

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**Thursday, 16 June 2005
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By authority of the Victorian Government Printer

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Thursday, 16 June 2005

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.34 a.m. and read the prayer.

Mr Clark — On a point of order, Speaker — —

The SPEAKER — Order! I have had a request from the Treasurer to make a personal explanation so I will take that first, and then I will take the point of order.

Honourable members interjecting.

The SPEAKER — Order! The member for South-West Coast will not use such language in the house or I will remove him.

PERSONAL EXPLANATION

Mr BRUMBY (Treasurer) — Last night in the debate on the taxation bills I referred to a quote from senior counsel and I was asked to table the document from which I was quoting. I indicated to the house that I was quoting from a private document, my own notes, and that I did not believe it appropriate to table that document. Instead I tabled a press release which I had quoted from earlier in the debate; I tabled it in the house last night. On taking advice on the standing orders, I am advised that even if it is a personal note and I quote from it, I am required to table that document. So accordingly, today I table the personal notes, which as I said in the house, were provided to me by the member for Burwood. I table those notes, which contain the quote which I referred to from senior counsel.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under — —

Honourable members interjecting.

The SPEAKER — Order! I remind the member for Hawthorn that when the Speaker is on her feet he will resume his seat and stop interjecting across the chamber. I ask members to settle down and we will proceed with parliamentary business.

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster will not yell out while the Speaker is on

her feet. If he does it again I will remove him from the chamber.

I wish to advise the house that under standing order 144 notices of motion 273 to 280 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing by 2 o'clock today.

Mr Mulder — On a point of order, Speaker, I ask you to clarify something if you could in relation to what appears to be a serious error on page 6 of *Daily Hansard* on Tuesday. In answer to a question in relation to a B-class train protection warning system, according to *Daily Hansard* the Minister for Transport claimed in his answer that I was referring to a 2001 European report. I could not hear the minister's response on the day, but I have a copy of the report in front of me dated 8 November 2004. I ask that you check with Hansard as to whether or not that is accurate and, if the minister has misled the house, that he correct the record by personal explanation.

The SPEAKER — Order! I will investigate the matter raised by the member for Polwarth.

NOTICES OF MOTION

Mrs SHARDEY gave notice of motion:

The SPEAKER — Order! I believe the member is in fact debating the issue rather than — —

Mrs SHARDEY — No, I am quoting the Auditor-General.

The SPEAKER — Order! Yes, I am aware the member is quoting the Auditor-General, but the member is required to keep it brief and to relate it to the notice before the house. This does not give members the opportunity, as I have said before, to include various extraneous information.

Mrs SHARDEY — So how much would you like me to delete?

The SPEAKER — Order! I will get the staff to have a look at it and let the member know later.

Further notice of motion given.

BUSINESS OF THE HOUSE

Documents: tabling

Mr Clark — On a point of order, Speaker, in relation to the personal explanation given a few minutes earlier by the Treasurer and in relation to the document that he provided to the house purportedly following on from his obligation to make a document available to the house last night, I submit to you, Speaker, that the document that he has made available does not appear to be the document from which he was quoting last night.

Obviously I do not read documents in the Treasurer's possession across the table, but as far as I could see from where I was standing in the house last night the document to which the Treasurer was referring was a document in a ringbinder in the usual form of advice that is provided to ministers by departments — or in this case, by the State Revenue Office — in relation to bills. It was, as far as I could see, a complete page rather than simply an extract from a page. From all appearances this document seems to have been manufactured by taking an extract from the document from which the Treasurer was quoting last night.

Honourable members interjecting.

Mr Clark — I believe that the standing orders require that the document made available to the house be the full document from which the Treasurer was quoting at the time that I asked him to make it available, rather than a document that has been manufactured by photocopying an extract from that document. I therefore believe that the Treasurer has not complied with his obligations to the house, and I ask you to ask him to do so.

Mr Baillieu — On the point of order, Speaker, last night I was sitting at the front table in the seat of the Leader of The Nationals and I had a full view of the document from which the Treasurer was quoting. As I remarked during the controversy which emerged last night, the Treasurer removed that document and sought to secrete it. He has now come forward and purported that a document which bears no resemblance to the document from which he was quoting is the document that was referred to. That is a gross deception, as was his attempt last night to deceive the house. This is an outrage and the Treasurer is engaging in a deliberate deception of the house.

Dr Napthine — On the point of order, Speaker — —

Honourable members interjecting.

The SPEAKER — Order! I remind the house this is a serious matter and should be treated accordingly by all members. I ask members to be quiet to allow the member for South-West Coast to make his contribution to the point of order.

Dr Napthine — Thank you, Speaker. As you say, this is a serious matter. It goes to the credibility of the house. When members quote from documents it is very important that those documents are made available to the house so it can make an assessment as to their credibility and weight. Clearly in the debate last night the Treasurer deliberately tried to mislead the house and deliberately tried to cover up. The Treasurer has been in this house long enough to know about quoting from documents.

