September, and entry to the gallery is free. There have been 2.5 million visitors to the National Gallery of Victoria at Federation Square since it opened in November 2002. This will be open to all Australians, all visitors and generations to come.

In conclusion, Dr Brown arrived in Australia as a penniless refugee from Poland. I am told he bought his first piece of art with his first pay packet. He went on to become a great art dealer and a very significant collector of Australian art. He now becomes one of the nation's great benefactors and is alongside Alfred Felton, who changed the fortunes of the National Gallery 100 years ago. As the *Age* said, the Joseph Brown collection is a coup for the National Gallery of Victoria and for the people of Victoria.

I place on record the government's thanks to Dr Brown and his family, to the Premier, who showed his personal interest in this, and to Gerard Vaughan from the National Gallery of Victoria for his work. As the *Age* says, 'This is a gift beyond price'.

Speed cameras: accuracy

Mr MULDER (Polwarth) — My question is to the Minister for Police and Emergency Services. In May 2003 the Australian Capital Territory government identified accuracy problems with its Poltech speed cameras, the same cameras used in Victoria, and I ask: given the minister and his department were aware of the ACT's concerns in May 2003, why did the minister do nothing until 12 November 2003 when 40 separate cameras were removed from service?

Mr HAERMEYER (Minister for Police and Emergency Services) — Before I get into the substance of the question, I lament the Minister for the Arts neglecting the member for Gippsland East in her list of great Australian artists!

As I indicated earlier in my response to the Leader of the Opposition, the government is carrying out a comprehensive review of the operation of fixed speed cameras — a thorough and comprehensive review with nothing being left out.

The question the member has asked is in the same vein as questions we have had from the opposition all week, and all those questions will be answered once the government has received, analysed and announced the outcome of that investigation.

Federal budget: Aboriginals

Mr LIM (Clayton) — My question is to the Attorney-General. Given that the federal budget provided no assistance in bringing meaningful progress for land justice to indigenous Victorians, I ask the Attorney-General to advise the house of the consequences of this for the administration of government in Victoria and what needs to be done to remedy this situation.

Mr HULLS (Attorney-General) — Thirteen years on from the recommendations of the Royal Commission into Aboriginal Deaths in Custody and four years on from the reconciliation marches I guess we could be forgiven for expecting that the indigenous people of this nation would be firmly at the helm of their own destiny. Yet in the wake of recent federal decisions, including the decision to mainstream Aboriginal legal services and the decision to abolish the official indigenous voice without sanctioning an equivalent, dispossession is still a tragic reality.

The federal budget did absolutely nothing to address the horrifying statistics that see indigenous men nationwide being 16 times more likely to be incarcerated than non-indigenous men, and indigenous

women and children being 19 times more likely to be incarcerated than non-indigenous women and children. Even a national newspaper described the federal government's contribution in the recent budget to Aboriginal issues as meagre. We know that the amount the federal government has allocated will go no way towards addressing land justice or building autonomy.

In stark contrast, the Bracks government believes that everybody, indigenous and non-indigenous alike, wins when dispossession is dismantled and when reconciliation is actually achieved. We believe that governments have a responsibility to build trust, equality and genuine partnership between indigenous and non-indigenous people. That is why in last week's state budget we provided \$31.8 million over four years to assist in addressing dispossession of indigenous land and culture, improved economic opportunities for indigenous communities and expand our successful Aboriginal justice agreement. This included some \$1.4 million for the Yorta Yorta land management group.

Honourable members interjecting.

Mr HULLS — Despite the protestations of some on the other side we have adopted the approach of negotiation rather than litigation when it comes to land management. I am immensely proud of the historic agreement reached between this government and the Yorta Yorta people. For five long years the mob opposite used every legal tool at their disposal to thwart and frustrate the Yorta Yorta from achieving recognition of their cultural and spiritual connection to the land. In stark contrast, the government undertook negotiations based on cooperative planning, and that resulted in a cooperative management agreement.

The historic agreement establishes a joint body focusing on the Yorta Yorta involvement of managing culturally significant areas of Crown land in their original native title claim area. The Yorta Yorta are to be congratulated for their persistence, their cooperation and their commitment.

This is a win-win situation for the people of Victoria, and I hope that everyone in this place would agree. However, some in the community have stated, believe it or not, that this historic agreement will send shivers of alarm through the community. They have intimated that this is a bad agreement. What narrow-minded people would take that view? None other than the members for North Eastern Province and Central Highlands Province in another place, who should be condemned by their leaders for their divisiveness and xenophobia.

Mr Plowman — On a point of order, Speaker, the Attorney-General cannot use the answer to attack the opposition. I ask you, Speaker, to bring him back to the question and relate his answer to the question.

The SPEAKER — Order! The Attorney-General should not make imputations about members in the other place. I ask him to continue his answer.

Mr HULLS — I am not attacking, just condemning. Can I also say that similar condemnation should be reserved for small-minded journalists who gutlessly attempt to pollute the Yorta Yorta's legitimacy with sickening jibes about their traditional typewriters — jibes which in my view — —

Mr Plowman — On a further point of order, Speaker, I believe now the Attorney-General is debating the question. He has been speaking for over 5 minutes, and I ask you to bring him back to the question and to conclude his answer.

The SPEAKER — Order! I do not uphold the first part of the point of order but certainly the Attorney-General has been speaking for 5 minutes and I ask him to conclude his answer.

Mr HULLS — These types of views are more at home in the days of the confederacy than in the 21st century. In conclusion, now more than ever we need governments of courage to stand up for reconciliation and to knock down prejudice, and proudly we are such a government.

The SPEAKER — Order! Time for questions has expired.

Dr Napthine — On a point of order, Speaker, I challenge the Attorney-General to have the courage to name the journalist he is attacking.

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

APPROPRIATION (2004/2005) BILL

Second reading

Debate resumed.

Ms GILLETT (Tarneit) — It is my pleasure to make a brief contribution today on the budget and appropriation bill. The budget is a demonstrated continuation of the delivery of the Bracks Labor government's vision of growing the whole of the state of Victoria and of nurturing and supporting Victorian

families, especially those families that live in the heartland of the western suburbs.

My community is part of that heartland: the seat of Tarneit takes in Werribee and Hoppers Crossing. I will take a bit of time explaining the important and specific announcements for my community that are in this year's budget. The first is the continuation of the Building Better Schools program — a modernisation worth almost \$1.4 million for Mossfiel Primary School. This will be stage 2 of Mossfiel's upgrade and redevelopment, and it will produce technology-enhanced classrooms for a wonderful primary school.

There will also be the renewal of residential facilities for some of our most vulnerable children — that is, children in care. There is a budget allocation of \$0.64 million to improve residential care for young people. All of my local primary schools — all excellent schools — have been provided for in terms of the fantastic Schoolyard Blitz program. Glen Orden Primary School, Glen Devon Primary School, Woodville Primary School and the Warringa Park School will each receive \$5500 to make the necessary schoolyard improvements that add to the self-esteem of not just the school community but the whole community in which each school operates.

As I have said this budget builds on each of the budgets of both Bracks Labor governments, which have been produced by a rather exceptional Treasurer. As a result we have seen the establishment in my community of the Wyndham Integrated Health Care Centre. This is a \$9.6 million primary health care centre that our community waited for through the seven dark years of the Kennett government. Whilst we were being promised year in and year out that the centre was on the top of the Kennett government's agenda, that government failed to deliver year after year. It took a Bracks Labor government to bite the bullet and provide this fantastic facility, which is already making a wonderful contribution in our community.

The upgrade of the Werribee Mercy Hospital was also provided for by the Bracks Labor government. It has also been a long-awaited development, and work commenced this year on that \$10.6 million upgrade.

There have also been million-dollar upgrades in a number of my schools, including Manorvale Primary School, Iramoo Primary School, which waited 21 years for any attention, and Werribee Primary School — and now we can proudly add Mossfiel Primary School to that list.

The Bracks Labor government provided my community with its first new bus services in nine years. For a growth corridor to wait nine years for new bus services was outrageous, but it was Minister Batchelor, in the Bracks Labor government, who provided us with over a million dollars for those services.

This government has given us the Werribee Vision, Melbourne 2030 and fantastic road funding for both black spots and upgrades — and the sensational upgrade of the Princes Freeway is something we can all be proud of. We have two new school precincts awaiting development.

Globally we also have the creation of the domestic violence division of the Magistrates Court, which will have an important impact on the statistics relating to family violence in my community. As the Parliamentary Secretary for Women's Affairs I look forward to further developments in addressing issues about and surrounding family violence. I congratulate the Treasurer on another exceptional budget, and I look forward to many, many more.

Ms MARSHALL (Forest Hill) — It is a pleasure to rise in support of the Appropriation (2004/2005) Bill. There are a number of key issues to come out of this year's state budget that relate to the electorate of Forest Hill, including the Building Better Schools program, which in part provides \$1.7 million for the modernisation of the Carronbank School and the Princess Elizabeth Junior School. Residential facilities for children in care will receive \$0.53 million, which will benefit young people in the electorate of Forest Hill. Through the Schoolyard Blitz programs, the Blackburn English Language School and the Burwood Heights Primary School will each receive a \$5500 grant for schoolyard improvement projects.

The Tally Ho state emergency telecommunication centre is receiving \$1.7 million to expand and upgrade its capacity. Dental health expansions and upgrades will be seen in the Whitehorse Community Health Service, with 10 new dental chairs being provided as a part of the \$2.5 million initiative at three community health services across Melbourne.

Some of the projects included the historic clock tower renovation, which was promised in May 2003 and delivered in November 2003; the new Arrive Alive school speed zones, which were promised in May 2003 and delivered in January this year; and the wetlands project, which was given the green light in May 2003 and completed in October 2003.

The state budget for 2004–05 is putting families first. This is a major package for Victorian families. It basically cuts living costs, investing strongly in vital services like hospitals, schools and roads. In health, an additional \$1.6 billion will be used to treat an additional 35 000 hospital patients and 50 000 emergency department patients. An extra 900 nurses and health staff will be employed, which will ensure the financial sustainability of the hospital system. Over four years \$58 million will be spent to cut the dental waiting list and treat an additional 130 000 Victorians. One hundred extra GPs will be hired in community health centres to improve access to bulk-billed medical services at a cost of \$8 million.

The government continues to invest in education as its top priority. This budget provides significant new resources for building and upgrading schools, creating new specialist facilities in secondary schools and improving vocational education training programs.

The government will provide new cash grants of \$5000 to assist Victorians to buy their first home. The first home bonus will bring the total grant available to Victorian first home buyers to \$12 000 for properties up to \$500 000. The state government concession will be reformed to target availability and ensure benefits are directed to those Victorians most in need of support.

The Victorian economy is in a strong position, and the government, in putting Victorian families and their needs first and providing additional resources for health, education and roads, has still maintained a strong budget surplus. For this reason I congratulate the Treasurer and commend the bill to the house.

Mr LIM (Clayton) — I am pleased to join in the debate on the Appropriation (2004/2005) Bill. I note the Treasurer is in the house, and I suppose saying he should be congratulated is an understatement. The 2004–05 budget puts Victoria on track for a strong operating surplus. I do not think anybody could be prouder than the Treasurer in seeing a \$545 million surplus for next year while delivering substantial economic and social benefits across the state.

It is also pleasing to see that the Bracks government has put families first in this budget by cutting basic living costs and investing strongly in vital services like hospitals, schools and roads. Indeed the Bracks government is taking the proceeds of this state's strong economic performance and investing them in the areas that matter most to Victorian families. Victorian families, of course, will see a cut in their taxes and basic living costs which will deliver real hip-pocket savings as well as a massive boost to the key services

they rely on in their daily lives, like health, education and support for those who are vulnerable or disadvantaged. I would be neglectful not to mention that an electorate like Clayton will benefit greatly, given the profile of the electorate.

It is most pleasing also to know that this year's budget delivers savings on basic costs like taking the kids to the dentist, sending them to school or university, buying a first home and taking out a mortgage on a new home. The working people of Clayton will more than welcome such a fresh change. I also mention that in the services that are most important to the family, like health and education, the government is delivering a massive boost so that every student will have the opportunity to succeed and to get the best possible health care, no matter where they live.

It is only appropriate that I mention some of the budget highlights, which include: \$2 billion to boost the health system, which is a tremendous boost indeed; \$197 million for the Caring for Children package; \$1 billion in new funding for regional Victoria; \$552 million for an outer metropolitan and rural Victoria roads package; the \$149 million first home bonus, which takes the total relief for Victorian home buyers to \$600 million over the next four years; and of course the \$10 billion in record infrastructure spending over the next four years.

All this comes almost immediately after the strong and powerful economic statement delivered by the Premier and the Treasurer, *Victoria — Leading the Way*. We have seen the reaction from the business community to that statement, and now the reaction from all sectors in the community — whether in the economics field, in the media or in the welfare sector — has been positive. People are pleased with the combination of a strong economic and solid policy platform for Victorian families. I am pleased to be part of this government, and I am looking forward to a much stronger budget in the year to come.

Mr BRUMBY (Treasurer) — It has been a long and very positive budget debate. At the outset I want to thank the member for Burwood, who is the Parliamentary Secretary for Treasury and Finance, for doing a fantastic job through this debate and for his assistance to me in the preparation of the budget.

This year we have had a record number of speakers on the appropriation debate, with 70 speakers from both sides of the house. It shows that the budget is obviously an important document, but it is equally important that the house has a full and proper, constructive debate about it. A variety of views were put in this debate, and

I thank the 70 members who contributed. A number of speeches shone out. On the opposition side the speech by the member for South-West Coast was a positive contribution and stood in stark contrast to the contribution from the member for Malvern.

The features of the budget, of course, include assistance for first home buyers, tax reductions, the abolition of mortgage duty, reductions in land tax, the business package *Victoria — Leading the Way* and, of course, the emphasis on families. It is noteworthy that this budget puts families first, and a similar theme was identified in the recent federal budget. The priority we have given to families is the right one for Victoria and has provided some leadership for Australia.