However, the point I wish to make with regard to the tabling this morning is that if you look at *Rulings from the Chair — 1920–2004*, produced in spring 2004, you see that pages 68 and 69, which refer to the quotation of documents, files and speeches and outline the principles under which those should be tabled, make it clear that, and I quote only some of it:

- (1) If the document quoted from is a part of, or attached to, a file, the file also must be made available.

It was very clear last night that this document was part of a ringbinder file which the Treasurer was quoting from, yet it appears to me the document that was tabled today is not part of that file. I ask you, Speaker, to ensure that the total document is made available.

It also makes it very clear under the principles that when a document consists of more than one sheet, all the sheets must be produced. It seems to me that last night the Treasurer and the Leader of the House, the Minister for Transport, were trying to cover up this issue and deliberately obfuscate their responsibilities with regard to the tabling of this document. Both those members are well-experienced in both opposition and in government; they are members who know full well the requirements of this house. It is absolutely clear from the *Hansard* record that the Treasurer said:

In the opinion of senior counsel, and I quote — —

And he proceeded to quote. Then he denied he was quoting; then he denied the document; then he said he was quoting from a different document. There is a history of lies, obfuscation and cover-up, and now it has culminated in a greater sin when he has come in here with a personal explanation which is a lie upon a lie. I ask you, Speaker, to ensure that the Treasurer not only makes the document he was actually quoting from available to the house, but the whole file to which that

was attached according to the principles in the rulings of this house that have stood the test of time.

An honourable member interjected.

The SPEAKER — Order! The member for Brighton will not use that language in the house. I have spoken before to members about the use of the word ‘lie’ and I will not tolerate it.

Mr Hulls — On the point of order, Speaker, the matters that have been raised by members of the opposition are serious and it is a pity they are not taking them seriously. All they are doing is jumping up one after the other to show their leadership aspirations to the backbench. That is what it is about!

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. I ask the Attorney-General to address his comments to the point of order.

Mr Honeywood — You were not even in the chamber last night.

Mr Hulls — Oh yes I was, you silly snoozer! You were tucked up in your little jamas at home somewhere.

The SPEAKER — Order! The Deputy Leader of the Opposition will cease interjecting in that manner, and the Attorney-General will address his comments to the point of order.

Mr Hulls — In relation to the Treasurer’s response and his personal explanation, he made it quite clear that he was quoting from a document earlier in his contribution and that that was a media release, and he tabled that. He also made it clear last night and this morning that in relation to his further contribution he was quoting from some private notes, and he has tabled the aspect of the notes that he was quoting from in relation to the particular legal advice. The *Rulings from the Chair* make it quite clear that when a member is asked to make a document available to the house, only the page from which they are reading is relevant. It is not necessary to photocopy and provide to other members the back of the page if the text on the back of the page is irrelevant and has nothing to do with the document itself.

It is quite clear that the Treasurer was quoting from a particular document in relation to legal advice. He has tabled that and that is the end of the matter. This leadership nonsense that is going on as far as the opposition is concerned should cease because it is trying to raise a ridiculous point of order to show its

leadership credentials. None of them have got it — and Doyley’s still safe.

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster and other members will cease interjecting in that manner.

Mr Cooper — On the point of order, Speaker, what we have had here this morning is an argument from each side of the house as to what should have been tabled. The Treasurer has stood and acknowledged that he has a responsibility to table the document to which he referred last night. He has acknowledged that.

Now we are having a discussion about what is being tabled. The Treasurer has told the house this morning that the full document from which he quoted has been tabled. That is what he acknowledged he had to do and that is what he says he has tabled. Now we have the Attorney-General standing up in defence of the Treasurer and saying he has tabled an aspect of the document. Those were the words the Attorney-General used. He did not say he has tabled the document; he said he had tabled an aspect of the document. That, Speaker, I put to you is a clear admission that the Treasurer has not tabled the document from which he quoted last night. He has quoted an aspect, a segment.

This document has clearly been specially prepared for this session of Parliament here this morning. Clearly it is not the document from which the Treasurer was quoting last night. We now have as evidence of that the admission by the senior law officer in this state, the Attorney-General, who has said it is a doctored document, an aspect of the document from which the Treasurer was quoting. I put it to you, Speaker, that the Attorney-General has tried and convicted the Treasurer here this morning of cheating, and not even cheating in a decent and competent way.

Mr Brumby — On the point of order, Speaker, during the course of a parliamentary debate when the house is considering a bill in detail the minister at the table will have a variety of pieces of information and documents in front of them. That has always been the practice, and it was the practice last night during the debate on the taxation bill. I also received during the course of the debate last night some typed notes which were provided to me by the parliamentary secretary, the member for Burwood, on particular aspects of the legislation.

When I was responding last night to matters which were raised by the member for Box Hill and others, I referred on a number of occasions to those pieces of

paper which had been provided to me by the member for Burwood. I quoted, as I said in my personal explanation, from a media release. I tabled the full media release last night because I quoted from it — —

Honourable members interjecting.

The SPEAKER — Order! Members will hear the Treasurer in silence.

Mr Perton — He should have a lie detector attached to him now.

The SPEAKER — Order! The member for Doncaster's comments are totally inappropriate. I ask him to desist and if he makes any further comments in that vein, I shall remove him from the house.

Mr Brumby — I also referred to a quote from senior counsel. When I was asked last night, as I said in my personal explanation, to table that I did not believe I was required to table that because it was a note that had been given to me by the member for Burwood. I think — —

Honourable members interjecting.

The SPEAKER — Order! I ask members to show respect to members and allow them to contribute to the point of order. The Treasurer to continue, without any interjection from the member for Sandringham.

Mr Brumby — I suspect that the opposition thought that I had a full sheet of paper which contained a full legal opinion from senior counsel. I have never seen such a legal opinion. I have never had such a legal opinion.

Mr Smith — You tried to hide it.

Mr Brumby — Ken, this is your big comeback.

The SPEAKER — Order! The Treasurer, through the Chair and without further interjections.

Mr Brumby — Last night I began to quote — I said, 'In the opinion of senior counsel, and I quote' — and got about halfway through when there was a point of order. The piece of paper which was given to me by the member for Burwood and which I have tabled in the house says:

No taxpayers should be able to complain that they arrange their affairs on the basis of this aspect of the legislation as enacted. The whole tenor of the autumn 2004 amendments were on strengthening the provisions. In the opinion of senior counsel —

and I quote —

any party which arranged transactions on the assumption that the literal language of section 74(1) would govern did so at its own risk.

That is what I was referring to last night. It is a two-line quote.

Mr Baillieu interjected.

Mr Brumby — Despite the excitement of the member for Hawthorn, there is no opinion that I had last night or have today that is a full legal opinion from senior counsel. There is no legal opinion.

Dr Napthine interjected.

The SPEAKER — Order! The member for South-West Coast!

Mr Brumby — In this last week of Parliament we have seen an opposition which has fallen over. It could not even carry the debate on the mountain cattlemen's bill. It could not even carry the debate last night on tax legislation. Its biggest claim to fame in a whole week of Parliament is to quibble about one piece of paper. It is just hopeless.

The SPEAKER — Order! I have heard enough on the point of order. I think we have now had six speakers and I shall now rule on the point of order.

In the house last night the Deputy Speaker undertook to investigate a matter raised by the member for South-West Coast about a document tabled by the Treasurer in relation to the debate on the State Taxation Acts (General Amendment) Bill. When I had a look at the *Daily Hansard* I realised that in fact the document tabled by the Treasurer was different to the one from which the quotation was taken. I therefore asked the Treasurer to provide the house with a copy of the document he quoted from, which I gather is a briefing note given to him by the member for Burwood relating to clause 13 of the bill, which was under discussion. That is the document that he has forwarded to me and tabled in the house this morning.

PETITIONS

Following petitions presented to house:

Wonthaggi State Coal Mine: future

To the Legislative Assembly of Victoria

The petition of Friends of the State Coal Mine, residents of Wonthaggi, residents of Bass Coast shire in the state of Victoria, draw to the attention of the house that Parks Victoria have ceased underground tours at the Wonthaggi State Coal

Mine tourist attraction after advice from engineering consultants that haulage and electrical equipment is no longer in line with the new regulations. This means that all underground workings, operations and maintenance done by volunteers have stopped. All tourist mines must now operate to working mine standards.

The petitioners therefore request that the Legislative Assembly of Victoria provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and equipment up to the same standard as a working mine. We, the undersigned, will gratefully accept every possible assistance you can offer us to have this valuable tourist attraction in working order so that underground tours can resume.

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

By Mr SMITH (Bass) (225 signatures)

Schools: religious education

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious education in Victorian schools draws out to the house that under the Bracks Labor government review of education legislation, the future of religious education in Victorian schools is in question and the petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation which would diminish the status of religious education in Victorian schools and, on the contrary, require the government to provide additional funding for chaplaincy services in Victorian state schools.

The petition of citizens of Victoria is concerned to ensure the continuation of religious education in Victorian schools.

By Mr CLARK (Box Hill) (33 signatures)
Mr THOMPSON (Sandringham) (34 signatures)
Mr WELLS (Scoresby) (643 signatures)

Schools: religious education

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious instruction in Victorian government schools draws out to the house that under the Bracks Labor government review of education and training legislation, the future of religious instruction in Victorian schools is in question and risks becoming subject to the discretion of local school councils.

The petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation and the Victorian government schools reference guide that would diminish the status of religious instruction in Victorian government schools and, in addition, urge the government to provide additional funding for chaplaincy services in Victorian government schools.

The petition of citizens of Victoria [is] concerned to ensure the continuation of religious instruction in Victorian

government schools and to provide additional funding for school chaplains.