I conclude by again saying that it was a good debate. Seventy speakers is a record number. I commend the Appropriation (2004/2005) Bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

STATE TAXATION ACTS (TAX REFORM) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

As honourable members are aware, in the state budget handed down on 4 May, the government announced that it would introduce significant changes to the Victorian taxation system that would deliver benefits to all Victorians. Earlier, on 20 April, the government issued its economic statement *Victoria — Leading the Way*. That statement, widely acclaimed by the business community, announced over \$1 billion in land tax cuts over the next five years. The principal objective of this bill is to make the necessary amendments to the taxation laws to implement these commitments.

The Land Tax Act 1958 is amended to give effect to the most significant reductions in land tax for a generation. In the business statement, the government acknowledged that property values had risen strongly across Australia in recent years. While this has benefited many individuals and businesses, it has also put upward pressure on the land tax burden faced by many Victorians. The bill effects an increase in the

tax-free threshold by a further \$25 000 to \$175 000. Amendments to the Land Tax Act will also implement the upward adjustment over two years to the land tax brackets between \$675 000 and \$1 080 000, announced in the economic statement. Most significantly, the top land tax rate is reduced from 5 per cent to 3.5 per cent by 2006–07, with a further reduction to 3 per cent by 2008–09. As a result of these reforms, approximately 24 000 Victorians will no longer be required to pay land tax and an additional 21 000 will receive land tax relief.

As announced in the budget, from 1 May Victorian first home buyers will be paid an additional \$5000 first home bonus for any home purchase up to \$500 000. This bonus is additional to the government's first home owner grant (FHOG) and makes Victoria the only jurisdiction to have increased the grants to first home owners — from \$7000 to \$12 000. This will give a significant helping hand to Victorian first home buyers affected by buoyant property prices. The grant will apply until 30 June 2005. Access to the current first home buyer concession in the Duties Act 2000 will be suspended while the more generous additional grant is in place. Provision is made for any person who would have been eligible for the conveyance duty concession but who would fail to meet the FHOG eligibility criteria to receive the \$5000 first home bonus.

The government recently announced a range of significant additional assistance for pensioners and concession card holders. The Duties Act provides an exemption and concession from duty in respect of a transfer of dutiable property to an eligible concession card holder. This government last increased the thresholds for this duty exemption and concession with effect from 1 July 2002, to \$150 000 (for a maximum concession) and \$200 000 (for a partial concession). These thresholds will again be increased.

The threshold for an exemption from duty for eligible pensioners is increased from \$150 000 to \$250 000 for contracts entered into on or after 1 May 2004. The thresholds of the concession currently available to eligible pensioners, where the dutiable value of the property is between \$150 000 and \$200 000, are increased to \$250 000 and \$350 000 respectively. This will apply to contracts entered into on or after 1 May 2004.

Since this government has taken office, it has provided business tax relief of over \$1 billion, including cutting payroll tax, abolishing land tax for tens of thousands of Victorians, abolishing duty on on-market and off-market share transactions, abolishing lease duty, financial institutions duty and abolishing mortgage duty

from 1 July 2004. Since 1999 Victoria has gone from being the state with the highest number of business taxes to having the equal lowest. The government is also committed to ensuring that the state taxes operate in a fair and equitable manner and that taxpayers are not burdened by unnecessary complexities.

To this end, changes will be made to the Duties Act 2000 and to the Pay-roll Tax Act 1971 to improve compliance and to better align provisions with those operating in all other jurisdictions.

From 1 January 2005 employment agencies will be liable for payroll tax for their on-hired workers, rather than the clients of the agencies. This measure will reduce confusion concerning who is liable for payroll tax in respect of wages paid to agency workers.

An exemption from payroll tax will apply to wages paid in respect of workers on-hired to a client that is exempt under section 10 of the Pay-roll Tax Act 1971. Not-for-profit group training companies, which on-hire apprentices and trainees to host clients, will also be exempt from payroll tax in respect of those employees.

An existing exemption for employment agency staff on-hired for less than eight days per month will be repealed as part of the new provisions.

The changes will make Victoria's provisions generally uniform with those applying in other jurisdictions, which will ensure that the same rules apply for all employment agency wages. Payroll tax liability will also be in line with the usual employer-employee relationship — that is, the agency as the employer will be liable for the tax on the wages it pays to the worker rather than a client being deemed liable to pay the tax when it is not subject to a contractual obligation to pay the worker. Compliance will be simplified and improved and the rules concerning liability will be clearer. Revenue leakage will also be prevented.

The 1 January 2005 commencement of these provisions will give taxpayers time to adjust to the new arrangements.

Amendments will be made to the Duties Act 2000 that will empower the Commissioner of State Revenue to obtain from taxpayers an independent valuation of dutiable property when a complex transaction takes place. This proposal seeks to overcome revenue leakage and a lack of clarity under the existing legislation as to the relative value of dutiable and non-dutiable property in a transaction by putting in place clear valuation requirements. The provision is modelled on those existing in other jurisdictions.

This measure will improve the ability of the commissioner to ensure the appropriate amount of conveyancing duty is paid. Specific requirements for providing an up-to-date valuation will not increase compliance costs for taxpayers. The provisions will not apply to ordinary transactions but will normally only be utilised in respect of complex business transactions. Prudent purchasers and lenders will require valuations before a transaction is completed. The powers will improve the State Revenue Office's access to these valuations. These provisions are supplemented by improved anti-avoidance measures. These provisions will come into effect in relation to transactions that occur on or after 1 July 2004.

Further, the rules for calculating the duty on high-value property transactions conducted through private companies and trusts are to be revised in light of current business practices, which have the effect of reducing taxation liabilities. The amendments to the land-rich tests will apply from this day.

The fundamental basis of stamp duty is that changes in beneficial ownership in land, however achieved, are subject to conveyance duty. For reasons of equity and revenue protection, it is essential that duties are applied equitably and effectively.

The amendments to the land-rich tests will ensure that an appropriate amount of tax is collected on all transactions in property involving land.

These changes comprise the best features of comparable provisions applying in other jurisdictions.

The following changes will be made to the existing tests:

the land proportion test, as a percentage of total holdings of the land corporation, will reduce from 80 per cent to 60 per cent for both companies and trusts;

the acquisition test for a private company and a wholesale unit trust will reduce from a majority interest to 50 per cent or more, and for a private unit trust the acquisition test will be reduced to 20 per cent or more;

the test for indirect ownership of property through subsidiaries will reduce from 50 per cent to 20 per cent or greater and will be based on the cumulative percentage of each entity;

listed companies and trusts and public unit trusts will continue to be exempt from duty;

there will be an exemption from the provisions for a trust which is declared by the Commissioner of State Revenue to be a 'declared public unit trust';

the number of unit holders for a trust to qualify as a public unit trust will increase from 50 to 300, with a maximum 20 per cent holding by any associated person;

wholesale unit trusts will be exempt from the land-rich provisions unless an interest exceeding 50 per cent is purchased. Control tests will distinguish wholesale trusts from private unit trusts, based on holdings of particular investors and the value of property held in the trust;

registration provisions will require certain types of private and wholesale trusts to register with the State Revenue Office;

an anti-avoidance provision will apply to overcome schemes to circumvent the provisions. This will be further reinforced by joint and several liability provisions on both the acquirer and the corporation in which the shares/units relate;

the conversion of private unit trusts into public unit trusts as part of a sale arrangement and takeovers of public unit trusts effectively converting them to private unit trusts will in specified circumstances also be dutiable; and

certain unit buybacks, where legislated criteria are met, will not trigger a duty liability.

The provisions have been designed to ensure that small investors and purchasers of units in public unit trusts will not be affected by the changes. The new regime will also impose no real change for superannuation funds or most small business.

The changes reflect the government's commitment to a taxation system that is fair and equitable, and I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 27 May.

OMBUDSMAN LEGISLATION (POLICE OMBUDSMAN) BILL

Second reading

Mr BRACKS (Premier) — I move:

That this bill be now read a second time.

This government is committed to maintaining the highest standards of integrity within the Victoria police force. Our current system of internal police investigation, coupled with the investigative powers of the Ombudsman has led to Victoria achieving these standards.

The initiatives in the bill before the house will further strengthen the powers of the Ombudsman to investigate police and ensure that Victoria retains a police force that operates in accordance with the highest ethical standards.

The purpose of the bill is to amend the Ombudsman Act 1973, the Police Regulation Act 1958 and the Whistleblowers Protection Act 2001. This bill will:

1. create the new office of police ombudsman; and
2. broaden the powers of investigation into police matters and conduct.

The bill will amend the Ombudsman Act 1973 to establish a new office of police ombudsman. The Ombudsman will fill this office. The police ombudsman will have all the functions of the office of deputy ombudsman (police complaints), which will be abolished. This reform will ensure that the Ombudsman has clear and sole authority in the investigation of police matters.

The Police Regulation Act 1958 will set out the powers of the police ombudsman. Currently the Ombudsman has the power to instigate an investigation in his general jurisdiction, but not in relation to police. The investigative powers of the deputy ombudsman (police complaints) are only triggered by an official complaint from the public.

This bill amends the Police Regulation Act 1958 to enable the police ombudsman to conduct an investigation on his or her 'own motion'. The investigation may be into the conduct of a member of the force or any of the policies, practices or procedures of the force.

In 1998, the Evidence Act 1958 was amended to give royal commissions additional powers. This bill will

provide the Ombudsman with some of the additional powers given to royal commissions in 1998.

The bill will extend sections 19A and 19B of the Evidence Act to investigations conducted by the police ombudsman. These provisions clarify the extent of the police ombudsman's investigative powers and the exclusion of the public, as provided by that act, from any hearing that the police ombudsman may hold in relation to an investigation.

It is the intention of the bill to abrogate the protection against self-incrimination in certain circumstances. This reform is consistent with the provisions applicable to royal commissions under section 19C of the Evidence Act.

Where the police ombudsman certifies in writing that the provision of information in relation to an investigation is necessary in the public interest, it will not be a reasonable excuse for a person to fail to provide that information on the ground that it may tend to incriminate that person. The police ombudsman's certification will be conclusive.

In determining whether to provide a certification, the police ombudsman may take into account whether the investigation involves the review of established procedures of the police force. He may also consider whether it is unlikely that the information could be obtained by other means.

Any information provided in circumstances where the police ombudsman has issued a certificate is inadmissible in judicial proceedings against the person providing the information, except for offences relating to the provision of that information, such as perjury.

Royal commissions currently have the power to enter and inspect premises and to take possession of any relevant document that they deem is reasonably necessary. Consistent with these powers, the police ombudsman will be granted certain powers of entry, search and seizure, subject to obtaining a search warrant from a magistrate.

I now wish to make a statement under section 85 of the Constitution Act 1975 of the reasons for altering or varying that section pursuant to this bill.

Clause 19 of the bill inserts a new section 129A(2) in the Police Regulation Act 1958. It will provide that it is the intention of section 86J of the Police Regulation Act 1958, as that section applies on or after the commencement of the bill, to alter or vary section 85 of the constitution.

Section 86J of the Police Regulation Act 1958 currently limits the liability of the deputy ombudsman (police complaints) and the capacity for any person to bring proceedings against the deputy ombudsman, to those acts that are done in bad faith. It also limits the scope of orders that may be made by a court in relation to the deputy ombudsman and prohibits the deputy ombudsman from being called to give evidence.

The bill will make consequential amendments to section 86J by replacing the references to the office of deputy ombudsman with references to the office of police ombudsman. As the police ombudsman will be performing the current functions of the deputy ombudsman it is necessary that the protection afforded to the deputy ombudsman under the current law, also be provided to the police ombudsman.

By extending the investigative powers of the police ombudsman and the circumstances in which he or she can obtain information, the bill will also indirectly extend the application of section 86J. In order to be effective, the broader investigative scope contained in the bill must be covered by the protection offered under section 86J. The exercise of the police ombudsman's broader jurisdiction may otherwise be prohibited by numerous legal challenges and proceedings on grounds other than that currently provided in the legislation.

Finally, the bill will make certain amendments to the Whistleblowers Protection Act 2001. Currently, the Whistleblowers Act provides that the deputy ombudsman (police complaints) may investigate certain complaints in relation to any member of the police force under the whistleblowers scheme. The amendments will ensure that the powers available under that act to investigate police matters will be consistent with the additional investigative powers to be provided under the Police Regulation Act 1958.

I now wish to make a statement under section 85 of the Constitution Act 1975 of the reasons for altering or varying that section pursuant to this bill in relation to the Whistleblowers Protection Act 2001.

Clause 26 of the bill will insert a new section 110(2) in the Whistleblowers Protection Act 2001. It will provide that it is the intention of section 107 of the Whistleblowers Act, as amended by clause 25 of the bill, to alter or vary section 85 of the Constitution. Section 107 of the Whistleblowers Act currently provides for the protection of the deputy ombudsman (police complaints) in relation to legal proceedings in a similar manner to that of the Police Regulation Act 1958.

The bill will make consequential amendments to the Whistleblowers Act by replacing the references to the office of deputy ombudsman with references to the office of police ombudsman. It is necessary therefore that the police ombudsman be protected in the same manner as the deputy ombudsman has been, as he or she will be performing the same functions as the deputy ombudsman.

The bill will also indirectly extend the application of the protection afforded in relation to legal proceedings under section 107 by extending the investigative powers of the police ombudsman and the circumstances in which he or she can obtain information. In order to be effective, the police ombudsman's use of the broader investigative provisions in the bill must be covered by the protection offered by section 107. The exercise of the police ombudsman's broader powers may otherwise be significantly hindered by numerous legal challenges and proceedings on grounds other than that currently provided in the Whistleblowers Act.

As all members will, of course, agree, that it is vital that Victoria maintain a police force of the highest ethical standards, they will all welcome this bill, which fulfils the government's commitment to ensure the highest standards of integrity and professionalism in Victoria's police force.

I commend this bill to the house.

**Debate adjourned on motion of Mr DOYLE
(Leader of the Opposition).**

Debate adjourned until Thursday, 27 May.

HEALTH SERVICES (GOVERNANCE AND ACCOUNTABILITY) BILL

Second reading

Ms PIKE (Minister for Health) — I move:

That this bill be now read a second time.