By Mr MILDENHALL (Footscray) (40 signatures)
Mr LANGDON (Ivanhoe) (22 signatures)
Mr ANDREWS (Mulgrave) (15 signatures)
Dr NAPTHINE (South-West Coast) (58 signatures)

Schools: religious education

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that the Education Act 1958, governing religious education in government schools remains unchanged.

By Mr ROBINSON (Mitcham) (51 signatures)

Health: human papilloma virus trials

To the Legislative Assembly of Victoria:

The petition of a resident of Victoria draws to the attention of the house:

Young women who volunteer to take part in the phase III clinical trials of the human papilloma virus (HPV) vaccines may not receive the best standard of care in relation to sexually transmitted infections (STIs).

The petitioner therefore requests that the Legislative Assembly of Victoria enquires whether:

1. All trial data, especially in relation to STIs acquired during the trial, will be published.
2. Trials will be abandoned if rates of STIs acquired during the trial are excessive.
3. Costs of all treatments for STIs acquired during the trial will be met by the researchers.
4. The researchers will meet all future costs of treatment for long-term consequences of STIs acquired during the trial, especially infertility due to infection with *Chlamydia trachomatis*.
5. Volunteers for the trials have received best practice surveillance and diagnosis of STIs, and best practice education and access to prevention of STIs.

By Mr ROBINSON (Mitcham) (1 signature)

Tabled.

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

Ordered that petitions presented by honourable members for Footscray, Ivanhoe and Mulgrave be considered next day on motion of Mr DIXON (Nepean).

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

NATIONAL CLASSIFICATION CODE

Publications, films and computer games

Mr HULLS (Attorney-General), by leave, presented revised code contained in commonwealth Classification (Publications, Films and Computer Games) Act 1995.

Tabled.

DOCUMENTS

Tabled by Clerk:

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations Notified between 1 October 2004 and 15 June 2005 — Ordered to be printed

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No. 48.

BUSINESS OF THE HOUSE

Adjournment

Mr HOLDING (Minister for Police and Emergency Services) — I move:

That the house, at its rising, adjourn until Tuesday, 19 July 2005.

MEMBERS STATEMENTS

Lynbrook Primary School: opening

Mr HOLDING (Minister for Police and Emergency Services) — It was late in 2000 when the Lynbrook Residents Association started making inquiries as to how long it would take to get a new primary school in the Lynbrook estate in the Lyndhurst electorate.

In January 2001 a subcommittee called the Lynbrook School's Action Group was formed and comprised the very capable and dedicated Lynbrook residents — Debbie Pike, Linda Pilton, Sue Smith, Deborah Duane, Karen Grainger, Anne Lovatt and Miles Weidemann. The group undertook resident surveys of the Lynbrook estate to find out how many children lived in the estate and families' plans for more children. In early 2003 it was announced that a new school would be built in

Lynbrook and a planning committee was established, including Debbie Pike, Fiona Mison, Llyly Valdes, Sue Smith, Anne Lovatt and Miles Weidemann.

I have visited the Lynbrook Primary School site many times to observe the buildings going up, the classrooms being painted and new trees being planted. It is a wonderful school, now, complete with students, staff and eager community members working together to provide the best education for Lynbrook families.

The Bracks government committed over \$5 million to build this landmark school with its brightly coloured classrooms, its big gym with a special stage and its environmentally sensitive energy systems, all of which perfectly complement the surrounding wetlands and landscape. On 1 June the school was officially opened by the Minister for Education and Training, who was joined by students in planting a time capsule under the big river red gum trees in the schoolyard.

Congratulations to principal, Russell Gascoigne, and assistant principal, John Mannix, who have worked cooperatively with the education department's southern regional office. Congratulations also to local councillor Wayne Smith, who has worked very hard with the local school community and the residents of Lynbrook. My thanks to all the Lynbrook community and to Debbie Pike and her planning committee for all the hours they have put in to make the new Lynbrook Primary School such an innovative — —

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

Kew Residential Services: site development

Mrs SHARDEY (Caulfield) — I raise the issue of the redevelopment of Kew Residential Services, which has caused much angst not only to the surrounding community because of the proposed loss of open space and inappropriate high-rise development and the fact that it does not even comply with the government's own planning policy but also to the many severely intellectually disabled and their families, who feel they were not offered a real choice as to their future.

My particular concern is as a result of the briefing I received from the Department of Human Services that failed to provide answers to many questions. I am not critical of the person who offered the briefing, but I am critical of the lack of information I was offered at the time. The questions that could not be answered I would have thought are very basic, and the fact that they were not answered I view as a reluctance on the part of the

Bracks government to tell the truth about this development.

The questions that were met with a negative response were: what is the average size of the blocks of land on this development; what price is the developer paying for the Kew Residential Services land; what are the parking requirements for the high-rise apartments; what did the traffic management plan show, particularly in relation to the safety of the 100 disabled residents; and what is the profit-sharing arrangement between the government and the developer?

None of these questions was answered. I was finally horrified to be told that there would probably be little surplus money to be passed to disability services once the profit-sharing arrangement between the government and the developer was finalised — not a good outcome by any measure!

Onella Stagoll

Mr WYNNE (Richmond) — I rise to acknowledge two prominent Victorians who were awarded Queen's Birthday honours this year. Firstly, Onella Stagoll, chief executive officer of BreastScreen Victoria, was awarded the Medal of the Order of Australia (OAM) for services to community health. She is the founding director of BreastScreen Victoria and lives in my electorate. I have known her for many years and have been aware of her efforts to progress the cause and raise the profile of screening for breast cancer. Onella has received this award for extending BreastScreen Victoria services to women in rural areas and women from non-English-speaking backgrounds. A deserved award for an outstanding leader in our community.

Eamonn Moran

My second acknowledgment is of Eamonn Moran, QC, Chief Parliamentary Counsel for Victoria. He is a remarkable public servant, who has delivered the legislative program to successive governments since 1977. His drafting skills are recognised throughout Australia and he is also acknowledged for his work with the Victorian Law Reform Commission, particularly on plain legal language. Eamonn is a leader in his field and we are very fortunate to have him at the helm of our legislative program. His fair and wise counsel and outstanding service to successive governments makes Eamonn a more than worthy recipient of the Public Service Medal.

Bridges: Echuca–Moama

Mr MAUGHAN (Rodney) — Echuca-Moama urgently needs a new bridge. The existing bridge was built in 1879 and is the oldest remaining Murray River crossing. With Echuca and Moama both growing rapidly, traffic volumes have increased to more than 20 000 vehicles per day. Moves to build a new bridge began some 10 years ago. Federal funding has been in place since 1998, and both the Victorian and New South Wales governments are committed to their share of the project. The difficulty is to gain agreement on a suitable site.

After considering seven options, the VicRoads/Roads and Traffic Authority preferred option was taken to appeal and the western option was chosen. Under commonwealth legislation it is necessary to secure the written consent of the local Aboriginal community before detailed design can even begin. After more than two years of negotiation that consent has not been secured and any further progress is currently at a standstill. I understand that the commonwealth intends to repeal the Victorian provisions of the Aboriginal and Torres Strait Islander Heritage Protection Act and that Victoria plans to enact similar indigenous heritage legislation later this year.

Throughout the whole process I have consistently supported due process, refusing to support one option over another. I continue to take that view and will continue to work to ensure that Echuca-Moama receives its urgently needed second Murray River crossing as soon as it is possible to do so.

Home Stay Australia

Mr HERBERT (Eltham) — I rise to inform the house of a fantastic new information resource for the 60 000 international students who come to study and live in Victoria every year. The book is called *Home Stay Australia* and has been developed by Joan Denison, a resident in my electorate. This book has also been published and even illustrated locally — a pure local product. It is a great one-stop resource for international students adjusting to a new home and school life in Australia.

Victorians are a very friendly lot but many international students feel very alone and confused during the settling-in phase. Such a book allows these students to learn at their own pace without feeling pressured. Ms Denison has put an enormous amount of effort and energy into this book and it covers every aspect of settling into Australia quickly and easily — from health and safety to making new friends and even dealing with

local wildlife. It even has a section that functions as a diary, allowing students to accumulate notes and valuable information as they settle in. The book is full of great practical things like that.

Ms Denison has written this book from a caring mother perspective, as she herself is a home stay parent for international students. Her expertise is reflected in the quality and professionalism of this publication. I am informed that Ms Denison has made contact with over 1500 schools and 500 libraries to promote her book and has already received a fantastic response. I feel that a copy of this book should be made available to every Victorian educational institution that welcomes international students.

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

Planning: Belmore Heights shopping centre

Mr CLARK (Box Hill) — For two and a half years the Bracks government has been trying to impose high-rise, high-density development on Melbourne's established suburbs under its Melbourne 2030 strategy. For all the government's attempts to pretend otherwise, this policy applies not only to larger centres like Box Hill and Camberwell but also to smaller suburban strip shopping centres. I have been warning repeatedly about the risks of Melbourne 2030 from the time it was first released prior to the 2002 state election.

Now in my electorate we have another stark example. The Belmore Heights shopping centre is a small shopping centre at the corner of Balwyn and Belmore roads, Balwyn. It has a number of high-quality food outlets and a range of specialty stops. Planning approval is now being sought to build a four-storey office, residential and shopping complex on the south-east corner of the intersection. The second level is to be devoted to car parking but I am told that there are only 19 proposed car parks when the normal requirement would be 80. Local residents and nearby traders have objected strongly to the proposal which they say will overlook nearby homes and take up car parking used by traders' customers. They consider that the bulk of the building is overbearing and intrusive and would create a dominating impact on the neighbourhood.

The City of Boroondara rejected this application at officer level on 18 May. However, an application to review has now been lodged with the Victorian Civil and Administrative Tribunal. One of the key grounds cited is that the proposed development responds, and I quote, 'to the 2030 development plan strategy'. The

Bracks government needs to get the message and get it quickly that Melbourne 2030 will wreak serious damage across Melbourne's established suburbs. We can still see today many of the large, monolithic blocks that proliferated in the 1970s. We do not want a repeat with run-down tenement blocks in future.