This bill is designed to further improve the governance of public health services and hospitals, and to reinforce the government's policy of ensuring that public health services and hospitals are, and remain, publicly operated. It is also designed to facilitate the reorganisation of public health services and public hospitals when this is necessary in the public interest.

In recent years, there has been increasing recognition of the importance of good governance of both public and private sector organisations.

Essentially, the term 'governance' refers to the way in which organisations are structured, operated and controlled to achieve their strategic goals, and maintain sound relations with their stakeholders. Governance is also about fostering organisational accountability and the highest standards of organisational behaviour.

Our public health services and hospitals are among the most important institutions in this state. They hold a very special place in the hearts and minds of all Victorians. Public hospitals range from the small country hospitals that play an essential role in rural communities, through to the major teaching hospitals that are centres of excellence in patient treatment and care, and clinical research.

The government believes that a humane and compassionate society ensures equal access to health care for all its citizens, based on clinical need rather than the individual's ability to pay. The assurance that comes from knowing that quality health care is available when illness or misfortune strikes us, or our loved ones, is of inestimable value to each and every one of us. It demonstrates, in the most practical way possible, that each individual is cared for, and valued, as a member of our community.

Therefore the Victorian government is resolutely committed to Medicare and the public health system, which must remain accessible to all. Public hospitals remain the cornerstone of Medicare, providing treatment and care free of charge to all persons who elect to be public patients.

The governance of public health services and hospitals is a particularly complex and demanding task. Collectively, these agencies absorb a large proportion of the state budget overall. They face significant challenges due to increasing demands for health services, rapidly changing technologies and increasing consumer expectations. Under the Medicare principles, they must provide timely treatment and care to all public patients. It is therefore essential that appropriate governance arrangements are in place for all of our public health services and hospitals.

In 1999, the government took important initial steps towards enhancing the governance of health services by commissioning the ministerial review of health care networks chaired by Professor Stephen Duckett. That review made recommendations about the configuration of health services in the metropolitan area, and the governance of those agencies, which were implemented on 1 July 2000.

In 2003, to build on the work of the ministerial review of health care networks, the government established a panel to advise on ways to further enhance the governance and accountability of both metropolitan health services and certain large regional public hospitals. The Victorian public hospital governance reform panel comprised Ms Gabrielle Kibble AO (who chaired the panel), Mr Bernie McKay and Mr Syd Bradley, MBE. The panel was ably assisted by its executive officer, Dr Tia Negerevich of the Department of Human Services.

The panel consulted with board members and chief executive officers of metropolitan and regional hospitals and other key stakeholders, and produced a report containing recommendations for changes to the Health Services Act and to administrative practice.

I wish to record the government's thanks to the members of the panel, and to all those who assisted the panel, for their efforts.

Like the ministerial review of health care networks, the governance reform panel concluded that the current organisational model of metropolitan health services (that of public statutory authorities governed by boards comprising individuals drawn from the community) was basically sound.

However, it identified some additional opportunities for enhancement of the governance arrangements for metropolitan health services and large regional public hospitals. This bill implements the panel's recommendations for legislative change.

I will now turn to the provisions of the bill.

This bill contains amendments to the Health Services Act to:

- introduce a new class of public hospital to be known as a 'public health service' which will apply to public hospitals in the metropolitan area and also to certain specified regional public hospitals;

- establish consistent governance and accountability arrangements for all public health services;

- clarify the roles and responsibilities under the act of the boards and the chief executive officer of a public health service, the minister, and the secretary of the Department of Human Services;

- establish a new instrument for ensuring accountability of public health services, to be known as an annual statement of priorities;

ensure that our public hospitals remain publicly operated by repealing or sunseting current provisions of the act with respect to privately operated hospitals; and

enable the reorganisation of public hospital services to ensure that these services are provided effectively, efficiently and economically and in accordance with the other objectives of the act.

Implementing the recommendations of the governance reform panel

The panel noted that different governance arrangements apply to metropolitan health services and those large regional public hospitals that were within the scope of its review. It recommended that identical governance structures should apply to all of these agencies.

To implement this recommendation, the bill will change the status of these particular agencies by creating a new class of public hospital entity under the Health Services Act known as a 'public health service'. All of the metropolitan health services and the five regional public hospitals designated in the bill (namely, Barwon Health, Ballarat Health Service, Bendigo Health Care Group, Latrobe Regional Health and Goulburn Valley Health) will become public health services.

This is merely a change of status under the act. It will have no impact on the staff of these agencies, or the services that they provide.

Under part 12 of the bill, a body remains the same body despite its change of status or classification under the act, or the fact that it is established under, and governed by, different provisions. For example, the incorporation of these bodies is not cancelled, but is to continue unaffected. The overall effect of this part is to ensure that the property, rights and liabilities of a body subject to this part, and the eligibility or entitlement of such a body to benefit from a trust, are not disturbed despite its change of status under the act.

However, this change will mean that these large regional public hospitals are subject to the same governance arrangements as their metropolitan counterparts.

The bill also recognises that, in future, if their circumstances change, it may be appropriate for additional regional public hospitals to be reclassified as public health services. Therefore, it also enables other designated rural or regional public hospitals to change their status and become public health services, where this is desirable from time to time.

The panel identified a lack of clarity and no shared understanding about the respective functions of the parties that play principal roles in the governance of the public hospital sector overall; namely, the boards and chief executive officers of health services and hospitals, the Minister for Health and the Department of Human Services. It recommended that the roles and responsibilities of these parties should be specified in the Health Services Act.

The bill implements this recommendation, with some modifications that ensure that the changes fit within the existing structure of the act.

To clarify the performance expectations of public health services, the panel recommended the development of a new high level and focused accountability instrument that clearly sets out the agreed performance expectations of each public health service.

The bill implements this recommendation by enabling a statement of priorities for each public health service.

To assist the government to take timely remedial steps to assist hospitals that may be experiencing difficulties, the panel recommended that the minister should have the capacity to appoint one or two delegates to the board of a public health service. It also recommended that the act should enable the minister to issue written directions to boards, and should enable external audits of public health services to be commissioned when necessary. The bill implements these recommendations.

The role of a delegate is to assist the board and to be a conduit between the board and the minister. The delegate will not be a board member, and therefore will have no decision-making authority. However, the board will be able to take advice or information provided by a delegate into account in making its decisions. The delegate will have access to all material that is available to the board, and will have the capacity to provide information he or she obtains in that capacity to the minister or the secretary.

The bill enables the Minister for Health to give written directions to a board of a public health service or public hospital for the purpose of giving effect to the objects of the act, where the minister considers that such a direction is in the public interest.

Before issuing a direction, the minister must consult the board of the agency that will be affected. The bill provides that a minister must not give directions about the health care or services provided or proposed to be

provided to an individual, or the employment of an identified person.

There is a clear public expectation that the government will respond appropriately to legitimate concerns about financial management, patient care, efficiency and similar matters that, from time to time, are raised about public health services or hospitals.

When such concerns are raised, an external audit may be appropriate to ascertain the true state of affairs and identify whether there are issues that require attention, or simply to 'clear the air' and assist in restoring public confidence in the organisation.

Therefore, the bill empowers the Secretary of the Department of Human Services to appoint external auditors who have appropriate knowledge and expertise for the particular task at hand to carry out audits of agencies, when this is in the public interest. The terms of reference for an audit will define the parameters of the auditor's role.

As recommended by the panel, the bill enables the secretary of the Department of Human Services to approve the terms and conditions of employment of public health service chief executive officers, including the criteria for the payment of any performance bonus. This will ensure that, in future, the terms and conditions of employment of all chief executive officers will be consistent with the whole-of-government standards for executive employment in public authorities, as determined by the government sector executive remuneration panel.

A significant issue identified by the panel is the tension that can exist between the duty of boards to act in the interests of their particular health service, in circumstances where this may conflict with the interests of the wider public hospital sector. The panel recommended that boards and chief executives of public health services should have explicit capacity under the Health Services Act to make decisions that take into account the interests of the wider public hospital sector. The bill implements this recommendation.

Although the panel's report focused on 'public health services', it is clearly important to ensure that appropriate statutory accountability mechanisms are also in place for other regional and rural public hospitals. Therefore, the capacity to appoint delegates to boards, the ministerial directions power, the audit provisions and the secretary's power to approve the terms and conditions of employment of chief executive

officers apply to both public health services and public hospitals under this bill.

Ending privatisation of public hospitals

An important feature of this bill is that it implements the government's policy of ensuring that public hospitals remain publicly operated.

The bill provides that no further agreements can be made under section 69B of the act to create privately operated hospitals. This will not apply to agreements in relation to the new Mildura Base Hospital, which is currently a privately operated hospital.

The bill also repeals division 7 of part 3 of the act, which enables agreements for the management of public hospitals by the private sector as a precursor to transforming them into privately operated hospitals.

Enabling the reorganisation of public health services and public hospitals

A clear theme underpinning the governance reform panel's report is that the government of the day must have the ability to plan public hospital services to ensure that they meet the changing health needs of Victorian communities effectively and efficiently.

As has been demonstrated over the past two decades, from time to time, this necessarily entails reorganising public health services and hospitals, in order to better equip them to meet new management challenges and service demands, and to ensure equitable access to health services for growing populations.

From its inception in 1988, the Health Services Act has enabled the Governor in Council to make orders in council effecting the amalgamation of public hospitals and other registered funded agencies, when this is required in the public interest. Since the 1980s, various public hospital amalgamations have occurred, resulting in numerous multicampus public health services and hospitals in metropolitan, regional and rural Victoria.

The government has recently announced that it intends to disaggregate Women's and Children's Health into two specialist stand-alone public health services that will continue to deliver the highest standards of care to Victorian women and children.

This organisational change will assist in achieving the completion of a major government project on time and on budget — a state-of-the-art new women's hospital — by establishing a separate board and chief executive officer for the Royal Women's Hospital that can focus specifically on this critical and complex task.

It will also enable the board and chief executive officer of the Royal Children's Hospital to concentrate exclusively on delivering high quality care to children, and on planning for the future redevelopment of the Royal Children's Hospital.

One of the key objectives of this bill is to facilitate the proposed organisational change to Women's and Children's Health efficiently and effectively.

Therefore proposed new part 13 of this bill will enable the creation of successor 'public health services' and the allocation of property, rights, liabilities and staff of Women's and Children's Health to these successor agencies.

However, part 13 is not limited to enabling the reorganisation of Women's and Children's Health. It will also enable the reorganisation (that is, disaggregation in whole or part) of other multicampus public health services or public hospitals, and the transfer of their property, rights, liabilities and staff to successor agencies, should this be required at some time in the future. These provisions will complement the existing provisions of the act that enable the amalgamation of registered funded agencies, when required from time to time.

Proposed new part 13 of the bill is modelled on the transitional provisions contained in part 9 of the Health Services Act. Those provisions were used to effect the disaggregation of the former health care networks and the transfer of their property, rights, liabilities and staff to successor metropolitan health services in 2000.

Proposed new part 13 will enable various different reorganisation scenarios to occur such as allocation of the property, rights, liabilities and staff of an existing 'transferring' agency to one or more newly created successor agencies or existing agencies, and cancellation of its incorporation where appropriate.

In each case, a transferring agency and a receiving agency must be a public health service or a public hospital.

Accordingly, proposed new part 13 of the bill enables the Governor in Council, on the recommendation of the Minister for Health, to make a range of orders in council that may provide for, among other things:

the creation of one or more new public health services or public hospitals, and the transfer of identified property, rights, liabilities and staff of a disaggregating (transferring) public health service or public hospital to it or them;

the appointment of first boards, acting chief executive officers, and first bylaws of new entities, in circumstances where new entities are created;

the transfer of identified property, rights, liabilities and staff of a public health service or public hospital to an existing public health service or public hospital;

the appointment of an administrator or administrators to facilitate the change process; and

a clear 'chain of succession' in relation to transferred property and rights and liabilities.

Proposed new part 13 also provides a mechanism to enable the transfer of staff between agencies, with all of their rights and entitlements preserved and with continuity of service.

Trusts

This bill also contains provisions to preserve the operation of trusts, and to transfer their application to the appropriate successor of an agency that is reorganised under proposed new part 13.

This means that the successor agency will be eligible or entitled to benefit from a trust. It is intended to ensure that a trust does not fail simply because of the changes to the legal structures which govern public health services or public hospital services. Donations for public health care can therefore continue to be used for the benefit of the community.

Over time there have been a series of alterations to the corporate status of public hospitals within Victoria. The act contains provisions to ensure that, whenever this occurs, trusts in relation to that agency are to be applied in favour of its successor.

For instance, where a trust was created in relation to an agency which was amalgamated, and there has been a sequence of subsequent amalgamations or aggregations involving any of the various successors of that agency, the ultimate successor of all of these 'former agencies' is able to benefit under that trust.

The act provides that the agencies now in existence are, for the purposes of trusts, the successors of the agencies that they immediately replaced, and also of all of the former agencies that, at any time, were amalgamated, as part of the chain of succession leading up to their creation.

Further, in 2000 the act was amended specifically to enable the restructuring of the 7 former health care

networks (metropolitan hospitals) and the creation of 12 successor agencies known as metropolitan health services. Under division 5 of part 9 of the act, four of these networks were transformed into successor metropolitan health services. The act currently provides that all trusts in relation to each of those particular networks (and their former agencies) are to be applied in favour of their successor metropolitan health services.

However, three networks were disaggregated and were succeeded by a number of different designated successor agencies. It was not appropriate for the act to enable only one successor metropolitan health service to succeed an entire disaggregating network for the purposes of trusts. Therefore ss 214 and 215 of the act enabled the making of orders in council designating appropriate successor agencies for the purposes of trusts or specified classes or categories of trusts in relation to the former networks, their various campuses and all of their former agencies.

The current bill builds upon all these provisions by applying a similar model in relation to the reorganisation of agencies. It is intended that these provisions will further build on the chain of succession for public hospitals which has been established pursuant to the act as a consequence of previous change processes and which provides for trusts to be construed accordingly.