The Basin Primary School: sports education program

Mr MERLINO (Monbulk) — I am very happy to inform the house about the success of The Basin Primary School in the area of physical and sports education. The school's students had an outstanding year of success in 2004 with their sports education program recently being recognised by the Eastern Metropolitan Regional Board for Outstanding School Achievement in Physical and Sports Education. I congratulate their physical education teacher, Mr Dale Goldsmith, who developed this program which runs over a four-year period with particular emphasis on fundamental motor skills from prep level.

This program involves a variety of sporting experiences and the opportunity for students to take part in coaching clinics in areas such as tennis, golf, bowling, hockey, soccer and rope courses. The enthusiasm this has created amongst the students has led the various teams to success at the district, zone and state sporting competitions in 2004 in areas such as cross-country, athletics, football, cricket and bat tennis competitions, with the girls taking out the state title in bat tennis.

In 2005 this enthusiasm continues. Already students from years 3 to 6 have won district competitions in both swimming and athletics, and the cross country teams are on track to again achieving their best at the district cross country competition. I would like to congratulate the students, the teachers and the community of The Basin Primary School who are involved in this program. At a time when the lack of physical activity is such a major problem among our young people, The Basin primary is truly encouraging its students to 'Go for your life'.

Planning: Skye landfill

Mr HONEYWOOD (Warrandyte) — More than 1000 local residents have formed a community action group to oppose a proposal currently before the state government to landfill the site of Skye Quarry in the Langwarrin area of the city of Frankston. The proponent of the landfill is the same business that runs the quarry. The quarry is already allegedly mined 27 metres below the water table, yet the Environment Protection Authority maintains that there should be no

landfill below the water table. Just as important, given the current water shortages, is the fact that the ground water and aquifer water that stands to be affected is segment A, the highest quality drinking water, and the EPA policy is for no landfills in such segment A ground water areas.

Many local residents have no mains water in this area and rely on this ground water for drinking, irrigation and animal consumption purposes. An application by the same proponent has already once been rejected by the EPA. The existing quarry and landfill are imposing buffers on surrounding properties and are allegedly in breach of best practice environmental guidelines which stipulate that such buffers should be owned by, or under the control of, the facility operator. I note that in 1995 the then planning minister, Rob Maclellan, stated that he would not agree to introducing this type of buffer provision in the absence of the agreement of the owner of the land affected and without a change in the planning scheme. This has not occurred.

This could mean restricted land use for up to 90 years, which will severely impede upon abutting landowners' rights to enjoy their private property. Despite being granted a brief audience by the minister for photo opportunities, the Minister for Environment, the residents have yet to get any genuine answers to their serious concerns. All they want is to ensure that due process is followed and that the EPA maintains its own policy.

National Celtic Festival

Ms NEVILLE (Bellarine) — Last weekend the Bellarine Peninsula hosted another fantastic national festival, the National Celtic Festival. Once again this was held in Portarlington, and I was pleased to be able to be a volunteer, joining many other local residents who give of their time to make this such a successful event. The town has warmly opened its arms to the festival, and this has certainly contributed to its success. Once again thousands of people visited the area and enjoyed a weekend of fantastic traditional and contemporary Celtic music, dance and art, as well as fantastic food and local wines. This year the festival was bigger and better, and we saw a major launch in both Sydney and at Federation Square which successfully promoted the event to many thousands of Australians.

Of course the festival can only be successful with the assistance of many people who give of their time freely. I would like to acknowledge the hard work of the executive committee, Una McAlinden, Deryck Gall, Jayne Collins, Peter McDonald and Colleen Guiney. I

acknowledge also the hard work of the many hundreds of volunteers from the community who contributed on the day and in the lead-up, and also local businesses including Norm Abbey Real Estate, the Portarlington news agency, the Portarlington post office, the Blue Dolphin cafe and John Sandilands, Bricklayer. I acknowledge too the following local businesses which are major sponsors: the Grand Hotel, the Old Duke and the Portarlington Seaside Resort. The state government, of course, was also pleased to be a major sponsor, through Tourism Victoria and the Victorian Multicultural Commission. Congratulations to everyone involved. It was another fantastic weekend.

Police: north-east Victoria

Dr SYKES (Benalla) — Earlier this year the Minister for Police and Emergency Services responded to a question from me regarding the staffing of police stations in Mount Beauty, Bright, Mansfield and Woods Point, especially during the snow season. The minister was able to confirm the appointment of Senior Constable Ken Dwight to Woods Point. Last week I met Ken and his wife, Sue, when I visited Woods Point. They have settled in well, and the local community again feels comfortable.