Therefore proposed new section 266 enables the Governor in Council to make orders designating an agency as the successor of a designated agency that is being reorganised (a transferring agency) for the purposes of any trust or class or category of trusts in relation to that transferring agency. This will ensure that trusts specified in that order in relation to the transferring agency (or in relation to the bodies that it succeeded for the purposes of a trust) are to be applied in favour of the successor agency specified in the order.

The bill provides that regard must be had by the minister to the campuses which are to be operated by the proposed successor agency in recommending that such an order be made. This is intended to enable trust funds or property to 'follow the campus'.

Section 5A of the act will continue to apply to all trusts which are applied in accordance with this act. This makes it clear that if the person who has created the trust specified the particular purposes of the agency for which the trust was created, such as the treatment of children, then the trust may only be applied to the successor agency for a similar or corresponding purpose.

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

I wish to make a statement under section 85(5) of the Constitution Act 1975.

Clause 51 inserts new sections 243 and 270 into the Health Services Act 1988. Sections 243 and 270 respectively provide that nothing done under proposed new part 12 or 13 gives rise to any cause or right of action or application before any court or tribunal.

Clause 49 inserts a new section 157H which provides that it is the intention of sections 243 and 270 to alter or vary section 85 of the Constitution Act 1975.

The reason for altering or varying section 85 is to ensure that nothing done under part 12 or 13, including the following —

- the reclassification (change of status) of metropolitan health services and designated public hospitals as 'public health services';

- the creation of new public health services or public hospitals;

- the reorganisation of public health services or public hospitals;

- the allocation of property, rights and liabilities and trusts and the transfer of staff;

- the appointment of an administrator to a public health service or public hospital; or

- the cancellation of incorporation of a public health service or public hospital —

is delayed or prevented by legal proceedings.

This provision is considered necessary to enable the change of entity status or reorganisation of public health services or public hospitals to proceed in an effective and coordinated manner, and without disruption to the provision of health services.

Conclusion

This important bill will further improve the governance of Victoria's public health services and hospitals.

I commend the bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until Thursday, 27 May.

AMBULANCE SERVICES (AMENDMENT) BILL

Second reading

Ms PIKE (Minister for Health) — I move:

That this bill be now read a second time.

The bill provides the foundation for excellence in governance for all three of Victoria's ambulance services. In so doing it addresses problems identified by the Metropolitan Ambulance Service royal commissioner in the governance arrangements under the current Ambulance Services Act.

The proposed new governance provisions are modelled on those recommended for major metropolitan and regional health services by the Victorian public hospital governance reform panel established by the government last year. The reforms recognise that the ambulance services are major health service providers by aligning the governance provisions of the Ambulance Services Act to those applying to public hospitals under the Health Services Act. The bill establishes the foundation for best practice accountability and governance arrangements.

In summary, the bill provides that the Minister for Health be given new powers in relation to ambulance services to take remedial steps for the purpose of assisting the board of an ambulance service, if necessary, to improve its performance. In particular, the bill provides that the minister be given a power to appoint a delegate to the board of an ambulance service and a broad power to issue directions to boards.

Each ambulance service will be required to work with the Secretary of the Department of Human Services to develop an annual agreed statement of priorities. The statement of priorities will represent an agreement between the minister and the ambulance service on the key performance expectations for the ambulance service and the measures against which its performance may be judged.

The bill provides that an ambulance service is not required to enter into a statement of priorities if the service's annual revenue is less than an amount to be prescribed. It is the government's intention that the Metropolitan Ambulance Service and Rural Ambulance Victoria will be required to enter into a statement of priorities but that the Alexandra and District Ambulance Service will not be required to do so, given the relatively small size of this service.

Of course the community has a right to expect that appropriate governance and accountability structures are in place for all ambulance services, including the Alexandra and District Ambulance Service, and it is for this reason that the government is also proposing to make other changes to the governance arrangements for this service.

The bill includes amendments in relation to the Alexandra and District Ambulance Service. This service provides ambulance responses in the towns and surrounding areas of Alexandra, Eildon and Marysville. Formed in 1948, the Alexandra and District Ambulance Service has a long history of service to the community. These services are dependent upon the dedication of the members of the community who volunteer substantial amounts of their time to train and respond to calls for assistance. I wish to particularly acknowledge these volunteers and offer them the government's thanks for their commitment to their communities and the generosity of spirit that underpins the work of Alexandra and District Ambulance Service.

While the structure of the Alexandra and District Ambulance Service as an unincorporated association may have been appropriate when it was formed more than 50 years ago, it is not appropriate today. The Alexandra and District Ambulance Service, although a largely volunteer service, is nonetheless part of the public emergency ambulance services. It has the same privileges as the other public ambulance services, including providing and charging for emergency responses, identifying itself as an ambulance service and using emergency lights and sirens. It is clearly time for the governance and accountability structures for the Alexandra and District Ambulance Service to be equivalent to those that apply to our other public ambulance services.

To this end, the bill includes provisions to repeal the special provisions that currently apply solely to the Alexandra and District Ambulance Service under section 23 of the act. Subsections 23(8) through to 23(11) of the act provide that an order to abolish this ambulance service (and only this ambulance service) must be tabled in Parliament and may be disallowed by either house of Parliament. The bill repeals these provisions.

The government's intention is to enable the Alexandra and District Ambulance Service to be reformed as a new incorporated ambulance service under the act. The legal structure of the Alexandra and District Ambulance Service will change but the volunteer nature of the service will continue and the property and assets that belong to the Alexandra and District Ambulance

Service will remain in their current location. Once the new incorporated ambulance service is formed, it will have an appointed board of directors rather than an elected one. The government will seek the input of the existing board and the local community prior to formulating recommendations for appointments to the board.

The amendments in relation to the Alexandra and District Ambulance Service herald a new beginning for the service and recognise its place as a public ambulance service subject to the same level of accountability and good governance the community has a right to expect of all of its public ambulance services.

The bill clarifies the role of the Secretary of the Department of Human Services in relation to all of Victoria's ambulance services and extends the department's auditing powers.

A range of other technical amendments are also proposed to ensure better accountability and the timely sharing of information and address deficiencies in the act noted by the royal commissioner.

The bill also recognises that while good governance provides the foundation for excellence, the public face and core of our ambulance services are the paramedics and ambulance community officers who respond to our calls for help in an emergency. It is an unfortunate reality that ambulance personnel are being subjected to increasing rates of assault and obstruction. Any interference with a paramedic endangers not only the paramedic but the patient as well, particularly given the time critical nature of many ambulance responses.

The bill provides for a new offence provision to be included in the Summary Offences Act 1966. This new provision will render it an offence to hinder, obstruct or assault operational ambulance personnel. The provision fulfils the public assurances given by the Premier in October 2003 following a series of attacks on paramedics. The bill also amends the Ambulance Services Act 1986 to further strengthen the power of police to remove from the scene of an emergency any person interfering with the work of the ambulance service and makes it an offence to wilfully make a false report to an ambulance service.

The bill also extends the regulation-making power under the act to enable regulations to be made to limit the extent to which the word 'paramedic' may be used on vehicles operated by a person required to hold a licence under the Non-Emergency Patient Transport Act 2003. The new Non-Emergency Patient Transport Act 2003 recognises the important role of such

providers of non-emergency transport services and the need to ensure the services they provide are safe. These non-emergency transport services perform a key role in the health sector that is distinct from the work of the public emergency ambulance services.

In the interest of public safety, it is important to ensure that the vehicles belonging to the public ambulance services remain distinct, highly visible and easily recognisable. In an emergency situation there is a need to quickly identify the staff and vehicles of an ambulance service (and not confuse them with those of a private provider) so that the emergency can be managed most effectively and efficiently. It is for this reason that the bill includes a provision to extend the regulation-making power under the act to include a power to regulate the use of the word 'paramedic' on vehicles operated by a person required to hold a licence under the Non-Emergency Patient Transport Act 2003.

I commend this bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until Thursday, 27 May.

MENTAL HEALTH LEGISLATION (COMMONWEALTH DETAINEES) BILL

Second reading

Ms PIKE (Minister for Health) — I move:

That this bill be now read a second time.

The Mental Health Legislation (Commonwealth Detainees) Bill makes important amendments to the Mental Health Act and the Crimes (Mental Impairment and Unfitness to be Tried) Act, to provide for persons found not guilty of federal offences due to mental illness.

The Crimes (Mental Impairment and Unfitness to be Tried) Act provides for persons who are found not guilty of a Victorian offence because of mental impairment. Such a person who is ordered by a court to be detained in an approved mental health service is called a 'forensic patient'.

The Mental Health Act sets out when persons may be treated for mental illness without their consent, including the provision of involuntary treatment to forensic patients.

These acts provide a comprehensive regime for forensic patients detained under Victorian legislation.

Persons charged with federal offences in Victoria must be dealt with in accordance with the Commonwealth Crimes Act. Section 20BJ of that act provides that where such a person has been found not guilty due to mental illness, the court must order the person's detention in a state prison or hospital.

A Victorian approved mental health service that detains a person pursuant to section 20BJ does not currently have the power to provide mental health treatment to that person where that person cannot or will not consent. In addition, such a person will not have access to the same rights and leave that a Victorian forensic patient would have, and there are no powers in Victorian legislation to apprehend the person should that person abscond.

The bill addresses these issues with amendments that extend the Victorian forensic mental health regime to persons detained under the commonwealth act.

Amendments to the Mental Health Act

The amendment to the definition of 'forensic patient' in the Mental Health Act will enable Victorian approved mental health services to provide involuntary mental health treatment to persons detained pursuant to the commonwealth act.

These persons will also be subject to the Mental Health Act's other provisions relating to forensic patients, including the power to apprehend and return patients who are absent without leave in Victoria.

The amendments also provide that:

persons detained under the commonwealth act will be informed of their rights under both the Victorian and commonwealth legislation; and

the Victorian chief psychiatrist cannot directly transfer such patients to another mental health service, but may recommend to the commonwealth Attorney-General that a transfer order be made under the commonwealth act.

Amendments to the Crimes (Mental Impairment and Unfitness to be Tried) Act

The bill amends the Crimes (Mental Impairment and Unfitness to be Tried) Act to provide that the forensic patient leave regime in Victoria will apply to federal forensic patients, except for extended leave. The exclusion of extended leave avoids inconsistency with the commonwealth act.

The forensic leave panel, chaired by a Supreme Court judge, may grant on-ground leave and limited off-ground leave to forensic patients. Access to such leave improves forensic patients' prospects for recovery and rehabilitation. In addition, the authorised psychiatrist can grant special leave where there are special circumstances, such as a need for medical treatment. The amendments will provide that federal forensic patients may also apply for, and be granted, these different types of leave.

Importantly, the amendments provide for a warrant to arrest a federal forensic patient who is absent without leave and leaves Victoria. This is based on the existing power in the act to arrest Victorian forensic patients who leave the state without permission.

Victoria's mental health legislation achieves the appropriate balance between the needs of mentally impaired offenders, the safety of the community and the concerns of victims.

This bill will extend Victoria's forensic mental health regime to provide for the appropriate treatment of federal forensic patients in Victoria.

I commend the bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until Thursday, 27 May.

PHARMACY PRACTICE BILL

Second reading

Ms PIKE (Minister for Health) — I move:

That this bill be now read a second time.

Regulation of the pharmacy profession in Victoria dates back to 1876 when the first Pharmacy Act was passed. That act established the Pharmacy Board of Victoria, created the Register of Pharmacists and established offences for misuse of professional titles.

Pharmacists have a long and proud tradition of providing high quality pharmacy services to the Victorian community. This state's regulatory framework provides an essential basis for safe medication practices and ensuring continued protection of the public.

The Victorian government is a strong supporter of maintaining the community pharmacy sector as a specialised provider of health services delivering

convenient access to prescription medicines and medicines advice throughout Victoria. The pharmacy sector needs to be efficiently regulated to maintain professional standards and it must be competitive on price and service to consumers.

The current Pharmacists Act was enacted in 1974. It is the last of the Victorian health practitioner registration acts to be modernised in line with contemporary regulatory policy. Many of the provisions of this bill maintain, modernise and strengthen the protections for public health and safety already found in the current Pharmacy Act.

Regulation of ownership

The current act prohibits anyone other than a registered pharmacist or a friendly society from owning a pharmacy business. It also restricts to three the number of pharmacies a pharmacist can own, and prevents a pharmacist from adopting a corporate structure. These restrictions have been subject to a national review under national competition policy.

The final report of the national review, titled *National Competition Policy Review of Pharmacy*, dated February 2000, recommended limited deregulation of the ownership arrangements for pharmacy businesses. The review recommended removing any cap on the number of pharmacies a pharmacist may own, allowing friendly societies to continue to own and operate pharmacies unrestricted, and allowing pharmacists to adopt a corporate structure to carry on their pharmacy businesses.

The Council of Australian Governments (COAG) also established a senior officials working group (SOWG) that examined the national review recommendations and, broadly, supported their implementation.

Following this COAG process, the Victorian Department of Human Services released a discussion paper in August 2002, inviting interested parties to comment on the national review and COAG senior officials working group recommendations and their implications for Victoria. The discussion paper also canvassed a wide range of other reforms proposed to bring pharmacy legislation up to date.

Twenty-four submissions were received, and extensive consultations were conducted over a number of years with parties such as the Pharmacy Guild, the Pharmaceutical Society, APESMA, the Australian Friendly Society Pharmacies Association, the Victorian Friendly Society Pharmacies Association, and of course the Pharmacy Board of Victoria. A number of concerns were raised about the proposed changes and the

potential impact these changes might have on the viability of community pharmacy.

It has been a long and complex review process conducted at both national and state levels. I would like to thank all those who contributed their views, particularly those in leadership roles in pharmacy industry groups.

Victoria was advised by the National Competition Council (NCP) in late 2003 and again on 15 April 2004 of its expectation that all states and territories implement the recommendations of the national review and the COAG senior officials working group report. Failure to comply with NCP reforms is expected to result in financial penalty. Victoria currently faces a suspended penalty of \$9.48 million for failure to demonstrate sufficient progress with implementation of NCP reforms.

Yet at the same time the Prime Minister announced he would act to prevent community pharmacy being undermined and specifically said that he would prevent chain stores like Woolworths owning or operating pharmacies within their stores.

Victoria has therefore sought clarification of the federal government's position on pharmacy regulation directly from the Prime Minister. To date this advice has not been forthcoming. However, it is expected that the advice, when received, will reflect the position adopted by the Prime Minister in relation to New South Wales, that is, provided the Victorian limit on ownership of pharmacies by pharmacists is increased to a maximum of five, the federal government is expected to restore the component of Victoria's suspended NCP payments that is attributable to implementation of pharmacy legislation reforms.

This is the position that is now reflected in the bill.

Future reforms

The federal government exercises significant control over the operation and viability of community pharmacies in Victoria via the pharmaceutical benefits scheme (PBS). Since 1990, the federal health minister and the Pharmacy Guild of Australia (PGA) have negotiated five-yearly formal agreements (the Australian community pharmacy agreement) that control the number and location of PBS-approved pharmacies.

A pharmacy or pharmacy department that wishes to dispense PBS-subsidised medicines must be approved under the National Health Act 1953. Approval numbers issued for this purpose are specific to each pharmacy

premises. It is not commercially viable to open a pharmacy without PBS approval, therefore it is the major determinant of the number and location of pharmacies in Victoria.

The purpose of this bill is to protect the public by providing for the registration of pharmacists and regulation of their practice. The bill also provides for regulation of the ownership and operation of pharmacy businesses.

In line with the federal government's determination, the bill lifts the cap on the number of pharmacies a pharmacist can own, from three to five. It does not introduce any new restrictions on the number of pharmacies a friendly society can own.

The Victorian government believes that the community pharmacy sector should become more competitive over time. However, this should not occur through sharp policy reversals or major changes to ownership rules that would result in centralised control of pharmacy chains. There is a need for a consistent federal commitment to the future of community pharmacy and action to address some of the anticompetitive arrangements that operate at the national level before further action is contemplated at a state level.

General provisions of the bill

In general terms, the bill is similar to the Medical Practice Act 1994, as updated in 2000 and 2002. There are, however, some differences.

I do not propose to outline all the provisions in detail. The provisions are designed to ensure that the pharmacy board has sufficient powers to:

- maintain a register of pharmacists with detailed information that can be accessed by members of the public via the board's web site or its office;

- register pharmacy students so that the board may regulate their participation in supervised training within the pharmacy;

- provide interim registration of pharmacists in order to streamline administrative processes;

- register non-practising pharmacists so that those who might otherwise let their registration lapse may retain ownership of their pharmacies or maintain a connection with the profession to increase the likelihood of their return to practice;

- receive and investigate notifications, conduct hearings and make findings and determinations in

- relation to practitioners who have engaged in unprofessional conduct, unsatisfactory professional performance or who may be suffering from ill health;

- make an order for the board's costs against a registered pharmacist following a formal hearing finding of unprofessional conduct of a serious nature;

- conduct, either on its own motion or in response to a notification, a performance review or a performance assessment where a pharmacist's performance may be unsatisfactory;

- require pharmacists who have not practised for two years or more to undergo retraining prior to registration or renewal of registration;

- enter and search premises with a warrant and inspect premises without a warrant when the pharmacy is open for business;

- respond to breaches of good advertising practice using its powers to deal with unprofessional conduct, rather than prosecution through the Magistrates Court.

Ownership of pharmacy businesses

Part 3 of the bill sets out the persons who are legally entitled to own or have a proprietary interest in a pharmacy business. A pharmacist will be able to own a pharmacy business either as an individual, in partnership with another pharmacist or as a director and shareholder of a corporation that is wholly owned by registered pharmacists, that is, all directors and shareholders are registered pharmacists.

However, a pharmacist or a pharmacist-owned corporation will be unable to own or have a proprietary interest in more than five pharmacies, regardless of the ownership structure through which this interest is exercised.

Friendly societies

In relation to friendly-society-owned pharmacies, there is little change to the current arrangements, except in one very important respect. The bill tightly defines what a friendly society is for the purposes of ownership of pharmacies. It makes clear that only those entities that retain a mutual structure that delivers benefits to members rather than profit to shareholders fit this definition.

If a friendly society demutualises, that is, it no longer satisfies the test of mutuality to be applied by the board, then it will no longer be defined as a 'friendly society' for the purposes of this bill and consequently, after 12 months, will be unable to own and carry on a pharmacy business. This is consistent with the national review recommendations.

Any wholly pharmacist-owned corporation that owns more than five pharmacies will be capped at its current holdings and will be unable to buy any new pharmacies in excess of the cap, but will be able to relocate an existing pharmacy business.

All friendly societies that own pharmacies in Victoria will have to continue to satisfy the mutuality test and will be required to disclose to the board on request details of structure, ownership and operational arrangements. The government will continue to monitor the friendly society pharmacy sector to ensure that it operates in a manner consistent with the role and function of friendly societies as not-for-profit mutual corporations. Action will be taken if attempts are made to use this ownership category to evade the cap on pharmacist ownership.

Regulation of pharmacy businesses

The board's powers to regulate all pharmacy businesses are to be significantly strengthened. At present the board has the power to approve the premises from which a pharmacy operates, but does not have sufficient powers to deal with proprietors of pharmacy businesses who are not registered pharmacists, such as friendly societies. These new powers will ensure that the board is well equipped to protect the standard of pharmacy services whatever the setting, the business structure or ownership arrangements.

The board's power to approve a pharmacy business will extend to the premises as well as the operation of the business and the pharmacy services provided from the premises. It will also have the power to refuse to approve or to revoke an approval of a pharmacy business if there is a serious risk to public health and safety. This is in addition to its powers to immediately suspend the registration of a pharmacist or pharmacy student if the public is at risk.

The board will also have the power to attach conditions to the approval of a pharmacy business. Since pharmacy services are subsidised from the public purse, pharmacists are expected to play an important role in the delivery of health services, including public health programs. It is intended that the board use its approval powers to ensure that the commitment to the delivery of

public health programs is maintained and enhanced, whether the pharmacist is a sole trader or working within a large corporation.

Location of pharmacies

In relation to location of pharmacies, there have, at various times in Victorian history, been pharmacies that have operated from department stores and other businesses. There is nothing in this bill, nor in the current legislation, that prevents a pharmacist co-locating within the premises of another business as long as ownership of the business is retained by the pharmacist (or wholly pharmacist-owned corporation).

It is the federal government that controls the exact location of pharmacies, through the allocation of Pharmaceutical Benefits Scheme approval. It is understood that these controls will continue to be tightly applied and that the federal government has said it will not approve expansion of supermarkets into pharmacy provision.

Given the active role that the board has taken since its inception to inspect and approve pharmacies, issue guidelines and directly address any unsatisfactory standards of practice, I am confident that this bill provides strong powers for the board to vigilantly protect the public.

Incitement of unprofessional conduct

Pharmacists are under a professional and legal obligation to provide services that are in the best interests of their clients. This includes the supply, compounding and dispensing of scheduled and unscheduled medicines. It also includes the counselling and public education that pharmacists carry out to promote the best use of medicines by the individual and the community.

The bill contains a number of provisions that are designed to protect a pharmacist from any interests or influence that might compromise or undermine professional decision making. First, the bill makes it an offence for any person or corporate entity to direct or incite a registered pharmacist to engage in unprofessional conduct. This offence is broader than similar provisions in the Medical Practice Act, in recognition of the significant non-pharmacy retail component, and the potential for the profit motive to adversely affect good pharmacy practice.

Second, the bill includes a provision that makes void any clause in a contract that gives to a person other than the owner of the pharmacy business the right to control the way the business operates or the right to receive

benefits that vary with the profits or takings of the business. This provision replicates an existing provision in the current act and simply supports and gives effect to provisions in the bill that define what it means to have a 'proprietary interest' in a pharmacy business.

These provisions, when combined with other controls, are designed to protect the public and ensure high-quality pharmacy services.

The bill provides for the approval and regulation of pharmacy departments within hospitals and public health facilities. The bill also establishes regulatory controls over the operation of a pharmacy depot. These provisions will allow the controlled provision of pharmacy services where pharmacists and their clients are separated by distance. This will allow improvements in pharmacy services in rural and remote communities under the scrutiny of the board.

Membership of the board is to be between 10 and 12 members, with provision for legally qualified and community members. Any member of the board is eligible to hold the position of president or deputy president whether or not they are registered pharmacists. This is to increase flexibility in appointments and ensure the public interest is protected.

Development of this bill has involved extensive consultation over many years. I congratulate and thank all those who have contributed to its development.

I commend the bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until Thursday, 27 May.

SUSTAINABLE FORESTS (TIMBER) BILL

Second reading

Mr CAMERON (Minister for Agriculture) — On behalf of the Minister for Environment, I move:

That this bill be now read a second time.

The purpose of this bill is to provide a framework for sustainable forest management and sustainable timber harvesting, to ensure that there are appropriate legislative mechanisms for the operations of VicForests within state forests, and to make other amendments to the Forests Act 1958 and the Conservation, Forests and Lands Act 1987. This bill is a further significant step towards this government's commitment to achieving environmental sustainability, and a more sustainable

and commercially viable hardwood forestry industry in Victoria.

The Bracks government has made considerable progress towards ensuring that our forests have a sustainable future. In those areas where the forest is used for timber harvesting it has undertaken a voluntary licence reduction program to reduce hardwood sawlog volumes allocated on licence by 32 per cent. In response to the licence reduction program the government provided assistance to those mills that closed and to the associated workers and contractors. The government also established the timber towns support program and the timber towns investment support program.

As part of the Forests and National Parks (Amendment) Act 2003 the government removed the requirement to supply hardwood sawlogs within a margin of plus or minus 2 per cent of the sustainable yield figures specified in the third schedule. It has a policy commitment to creating a new Otways National Park and to phasing out logging and woodchipping in that region by 2008.

Various of these measures have addressed over harvesting and have been critical to ensuring the future of the Victorian timber industry. Ensuring our forests are managed sustainably and balancing the competing purposes for which it is used is a complex task. Ensuring conservation and biodiversity values, recreation opportunities, the protection of catchments, ensuring the longer term viability of businesses and communities that make a livelihood from parts of the forest estate and provide us with a range of valuable timber and other forest products, is an ongoing challenge.

To assist with implementing these goals, in October 2003, the government established VicForests to separate the commercial timber harvesting functions from the policy, regulatory and stewardship functions that are undertaken by the Department of Sustainability and Environment. One of the purposes of this bill is to support the operation of VicForests.

I turn now to the provisions of the bill.

Sustainable forest management

This government is committed to considering the environmental, social and economic aspects of its decisions. It is for this reason that it brought in the Commissioner for Environmental Sustainability Act 2003.

That act established the Commissioner for Environmental Sustainability with the strategic functions of reporting and advising the minister on various matters, giving legislative force to the objectives and guiding principles of ecologically sustainable development. These same principles and objectives have been included in this bill as a guide to decision makers managing our forests.

The government is now repealing the sustainable yield provisions from the Forests Act. The notion of 'sustainable yield' as a constant flow of sawlog provided annually from each forest management area is not in line with sustainable forest management practices. In its place, the government is reinforcing the importance of ecologically sustainable development by developing a new framework for assessing the condition of the whole forest estate.

The Victorian government has actively worked to progress sustainable forest management. It is a privilege to be the member of government who introduces outcomes from those considerations — which had their beginnings at the Rio Earth Summit in 1992.

One of the outcomes of the Rio Earth Summit was the 1995 Montreal process criteria and indicators developed for temperate and boreal forests. The Montreal process criteria and indicators provide a common understanding of what is meant by sustainable forest management. They help describe, assess and evaluate a country's progress towards this goal at a national level. Australia is one of 12 countries that are members of the Montreal process. Forests in these countries cover 60 per cent of the world's forests.

Under this bill the government is committing to the development of criteria and indicators to assess the condition of our state forests. We will base them on the Montreal process.

The criteria and indicators will apply across the forest estate and will help the government pursue its commitment to sustainability by providing assessments of the condition of a range of elements in the forest rather than specify the volume of sawlog that is taken out of it. Criteria currently under consideration include:

- the conservation and maintenance of soil and water resources;
- the maintenance of ecosystem health and vitality;
- the conservation of biological diversity; and
- maintaining and enhancing the socioeconomic benefits of forests for society.

The public will be involved as this system is developed.

Under this bill the Secretary of the Department of Sustainability and Environment is required to report on the status, performance or achievement of the indicators. This data will be gathered from a variety of sources, including VicForests who will contribute to this process as a government partner. Information gathered for these reports will give a detailed picture of how our forests are faring and enhance our future management of them.

This government inherited areas of state forests that were depleted by overcutting. It has spent \$88 million in industry restructuring to get the industry into a better state and to improve our forests. It is going to keep working on them.

The other key sustainability measure introduced by this bill is the sustainability charter. Under this charter, the government will outline its objectives for the sustainability of the forest and for the timber harvesting industry. VicForests will be required to respond to the government's sustainability agenda by developing initiatives and targets to progress the charter. It will include these in its statement of corporate intent and report on the outcomes of these initiatives as part of its normal business reporting. In this way the government will continue its management and oversight of the forest estate and VicForests will undertake its commercial timber functions, while both will work towards achieving the government's vision.

Sustainable timber resource planning

About one-third of Victoria is public land. Of this, about half is state forest. Eighty per cent of the forest is used by the community for purposes other than commercial timber harvesting. The other 20 per cent is used to supply timber for furniture, flooring, building products and paper. Less than 2 per cent of this area is harvested each year. It is then regenerated to ensure access to a sustainable resource.

As part of Our Forests, Our Future the government is providing funds to accelerate the completion of the statewide forest resource inventory. When completed at the end of 2005 it will provide a best-practice-consistent spatial database for determining future timber resource availability.

After consideration of timber resource data, the current reserve system established through previous land-use planning processes, including the regional forest agreements, parameters set by the code of forest practices for timber production and the various sets of management prescriptions, the department will

undertake a sustainable timber resource planning process. As part of this planning process there will be consultation to ensure that all views are considered. Based on the outcome of these considerations an allocation order will be made. It will allocate timber resources to VicForests. This is how VicForests will get the right to access timber in state forests. For transparency this order will be published in the *Government Gazette*.