In relation to other staffing issues, the minister quoted the successful apprehension of criminals in Mount Beauty and the generally favourable area crime statistics to support his view that the area is well policed. The issue of actual police numbers was sidestepped by the minister, who stated that it was an operational management issue. At a state level the Bracks government has added only 200 of the 600 new police promised for this term of government. Consistent with this, individual police officers are telling me privately that there are staff shortages in local police stations due to a variety of causes, including leave, ill health and stress leave. Wangaratta police station was forced to close its doors to the public earlier this year due to staff shortages, so the problem is real.

With the snow season about to commence, I call on the Minister for Police and Emergency Services to ensure that staffing for the snow resorts is adequate and that no undue stress is placed on individual police officers to achieve this outcome.

McKinnon Secondary College: *Seussical*

Mr HUDSON (Bentleigh) — Recently I had the pleasure of attending *Seussical — The Musical!*, a grand production by over 60 students at McKinnon Secondary College on stage at the Phoenix theatre. The musical showcases a range of characters from the

much-loved Dr Seuss books, including *Cat in the Hat* and *Horton Hears a Who*. Dr Seuss is of course one of the world's best-known writers for children, with over 200 million copies of his books translated into 15 different languages around the world.

These characters are brought together in a kaleidoscope of colour where they fall in love, go on adventures and save the world in places such as the Jungle of Nool, Whoville, McElligott's Pool and Palm Beach. Through these characters we explore many themes such as friendship and love, sacrifice and how to co-exist peacefully with others in the world who are different from us. The students explored these themes with great creativity and verve as they brought Dr Seuss's characters to life.

Undoubtedly the stars of the show were William Frecheville as the Cat in the Hat, Andrew Ledovsky as Horton the Elephant, Marie Henshaw as Gertrude McFuzz, Calisha Allsworth as Mayzie Bird, Nick Skoufis as Jojo and Elisha Nathan as The Sour Kangaroo. Special mention should also be made of James McFadyen as the Mayor of Whoville, Ilana Mattatia as Mrs Mayor and Josh Kamil as General Ghengis Kahn Schmitz. The cast were ably directed by Andrew Kolb, the musical director, Blanka West, and the choreographer, Liz Dark. Congratulations, McKinnon Secondary College, on a magnificent production!

Dame Margaret Guilfoyle

Mr McINTOSH (Kew) — It was a great thrill and tremendous news to hear that Dame Margaret Guilfoyle had been awarded the Companion in the Order of Australia honour in the recent Queen's Birthday honours. Dame Margaret was a Victorian senator from 1971 to 1987. She served as the commonwealth Minister for Education, Minister Assisting the Prime Minister in Child Care Matters, Minister for Social Security and finally Minister for Finance. Qualifying as an accountant and then as a lawyer, she joined the Liberal Party in 1949 and was chair of the women's section of the Liberal Party from 1967 to 1970 before being elected to the Senate in 1970. She is married to Stan Guilfoyle, himself a Member in the Order of Australia, and their family has lived in Kew for a considerable time.

After leaving politics in 1987 she continued to serve the community in a variety of ways simply far too numerous to mention in the time I have. But they include serving as director of the Australian Children's Television Foundation, chair of the Judicial Remuneration Tribunal, deputy chair of the Infertility

Treatment Authority and deputy chair of the Mental Health Research Institute. As Australia's first woman member of federal cabinet, she was made dame in 1983, and it was for working to help some of society's most disadvantaged that she received her most recent honour. Australia's highest public honour is a fitting tribute to Margaret Guilfoyle, a wonderful Victorian and a great Australian.

Queen's Birthday: public holiday

Mr TREZISE (Geelong) — Members will be well aware that last Monday many Victorians enjoyed the public holiday that celebrated the Queen's Birthday. Although I have no problems with a long weekend as it ensures lots of visitors to my electorate of Geelong, I do have concerns about why we actually celebrate it as a public holiday. In 2005 the celebration of the Queen's Birthday is completely irrelevant to most Victorians. As a matter of fact, it is also irrelevant to the Queen and her family, given that the Queen was actually born on 21 April, not 13 June.

Even the various states cannot agree on which day to celebrate the Queen's Birthday, with Western Australia having its day on 26 September. The celebration of the monarch's birthday first took place in Australia in 1788 to celebrate King George III's birthday. Perhaps it was understandable more than 200 years ago, but surely not in 2005. Instead we should have a day that is relevant to Australians and adds to our communities.

For example, Anzac Day is relevant in that it commemorates the lives of Australians lost in defending their country and it adds value to our community through educating our young of the history and the atrocities of war. I am sure there are lots of other ideas that can be considered for a relevant day. A day to celebrate the thousands of volunteers who contribute enormously to our communities is one idea, or a set day across the state where local communities can celebrate their own heritage or history. A reconciliation or harmony day could be another. Surely there would be another day to celebrate which would be more relevant to Australia in 2005 than the Queen's Birthday.