The allocation order is not the mechanism by which changes are made to land in state forest available for timber harvesting. Members will be aware that there is a range of government processes by which land-use changes may occur. For example, the government may refer a matter to the Victorian Environmental Assessment Council. In response there may be a decision to change land tenure and to add forested land to a national park via a specific legislative amendment passed by the Parliament.

The allocation order is a 15-year rolling plan that includes a map of allocated timber resources and describes the forest stands to which VicForests will have access. It also describes the activities which VicForests is permitted to undertake and the terms and conditions to which its access is subject.

The allocation order will set sustainable limits around the resources allocated to VicForests and provide it with the means to operate independently within those limits. The department will remain the forest steward but no longer undertake commercial timber harvesting. This gives effect to the government commitment to separate the commercial functions from the policy and regulatory functions.

The allocation order will be reviewed every five years. This bill establishes the criteria that must be considered as part of each review. These include a range of sustainability factors, compliance matters and VicForests' existing timber supply commitments. After each review the order may be extended for a further five years and amended or varied. This bill contains provisions that can be used to transition the changes. The bill also allows for a review of the allocation order in various circumstances, including where the minister considers there has been a significant variation to the timber resources — for example, if there have been serious bushfires in timber harvesting areas or where there has been any significant reduction in the land base zoned for timber harvesting.

Commercial timber harvesting

As the house would be aware, VicForests will undertake the commercial functions in state forests. These commercial functions fall into various categories:

- managing commercial relationships with the timber industry, the existing timber licences and entering into new contracts for the sale of timber;

- undertaking pre-harvest activities including planning and scheduling harvesting operations;

- timber harvesting and associated activities in line with the code of forest practices for timber production; and

- post-harvesting activities including regeneration and overseeing coupe rehabilitation.

As part of its pre-harvest activities VicForests will develop a timber release plan. The timber release plan will be based on the timber resources in the allocation order. It is VicForests' detailed harvest planning tool, indicating the coupes selected for harvesting and providing details about their location, any access roads to be constructed and the approximate timing of proposed harvesting activities. As part of its planning processes VicForests will consult locally about the operational impacts of its activities. This is in line with a good neighbour approach.

As DSE will no longer be involved in commercial timber harvesting it is necessary to transfer existing sawlog licences to VicForests. Accordingly the bill defines 'transferred licences', and part 4 of the bill provides that a transferred licence may be managed, administered and enforced by VicForests. The licences have been divided geographically into the east and west of the state. In the first instance licences in the east will transfer. Licences in the west will transfer subsequently. To ensure that VicForests has necessary powers in respect of the transferred licences, part 4 empowers VicForests to undertake specific functions in relation to those licences and gives it the powers necessary to manage the licences until expiry. All commitments to supply timber resources under those licences for the period of the licence will be honoured.

A key function of VicForests will be to develop and manage an open and competitive sales system for timber resources. The form of this system is up to VicForests. However, it will replace the current licensing and administered pricing system, which will come to an end. As *Our Forests, Our Future* indicated, this is to ensure that there is enhanced competition and

efficiency. It is important that VicForests, as the new commercial timber body, is given every opportunity to develop a new sales system. Timber industry participants will deal with VicForests on a commercial basis. To give effect to this changed policy position VicForests will not be able to reissue or renew licences. However, all current sawlog licence-holders will be able to compete in the new system.

Clauses 27(a) and 30(a) of the bill provide that a 'transferred licence' as defined in the bill expires at the end of its term and that VicForests is not empowered to renew or reissue any transferred licence or grant further licences or permits. Neither will the secretary issue new licences for timber harvesting over areas to which a timber release plan applies, as those timber resources have been allocated to VicForests.

Section 85 statement

I wish to make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why it is the intention of clauses 27 and 30 of this bill, and proposed new section 52AA of the Forests Act, being inserted by clause 108 of this bill, to alter or vary section 85(5).

Clause 95(1) of the bill states that it is the intention of section 27 to alter or vary section 85 of the Constitution Act 1975. Clause 95(2) of the bill states that it is the intention of clause 30 to alter or vary section 85 of the Constitution Act 1975. Clause 125 inserts new section 98 into the Forests Act. New section 98 states that it is the intention of section 52AA of the Forests Act to alter or vary section 85 of the Constitution Act 1975.

As I have already noted, the bill transfers the management, administration and enforcement of certain existing licences and permits (defined as transferred licences (east) and transferred licences (west)) from the secretary to VicForests and VicForests will manage, administer and enforce these transferred licences until their expiry.

Clauses 27 and 30 of the bill provide that any entitlement, right or purported right a holder of a transferred licence (as defined) may have for that licence to be renewed or reissued, or to have a further licence or permit granted, ceases to exist and that no proceedings may be taken in respect of any loss, damage or injury from or arising out of the loss of that entitlement, right or purported right. Further, the clauses provide that no compensation is payable in respect of any loss, damage or injury from or arising out of the loss of any such entitlement, right or

purported right, or as a result of the enactment of the clauses dealing with each type of licence.

Proposed new section 52AA is being inserted into the Forests Act by clause 108 of the bill and relates to the secretary's powers under section 52(6) of the Forests Act, which are being repealed by clause 107 of this bill. At present, section 52(6) enables the secretary to write informing a holder of a licence or permit referred to in section 52(6) of the period for which a further licence or permit will be granted.

Proposed new section 52AA of the Forests Act operates in a similar way to clauses 27 and 30 of the bill. It takes away any entitlement, right or purported right of a holder of a licence or permit referred to in section 52(6) to have their licence or permit renewed or reissued. The proposed section further provides that no proceedings may be taken in respect of any loss, damage or injury from or arising out of the loss of such an entitlement, right or purported right or as a result of the enactment of that section, and that no compensation is payable in respect of any loss, damage or injury from or arising out of the loss of any such entitlement, right or purported right, or as a result of the enactment of the section.

Clauses 27 and 30 of the bill and proposed new section 52AA of the Forests Act (as inserted by clause 108 of the bill) are necessary to give effect to the changed policy position as reflected in the bill, that is, to put an end to the current licence system in relation to timber harvesting.

As members will have noted, VicForests will be managing transferred licences until their expiry. The government supports a sustainable timber harvesting industry, and VicForests will continue to meet the terms of existing licence commitments to current licence-holders for the remainder of their current licence periods. In line with its functions, VicForests will then progressively move to new commercial arrangements of its own making. Beyond meeting these existing commitments the government does not wish VicForests to be hampered with questions about any ongoing obligation to further extend licences. Any ongoing question about the renewal or reissue of licences under the current provisions of the Forests Act will jeopardise this key element of the reforms. The government is firm about the introduction of a new system for the pricing and sale of timber resources. The government wishes the licensing system to end in a clear and orderly manner, and it wishes to provide VicForests with a clean slate for its new system.

Timber harvesting operations

This bill also introduces some new powers to assist the management of operations in state forests.

One of the features of this bill is the establishment of a regime for the licensing of timber harvesting operators. Currently forest operators are licensed in line with the timber harvesting regulations. It has been decided to repeal these regulations and enact a more clearly articulated scheme. Appropriate safeguards in terms of the right to make submissions and appeal rights have either been preserved or enhanced.

All current licence-holders will transition to the new scheme.

The bill also contains some new offence provisions in relation to the conduct of timber harvesting operations and general enforcement provisions in line with powers in other legislation. Our native timber is a precious resource, and authorised officers operating in state forests should have appropriate powers to assist them carry out their stewardship activities. There are also a range of offences and strong penalties for persons who are convicted of illegally harvesting timber and in so doing impact on the sustainability of our timber resources, or VicForests's business or both.

This government has a strong commitment to safety in our forests. Concerns have been raised about how this is currently being managed. Therefore the government will immediately establish a working party to advise it on this matter. Following consideration of the working party's advice the government will undertake any necessary legislative amendment.

Fire provisions

This bill contains new provisions in relation to fire suppression and prevention.

Our experience in managing the 2003 Victorian bushfires and participating in the subsequent inquiries has provided us with an opportunity to think through Victoria's bushfire fighting capacity. We are aiming to improve Victoria's firefighting responsiveness by undertaking fire management activities throughout the year, not just over the fire season.

There is no intention that changes to forestry should leave Victoria in a position where it is less able to respond to the threat of bushfire than in 2003. It is for this reason that the bill includes provisions for the secretary to enter into agreements with VicForests in relation to fire suppression and fire prevention and, where there is such an agreement in place, for the

secretary to direct VicForests' staff to undertake fire suppression works. There is also a capacity to direct VicForests' customers to make their employees, plant and equipment available to assist in fire suppression activities.

These provisions will benefit all. The state gains valuable and immediate assistance in times of natural disaster and our forested lands are better protected. The provisions reflect current timber licence conditions that require those timber industry participants who are in the forest with personnel, plant and equipment to assist with bushfires. The agreement negotiated by the secretary will ensure that VicForests' staff directed to assist with the state's fire effort are appropriately trained and that there is appropriate recompense for this. VicForests' customers will also be recompensed for the use of their employees, plant and equipment.

Amendments to Forests Act and the Conservation Forests and Lands Act

The bill contains various amendments to the Forests Act 1958 needed to support the separate operations of VicForests. There are amended definitions and redundant provisions are repealed.

The bill also contains various amendments to the Conservation Forests and Lands Act 1987. The most important of these is to update the provisions for the making of a code of practice. The current provisions contain such a complex process that the provisions are rarely used. The more simple process contained in this bill should enable codes to be made more easily.

I commend the bill to the house.

Debate adjourned on motion of Mr HONEYWOOD (Warrandyte).

Debate adjourned until Thursday, 27 May.

CRIMES (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill includes a number of measures that continue the government's strong commitment to the safety of Victorians by ensuring police are appropriately empowered to capitalise on the investigative potential of DNA and fingerscan technology. Specifically, the bill will amend the Crimes Act 1958, to:

empower senior police officers to authorise the carrying out of non-intimate forensic procedures — including procedures to obtain a DNA sample — on persons who are held in custody and suspected of having committed a serious crime(s);

validate forensic procedure orders made against offenders;

clarify that offenders who are the subject of an application for a forensic procedure order do not have a right to be given notice, or to be heard, unless the offender is a child; and

provide that fingerprints taken by Victoria Police using fingerscan technology may be admitted as evidence in court proceedings.

The bill will also make a miscellaneous amendment to the Metropolitan Fire Brigades Act 1958, to provide for the creation of the position of deputy president of the Metropolitan Fire and Emergency Services Board.

DNA Amendments

DNA technology is a significant investigative and evidentiary tool, the value of which lies both in its ability to implicate a suspect in a specific crime, and to eliminate people from suspicion.

The government is committed to ensuring that police have appropriate powers to investigate crime and bring guilty persons to justice. This goal needs to be balanced with safeguards to fundamental rights and the protection of suspects from unfair and unlawful treatment. The proposed amendments to the DNA sampling regime strike an appropriate balance between the public interest in effective law enforcement and the public interest in protecting the rights, liberties and physical integrity of suspects and offenders.

Senior police officer may authorise forensic procedure

The forensic procedure provisions in the Crimes Act 1958 enable forensic samples to be taken from suspects, offenders and volunteers. The Crimes Act 1958 also allows DNA information derived from such forensic samples to be included on a computerised database for comparison against unsolved crime scene evidence. A suspect may currently only be compelled to provide a forensic sample under a court order.

The bill will streamline the existing system and bring the Victorian forensic sampling regime into line with a number of other Australian jurisdictions by allowing a senior police officer to authorise the carrying out of a

non-intimate forensic procedure against a person who is in custody and is suspected on reasonable grounds of having committed a serious crime. In deciding whether or not to authorise the conduct of a forensic procedure, the senior police officer must broadly be satisfied of the same matters that a magistrate must currently be satisfied of in order to grant a compulsory procedure order.

The bill contains various safeguards intended to protect persons who are the subjects of compulsory procedures from unlawful and unfair treatment, to ensure the integrity of the DNA evidence obtained from the procedure and to reduce the possibility of this evidence being ruled inadmissible in subsequent criminal proceedings. These safeguards include:

police will not be able to authorise the carrying out of a forensic procedure in respect of a person who is a child or incapable of providing consent due to mental impairment;

the suspect or the suspect's legal practitioner (if any) must be given a reasonable opportunity to inform the senior police officer prior to authorisation being given of any reasons why the procedure should not be conducted;

an authorisation must be in writing and a copy must be provided to the suspect prior to the conduct of the procedure; and

information about police authorised forensic procedures must be included in the Chief Commissioner of Police's quarterly DNA reports to the Attorney-General.

Orders against offenders

The Crimes Act 1958 sets out the procedure by which police may apply to the Magistrates or Children's courts for an order allowing the taking of a forensic sample from a person found guilty of a serious offence. The relevant provisions came into effect on 1 July 1998 and allow applications to be made to the court in respect of:

offenders found guilty of a serious offence prior to 1 July 1998, provided they are serving a term of imprisonment or period of detention; and

offenders found guilty of a serious offence after 1 July 1998, whether or not they are serving a term of imprisonment or period of detention.

Serious offenders found guilty prior to 1 July 1998 have generally not been given notice of an application for a

forensic procedure order made against them or given a right to be heard by the court. An initial legal challenge to this procedure on the basis that it denied prisoners their natural justice rights to notice and a hearing was brought before the Supreme Court in December 2000 in the case of *Lednar and Ors v. The Magistrates Court and Anor*. In that case the Supreme Court held that in the context of the relevant provisions of the Crimes Act 1958 the rules of natural justice did not require a prisoner to be given notice or a hearing in determining an application for an order for a forensic procedure.

However, a further legal challenge was brought before the Supreme Court on the same basis in April 2003 in the case of *Pavic v. The Magistrates Court*. In that case the Supreme Court quashed a forensic procedure order on the basis that it was not Parliament's intent to exclude the natural justice requirement to provide a prisoner with notice and a right to be heard. As a result it could be argued by other prisoners that orders made by the Magistrates Court without giving them notice or a hearing are invalid.

Since the same procedural requirements apply in relation to findings of guilt entered both before and after 1 July 1998, the bill validates all orders made against serious offenders. If these orders are not validated, valuable DNA information may have to be removed from the DNA database, potentially jeopardising the investigation and prosecution of crimes and threatening the deterrent value of the DNA database against future offending. Furthermore, requiring police to apply for new orders would impose a significant financial and administrative burden on both Victoria Police and the courts, and may expose offenders to a further intrusion in their lives if an additional forensic sample was taken.

The bill also provides that a serious offender who is the subject of an application by police for an order for a forensic procedure does not have a right to be given notice or a hearing. However, certain safeguards will continue to apply in relation to hearings for these orders:

the applications will be heard in open court;

the court must take into account the seriousness of the offence and must be satisfied that the making of the order is justified in all the circumstances; and

the court may make such inquiries on oath or otherwise as it considers desirable. In this regard, the bill expressly provides that the prisoner or offender may address the court in response to any inquiry that the court considers appropriate to make.

The bill also provides that child offenders have a right to be given notice and a limited right to be heard in respect of an application for an order allowing a forensic sample to be taken. This recognises the particular vulnerability and special needs of children.

Fingerprint amendments

Like DNA technology, fingerprinting is a key investigative and evidentiary tool at the disposal of Victoria Police. It is important to ensure that the legislative framework supports police in the appropriate application of technological developments in the fingerprinting field.

Victoria Police has installed 'Livescan' fingerscanning devices at 27 police stations across Victoria through a government investment in excess of \$5 million over the next five years. Fingerscan technology enables the capture of digitised finger and palm print images (fingerscans) instead of using the traditional and messy method of ink-pad, roller and paper. Fingerscan technology was initially introduced into Victoria as part of the criminal justice enhancement project (CJEP) with the aim of improving the care and efficient custodial management of accused persons by enabling their rapid and reliable re-identification across various custodial settings. Because fingerscans taken for CJEP purposes were not intended to assist criminal investigations, a new section was inserted into the Crimes Act 1958 to provide that fingerscans could be taken for identification purposes only and are not admissible as evidence in court proceedings.

The bill will amend the Crimes Act 1958 so that fingerprints taken from suspects using Livescan devices may be admitted as evidence in court proceedings. Existing cautioning and destruction requirements in the Crimes Act 1958 will apply to fingerprints regardless of the means by which they are collected, i.e., whether by ink-pad and paper, or Livescan device.

Allowing fingerprints taken using fingerscan devices to be admitted as evidence will ensure that the full benefit of Livescan technology may be realised.

Enhanced efficiency and utility

Livescan devices will be linked to the national automated fingerprint identification system (NAFIS), enabling the rapid identification of a suspect who is arrested if they are already known to police. Prompt identification of suspects will ensure that police are alerted to any outstanding warrants against the person or warning flags that may have a bearing on appropriate

custodial management. This will minimise processing time and avoid the taking of messy ink-pad fingerprints.

Enhanced security and safeguards

Fingerprints captured using Livescan fingerscan technology will be instantaneously and securely relayed in digital form to the Victoria Police fingerprint branch. Details of the officer who takes the fingerprints are recorded, and hard copies may only be printed at the fingerprint branch, where they are automatically date and time stamped. This audit trail:

facilitates timely and effective compliance with the destruction requirements in the Crimes Act 1958, by ensuring that records are kept of all copies generated;

enhances the integrity of the chain of evidence;

safeguards individual privacy by ensuring any unauthorised access to fingerprint information may be traced to the responsible officer(s); and

generally strengthens accountability and provides a more transparent, secure system for the management of fingerprint data.

Creation of the position of deputy president, Metropolitan Fire and Emergency Services Board

The bill will also create the new position of deputy president of the Metropolitan Fire and Emergency Services Board, enabling better succession planning and thereby enhancing corporate governance arrangements.

The Metropolitan Fire and Emergency Services Board is currently comprised of seven members, one of whom is appointed president. There is no capacity within the Metropolitan Fire Brigades Act 1958 to formally appoint a nominated successor to succeed the president of the Metropolitan Fire and Emergency Services Board.

This is hampering the ability of the Metropolitan Fire and Emergency Services Board to engage in orderly formal succession planning.

The Metropolitan Fire Brigades Act 1958 will be amended to create the position of deputy president, ensuring that a deputy president can be appointed on the recommendation of the Minister for Police and Emergency Services. This will allow the Metropolitan Fire and Emergency Services Board to better plan its succession arrangements and thereby improve its corporate governance arrangements.

Statement under section 85 of the Constitution Act 1975

I wish to make the following statement under section 85(5) of the Constitution Act 1975.

Clause 20 amends section 464ZI of the Crimes Act 1958 to provide that it is the intention of section 464ZH as amended by clause 19 of the bill to alter or vary section 85 of the Constitution Act 1975.

Clause 19 of the bill substitutes section 464ZH(a) of the Crimes Act 1958 to extend the immunity from civil or criminal proceedings granted by that section to persons acting under an authorisation given by a senior police officer under section 464SA.

The reason for this extension of immunity is to ensure that medical practitioners and others assisting in the conduct of compulsory procedures in accordance with an authorisation under section 464SA have the same protection as in the case of other procedures conducted under the subdivision. That protection was originally inserted in order to ensure that persons with the necessary skills such as medical practitioners and nurses were not unwilling to carry out forensic procedures because of the fear of litigation by disgruntled persons. That unwillingness could undermine the objective of the legislation.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 27 May.

Remaining business postponed on motion of Mr HULLS (Attorney-General).

ADJOURNMENT

The ACTING SPEAKER (Ms Lindell) — Order!
The question is:

That the house do now adjourn.

Wild dogs: control

Mr PLOWMAN (Benambra) — The issue I wish to raise for the attention of the Minister for Environment is the marked increase in the number of sightings of wild dogs in north-eastern Victoria. I ask that the minister not allow any reduction in the funding of the wild dog program, and in particular that the government not go ahead with the sacking of the two dogmen, one in the Ovens area and the other, John

Blair, from the Upper Murray. It is my understanding that these two dogmen were employed by the state government using fire recovery funding to meet their salaries. It is also my understanding that these funds run out at the end of December this year, and that is why these two dogmen will be sacked. Both of these dogmen are now fully trained and competent at the job. You cannot pick up these skills overnight; it takes some years before becoming fully skilled in the art of trapping and poisoning wild dogs.

The recent spate of killings is now matched by sightings of many more dogs than ever before. Lawrence Enever at the top end of the Mitta Valley advised me that they are seeing and hearing these dogs on a regular basis, and they now seem to be running in packs. A farmer in the Dartmouth area said he and his wife found six dogs pulling down a calf, so as the sheep become scarcer in these areas the calves are now at risk. Getting back to the sheep, I want to refer to some comments made by a farmer, Mr Smith, of the Upper Tallangatta Valley. His comments are reported in an article in the *Border Mail* of 3 May. I quote:

On Friday Mr Smith spent three hours picking up several sheep that had been chased by dogs and were too exhausted to move.

...

He said the amount of flesh eaten from the two killed sheep suggested the kills were done by a pack of dogs rather than individual animals.

A federal inquiry has been established to determine how widespread this is and how much damage these predators do. It is estimated they can cause about \$420 million of damage to the agricultural industry annually.

I will now quote from the *Weekly Times* of 5 May:

The Victorian government has banned the state's wild dog management committees from making submissions to a federal inquiry into pest animals in agriculture.

Department of Sustainability and Environment staff have told farmers, who sit on Victoria's two wild dog committees, they are prohibited from making submissions on behalf of the committee to the federal inquiry.

...

North-east committee chairman, Marilyn Clydsdale, said that while individuals could make submissions DSE had told the committee it could not.

'Speaking as an individual, not as the chair, I would see nothing wrong with a committee putting forward submissions', Ms Clydsdale said.

It is appalling that the government is taking this position to ban the opportunity of these people to put in submissions.

Neighbourhood houses: networks

Mr WYNNE (Richmond) — The action I seek is from the Minister for Community Services. I ask her to provide further support for neighbourhood house networks. These community education and meeting places are the cornerstone of community building, providing information for new arrivals in the community and assisting with adult working, networking, child care and children's activities. Typically, a neighbourhood house offers support, friendship, resources and information for all members of the community. They can be critical focal points for migrants and other displaced persons as they provide a link to services and networks, not only in the local community but also in the wider Victorian community.

In my electorate there are five neighbourhood houses from Burnley through to Fitzroy, with staff and volunteers committed to providing the best possible service and activities for their communities. As you know, Acting Speaker, on a number of occasions I have spoken about one in particular — the Fitzroy Learning Network — which has been a standout in providing key services to refugees, temporary protection visa holders and asylum seekers, who need the most basic support such as English language skills and, more importantly, social support at times of great crisis, being people who have been displaced from their own communities. Since 2000 the network has worked with more than 300 people released from immigration detention centres, providing them with support to establish themselves in the community. The Fitzroy Learning Network has also established a computer club house, a technology-based after-school program for disadvantaged students aged between 8 and 18 years, and it is a great joy to go there and see the children working on the computers after school, many of the children coming from the high-rise estates.

The important thing about neighbourhood house networks is that support workers based within clusters of these neighbourhood house networks provide important resourcing to the network. In that context I am seeking from the minister her support to further strengthen the resources available to those networks to support in a centralised way those people based at neighbourhood houses who are delivering fundamental services on the ground — really the glue that holds together many of those local community networks — and are providing such fundamental support to some of the most vulnerable people in our community.

Neighbourhood house networks are an important element of the neighbourhood house system, and I urge the minister to see if she can provide further support to those networks.

Bairnsdale Secondary College: council

Mr PERTON (Doncaster) — I raise a matter for the Minister for Education and Training relating to Bairnsdale Secondary College. The action I call for is that the minister fully investigate allegations of vote rigging or electoral fraud in the school council elections this year and report to Parliament and the school community.

The allegations have been made by Mr Ewan Waller, a candidate for the election. Mr Waller is quoted in an article from the *East Gippsland News* of 24 March 2004 as stating:

Voting scrutineers reported a batch of some 90 votes that were not registered over the counter against parents' names as requested, all in similar envelopes and appeared all cast for the same three candidates.

This batch of votes changed the outcome of the election.

...

The question is, who would do this and why? Why would anyone, or group, make such a clumsy attempt to 'stack' the council? Are there things to hide or questions to be avoided by setting up a perceived benign council?

And, if reports are correct, a similar exercise happened last year too, indicating an ongoing problem.

Mr Waller is not alone. I understand that an officer of the regional office, Mr Henry Scholtes, has partially investigated the matter and has produced a document which has been sent to the legal branch. However, there is concern in the school community that he did not interview members of the school council and staff who might have had relevant information. Members of the school council, staff and parents want this matter cleared up quickly so that the school and its administration can then get on with the job of teaching children.

These are bizarre allegations. Why would someone rig a school council election? These are not the only allegations of vote rigging in local schools, so I ask the minister, in addition to looking at this particular Bairnsdale Secondary College, to report to Parliament and the community on this bizarre behaviour.

Odd as it seems, a vote-rigging allegation was made at a nearby primary school. A parent who offered to scrutinise was refused and went to see the member for East Gippsland. Strangely, the principal of that school

then approached the parent, raised the visit with the local member and told the parent not to bother to interfere as the member for East Gippsland was a friend. These are, as I said, strange allegations. One wonders why there would be vote rigging in a state secondary school or indeed a state primary school, but the allegations have been made in good faith and publicly by a parent. These allegations have caused great concern among both the successful and unsuccessful candidates standing for the school council, and in order to clear up this problem at an otherwise very good school — which has educated, among others, members of Parliament — these matters need to be cleared up. I ask the minister to do that.

Seniors: funding

Ms MARSHALL (Forest Hill) — I rise to bring to the attention of the Minister for Aged Care in another place an issue surrounding funding and services provided for senior Victorians. I seek from the minister an undertaking that quality services and the necessary funding are provided to this important part of our community.

The ageing of our community presents governments and the wider community with new challenges. Senior Victorians are a valuable asset and an integral part of our community. They are also one of the more vulnerable groups and quite often require extra assistance. Senior Victorians have the greatest health needs and have the most to gain from maintaining healthy lifestyles, mobility and active engagement in community life. I understand that the Bracks government contributes over \$363 million every year in providing services for senior Victorians. The Bracks government invests more in aged care than any other state, and Victoria has the highest number of nursing beds in our public health facilities than any other state.

Following its election the Bracks government expanded the home and community care program by \$41 million in its first term, and it has committed a further \$69 million over the next four years. The government has also established a new Office of Senior Victorians to provide a coordinated whole-of-government response to issues affecting older people. The Bracks government is also funding positive ageing programs and investing in the rebuilding of nursing homes throughout Victoria.

Most recently, the Bracks government has provided \$43 million over four years to increase the rate concessions given to pensioners by local government and \$15 million over four years to index concessions for water rates and council rates. The government will

also spend an extra \$58 million over four years to boost public dental treatment for low-income earners and reduce waiting lists. Pensioners and senior Victorians in particular will benefit from the implementation of the strategy.

However, in recent weeks many people have raised with me concerns regarding services for seniors. Many people feel that more can and should be done for senior Victorians. They are right, but in order for this to happen the federal government must provide Victoria with its fair share of funding. The Howard government does not appear to give services for Victorian seniors a high priority, as Victoria receives the lowest per capita commonwealth funding for aged care of all the states. Victoria at present has a bigger shortfall in nursing home beds than any other state. Victoria is 4090 short of the commonwealth's own benchmark.

I ask the minister to act to ensure that all senior Victorians, regardless of whether they are self-funded retirees or pensioners, continue to receive support and a high level of services. I also ask the minister to maintain pressure on the federal government to ensure that Victoria gets its fair share of funding in this vital area.

Human Services: client protection

Dr NAPHTHINE (South-West Coast) — The issue I raise is for the Minister for Community Services, and the action I seek is that the minister instruct all Department of Human Services (DHS) staff to pass on relevant information to agencies to protect clients in the community. I bring to the attention of the house a tragic incident where a 17-year-old girl with severe intellectual disabilities was sexually assaulted and raped by a teenage male client, who was aided and abetted by another female client. The incident took place while they were with a group of teenagers with intellectual disabilities at an after-hours, government-funded program. Both the male and the female perpetrator had recently transferred to the local special developmental school from the local government secondary college. Through their attendance at the special developmental school they became involved in the after-hours program.

The male, I am advised, was and still is a client of the DHS. He was expelled from the local secondary college for inappropriate behaviour, including the attempted rape of a fellow student and other sexual misbehaviour. However, due to an overzealous interpretation and implementation of the privacy act, this young person's sexual misconduct and hence risk to others was not passed on by DHS case managers. Indeed it was

withheld from the staff at the special developmental school, the staff involved in the management of the youth program and the staff at the live-in respite service, which this young man also accessed along with other young people.

Similarly the young lady who assisted in this sexual assault had a history of inappropriate sexual behaviour, but again DHS did not pass on this information, which was very relevant to her management and to appropriate professionals at other services who were providing a service to her. I am advised that the DHS knew the history and knew the risks but simply did not advise the fellow professionals involved in the supervision and care of these clients and other clients exposed to them, owing to its interpretation of the privacy act.

There are several issues which arise here. Is it appropriate for slow learners with serious behavioural problems to be shifted from a secondary college to a special developmental school and cause disruption as a result? Are the perpetrators in proper programs such as the MAPPS program? I am advised that the male perpetrator has simply been shifted to another country town, and I wonder whether the people now involved in providing supervisory care know of the risk.

Why did the Department of Human Services not offer proper counselling to the families and staff involved in the youth program that was affected? Clearly all relevant information about a client should go with that clients to other professionals involved in their management and supervision. That is in the best interests of the client and other clients and is necessary for the safety of the community. I urge the minister to take up this very serious issue.

Bennettswood Bowling Club: grant

Mr STENSHOLT (Burwood) — I wish to raise a matter with the Minister for Sport and Recreation, and the action I seek is that he support the application by the Bennettswood Bowling Club through the City of Whitehorse for a Sport and Recreation Victoria grant towards a new synthetic green. It always gives me great pleasure to speak about the Bennettswood Bowling Club in Station Street in my electorate, which is just next door to the creek and on the other side of the motel, and across the road a little way up is the Box Hill golf course. It is a great club with a very warm heart and a terrific sense of community — —

An honourable member interjected.

Mr STENSHOLT — Yes, if you wanted to play a game of solo you could probably go down there this afternoon and have a game. John Williams chairs the board, the indefatigable Ann Peake is the secretary and Barbara O'Brien keeps the finances in shape. Margaret Goldie is the ladies president, and Isobel Oldacre is the secretary. On the men's side Ron Walker is the president and Brian Peake keeps the family tradition going by being the men's secretary.

The club runs a couple of greens all year round, and in the winter it has other indoor activities — including, as mentioned, solo. It strives to be a strong community club. In the season just passed the men's teams were successful in getting promoted. I am afraid, though, that the ladies were not so lucky this year. But most importantly, all the members have fun. They even had me out there trying to bowl. I was not a very good learner, so I do not think I will become a crackerjack bowler.

An honourable member interjected.

Mr STENSHOLT — No, I had a bit of trouble. I was thinking of bowling overarm rather than underarm, but that is just because of an experience with New Zealand a few years ago!

Over the last few years we have discussed installing a synthetic bowling green, and finally last year the committee decided to put in an application through the City of Whitehorse for funds to build such a green. I had a yarn with Margaret Goldie, and she asked me to write a letter, which I was happy to do on behalf of the club, requesting assistance for a new synthetic green. As I said in the letter supporting the application:

I have always been impressed by the strong community spirit shown at the club.

A new eight-rink synthetic green would enable the club to play all year round rather than for a little more than half the year and would make the best use of the club's facilities. It has a very strong record of promoting bowls as a sport in the local community, including among disabled bowlers. I note the club's recent initiative to get local schools such as Roberts McCubbin Primary School in Box Hill South involved.

The new synthetic green would give great impetus to the club, which I know works to ensure that it has a wide range of activities and events beside bowls. For example, just recently it held an organ recital which attracted close to 150 people. This is a very well used venue, and I ask the minister to support the application for a grant.

Police: numbers

Mr WELLS (Scoresby) — I raise a matter for the attention of the Minister for Police and Emergency Services. The action I ask of the minister is to clarify the Bracks Labor government's election promise to deliver an extra 600 police in this term of office.

The Bracks government went to the 1999 election and promised to appoint 800 police, which it delivered on. I think it appointed a few extra above the 800, but there seems to be some concern about its promise at the 2002 election to appoint an extra 600 police. In the first term of this financial year the Bracks government added 41 extra police, and our sources at the police academy and the Police Association indicate that there will probably be about 40 this financial year, which will mean a net increase of 81. It means that there will be 519 police needed in the next two financial years for the government to deliver on its promise of an extra 600 police.

The *2004–05 Victorian Budget Overview* reveals more smoke and mirrors surrounding this much-touted increase in police numbers. The graph on page 19 of the budget overview clearly shows that the estimated number of police, including recruits, will be only 10 770 as of June 2006, compared to 10 342 as at June 2002, which means that the government will be 172 police short of the 600 promised. In other words, in this term of government it will only deliver 428 police, not 600 as promised. If the graph or the details are incorrect, then the minister has the chance to clarify that the budget papers are wrong, and that they will deliver on their 600.

The second concern I have, and which I ask the minister to clarify, is that the graph also includes recruits. The election promise was for 600 police on the beat, the same as the election promise in 1999, which was for 800 police on the front line. We have become very concerned with the figures becoming a little rubbery when the document says 'Additional police numbers — number of police and recruits', which is not what the government promised initially.

I ask the minister in good faith to clarify the election promise of 600 police and indicate that he means an additional 600 in this term of government.

Dr Elizabeth Burchill

Mr ROBINSON (Mitcham) — I want to raise an issue for the attention of the Minister for Health relating to the extraordinary, and I do not use that word lightly, contribution of the late Dr Elizabeth Burchill, who was

probably, if not definitely, the most outstanding nurse ever to be born and who served Victoria. What I am hoping is that the minister or her department can consider an appropriate way to honour the memory of Elizabeth Burchill for her awesome contribution.

I hope in the brief time available to me I can impart to the house a summary of the extraordinary life of Dr Elizabeth Burchill. She was born in January 1904 and died one month and a day short of her hundredth birthday in December last year. She was educated at the then Camberwell State School and the Ladies Business College. She obtained a certificate in general nursing from the Prince Henry's Hospital in 1929; later achieving a certificate in midwifery from the Royal Women's Hospital. Between 1930 and 1932 she nursed at the Australian Inland Mission at Innamincka. She then completed a certificate in infant welfare from the Tweddle Baby Hospital in Footscray.

In 1937, demonstrating extreme courage, she served as a member of the British ambulance unit caring for refugee children during the Spanish Civil War. She returned to Australia and nursing at Labrador and then went to London where she did postgraduate studies at Brompton hospital. For six years she was a captain in the Australian Army in the second AIF. In 1946 she spent a year at Radio Shepparton as the chief woman announcer. Between 1958 and 1971 she nursed variously at Thursday Island, New Guinea, Europe, the United States of America and Canada.

She turned her hand to literature and wrote an extraordinary amount, publishing *Labrador Memories*, the renowned *Innamincka*, which many of us would have heard about, *New Guinea Nurse*, *Thursday Island Nurse*, *The Paths I've Trod* and *Australian Nurses Since Nightingale*

That was not all. She found time to be a foundation member of the Maroondah Singers and later in life turned her life to further education, achieving a bachelor of arts degree from Monash University in 1981. When I was at Monash University in the early 1990s doing a part-time masters degree, I was a classmate of hers when she completed her masters degree at the ripe old age of at least her late 80s.

I doubt whether there would be too many people who have made such an awesome contribution. I am not sure whether there are any nursing awards in her name, but there certainly should be. Her life touched thousands of others, if not tens of thousands of others. She was associated with some of the great events of the 20th century and of the history of this country. I think it

would be very fitting if there were an award in the name of Dr Elizabeth Burchill.

Massage industry: regulation

Ms ASHER (Brighton) — The issue I have is for the Attorney-General and I ask that he pass this on to the Minister for Consumer Affairs in the other place. The action I am seeking of the minister is to investigate the massage therapy industry with a view to considering whether regulation is warranted. I raise this issue because in May 2004 a man by the name of Norman Douglas Wilson, who ran a business called Lavendula, The Alternative Health Studio, located at 152 Church Street, Brighton, right next door to my electorate office, was jailed after having been convicted of rape and sexual assault. The offences were committed on the premises, allegedly during the course of business. Victims were aged between 29 and 56, and numerous complaints were made to police.

Judge Nixon said at the trial:

It's an extraordinary situation that in an industry involving medical implications, that anybody can purport to treat patients who are virtually naked.

He went on to recommend that the government look at regulating the industry.

The issue, unfortunately, was drawn to my attention as far back as May 2002, when a constituent, a mother, wrote to tell me that her daughter had experienced what she termed intimidating and inappropriate behaviour from the man who is now jailed. The woman wrote to me to say:

I dread to think that others like my daughter might face the actions of this middle-age predator, and I hope that you will be able to do something, in your capacity as my local representative, about its prevention in the future. Please give a thought to what may be happening next door when you are in your office in Brighton.

I wrote to the Attorney-General explaining my dilemma — that I wanted to warn women in my electorate not to patronise this business while also referring to the fact that he was entitled to a fair trial. The Attorney-General supported that. The then Minister for Consumer Affairs wrote to me subsequently saying that there was not sufficient benefit to regulate the industry and told me:

I have no information to suggest that such practices would in any way be representative of the ... industry ...

That is my point. The Minister for Health subsequently made the point that self-regulation is best. This is a clear case of the failure of self-regulation. The police

can only prosecute what they term 'street offences'. This man continued in business for two years with members of the Brighton community knowing what a demon or vulgar individual he was. He has quite rightly been jailed. I do not like regulation, but there are no controls over this industry, and I urge the Attorney-General and the Minister for Consumer Affairs to look at the industry to see whether regulation is warranted, and to act on the recommendations of Judge Nixon.

Commonwealth Games: shooting events

Ms McTAGGART (Evelyn) — The action I seek is from the Minister for Commonwealth Games in the other place. I call on him to consider venues and capital works needed to ensure the running of the Commonwealth Games events proposed in my electorate of Evelyn. The proposed events will be clay target shooting at the Melbourne International Gun Club. It is a magnificent venue set amongst a vista of beautiful rolling hills in the Yarra Valley.

I am looking forward to being part of this event — —

Mr Wynne interjected.

Ms McTAGGART — Yes, clay target shooting. Recently quite a few members of this place attended a day at the gun club — the members for Forest Hill, South Barwon and Mornington and members from the other side — and we had a great day. Greg Chan, the Olympic coach, was there, as were former Olympic champions Russell Mark and Lauryn Ogilvie. I was privileged to have a go and shot four out of five in my first practice, so they were looking to sign me up. It was great fun.

Noting that this is situated in the Yarra Valley, it will certainly promote tourism to the region. The Bracks government has put a lot of money into promoting the Yarra Valley, and we look forward to that. We have fine venues, fine wineries, food and produce in that region. I am sure we will be glad to support it.

The constituents of Evelyn will be delighted to get behind this event, including schoolchildren looking to volunteer, and the residents will be delighted to be hosting the event. The Shire of Yarra Ranges is also supporting what we look forward to putting on as a fine event. I call on the minister to ensure that these capital works are made available, and that we can put on a first-class event.

Responses

Ms GARBUTT (Minister for Community Services) — The member for Richmond raised with me issues about neighbourhood houses and their funding. He pointed out that they are a key organisation in our community networks, that they are part of our social fabric, and he gave the example of the Fitzroy Learning Network. The centre provides services to new migrants and vulnerable people in the public housing areas around Fitzroy. The services are highly valued, they are quite unique in the community, they are staffed by volunteers and they are greatly valued by the government. We are very pleased to support the work of neighbourhood houses.

I am pleased to announce to the house that we have been able to grant \$80 000 to neighbourhood houses — —

Honourable members — Hear, hear!

Ms GARBUTT — Indeed, for their community development work. We are going to place \$5000 with each neighbourhood house network. Each neighbourhood house would be a member of its regional network — there are 16 across the state. The networkers provide coordination and advice, assist with implementing programs and are a key role for neighbourhood houses, so we are happy to provide \$5000 to each network.

The grant will be broadly for community development work. We want to keep it flexible, because each network is different and has different issues and different neighbourhoods to respond to, so of course the responses are different. I imagine that the response in the area served by the member for Richmond would be quite different from the responses that the networker would come up with in my area. The neighbourhood house networker in my area resides at Watsonia Neighbourhood House. It is an excellent neighbourhood house — I used to be the president there for a few years — and it responds to its distinct neighbourhood, as does the Fitzroy Learning Network as well.

We are more than happy to provide extra funding to support the work of neighbourhood houses. Members would be aware not only that neighbourhood houses provide assistance to new migrants — for example, in the member for Richmond's area — but that many of them in rural Victoria responded magnificently to the bushfires at the time and became real neighbourhood and community hubs, centres of communication and support. They respond to their neighbourhoods in the

most appropriate ways possible, and we are happy to fund that further support.

The member for South-West Coast raised some serious concerns about the administration of after-hours services and the behaviour of a disability service client. I would be pleased to have any information that the member has, and I will get the region to follow that up seriously and quickly.

The member for Benambra raised a matter for the Minister for Environment; the member for Doncaster raised a matter for the Minister for Education and Training; the member for Forest Hill raised a matter for the Minister for Aged Care in another place; the member for Burwood raised a matter for the Minister for Sport and Recreation in another place; the member for Scoresby raised an issue with the Minister for Police and Emergency Services; the member for Mitcham raised an issue for the Minister for Health; the member for Brighton raised an issue for the Attorney-General; and the member for Evelyn raised an issue for the Minister for Commonwealth Games in the other house. I will ensure that those issues are raised with those ministers and responses supplied.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 5.32 p.m. until Tuesday, 25 May.