Australian Intercultural Society: Turkish tour

Mr THOMPSON (Sandringham) — I pay tribute to the work of Mr Orhan Cicek and the Australian Intercultural Society for convening a recent study tour to Turkey. Invitations were extended to members of Parliament, senior government officials, university academics, religious leaders, journalists and business leaders with an interest in the region. The journey

coincided with the 90th anniversary of the Anzac landing at Gallipoli and was attended by thousands of Australian, New Zealand and Turkish visitors. It was addressed by a number of Australian and Turkish people, including the Prime Minister of Australia, John Howard, and the Prime Minister of New Zealand, Helen Clark.

The trip focused on the historical, cultural and religious background of Turkey. Victoria is a home to many migrants of Turkish heritage. Discussions were held with the Deputy President of the Grand National Assembly of Turkey, members of Parliament, governors and the Australian Consul-General. Discussions were also held with the Armenian Patriarch, Catholic leaders and a representative of the Greek Orthodox patriarchy. Intercultural relations were examined, and the group met the Sufi scholar Fethullah Gulen and his supporters, who have actively promoted collaboration between faith communities.

I would like to acknowledge the excellent leadership of Orhan Cicek, the Australian Intercultural Society, PASIAD, Mehmet Ali Sengul and Ibrahim Kocabiyyik, who have actively sought to further intercultural and interfaith understanding and strengthen relations between Australia and Turkey. I would also like to acknowledge the contributions of the Writers and Journalists Foundation, the *Zaman* newspaper, Samanyolu TV, Fatih University and a range of private education institutions which supported the tour.

Torquay: scout and guide hall

Mr CRUTCHFIELD (South Barwon) — I rise to congratulate a number of people in regard to the upgrade of the Torquay scout and guide hall. Congratulations go to the editor of the *Surf Coast Times*, John Stoward, for his wonderful coverage of community events over the last two years or so. He has now expanded his media conglomerate to Barwon Heads and Ocean Grove and is doing very well indeed.

On Monday, 6 June, I had the pleasure of opening the extension to the Torquay guide hall. The Minister for State and Regional Development had approved a grant of \$31 000 under the Small Towns Development Fund for the \$62 000 extension to the hall. I would like to pay tribute to a number of people: Desley McKnight, the group leader of the Torquay scouts, and Martin Duke, who has kids in the scouts and indeed whose original idea it was. Martin approached Torquay Rotary about helping raise the money, and Malcolm Slater from Torquay Rotary put up his hand and approached the Surf Coast shire to auspice the successful grant application to the state.

Torquay Rotary and Lions Club donated its annual fundraising money from its auction dinner and the Torquay scouts independently raised considerable money for the project. As is the Surf Coast community's wont, many individuals and companies donated their time and money to make this project a resounding success.

Particular congratulations go to Malcolm Slater from Torquay Rotary, who managed this whole project from the start. I wish he had project-managed my building projects in the past, as his job was outstanding and helped bring the facility into the 21st century. A new kitchen, toilets and storage area will make this a very popular and well-used facility.

Lilydale Heights College: Reconciliation Week

Ms McTAGGART (Evelyn) — On Tuesday, 31 May, I had the pleasure of attending Lilydale Heights College to celebrate Reconciliation Week 2005. The college for the first time in its history held a welcome-to-country and flag-raising ceremony. I congratulate principal Peter Cowan and his students for their commitment to recognise Reconciliation Week at their school. The welcome-to-country ceremony was performed by James Wandin, an elder of the Wurundjeri people. James spoke of the importance that the land holds for Aboriginal people and of his family's history within the local area.

Miranda Madgwick, an Aboriginal educator, reflected on her journey growing up within an Aboriginal family and shared with the students the difficulties her family faced many years ago and are still facing today. I was pleased to inform the gathering that the Bracks government passed the Constitution (Recognition of Aboriginal People) Bill in 2004. This legislation formally acknowledges the Aboriginal people of Victoria and their contribution to the state. The students were advised that this legislation is an important step towards reconciliation.

I highlighted the fact that reconciliation is most importantly about respect, treating others as equals and making right past injustices. We need to acknowledge the very strong spiritual, social and cultural relationship that Aboriginal people have with their traditional lands and waters. We must be honest about the past and be strong to take up the challenges of the future. There is still a lot more to be done on this path to reconciliation, but by taking small steps, like the ceremony at Lilydale Heights College, it means we are on the right path. Congratulations once again to the staff and students on their inaugural reconciliation ceremony.

Hi-City Industries

Mr LANGDON (Ivanhoe) — I would like to take this opportunity to congratulate Hi-City Industries for 30 years of service for people with disabilities. Hi-City Industries, formally known as the City of Heidelberg Handicapped Persons Bureau Ltd, is a supported employment service for people with disabilities. I am extremely pleased to advise the house that Hi-City Industries and the Northern Region Supported Employment Service employs and supports over 200 people with disabilities. It is situated at 98 Oriell Road, Bellfield. On 30 June Senator Patterson will officially open a newly constructed clean room as part of its celebrations. The clean room will enable Hi-City Industries to expand its packaging operations to include non-prescriptive pharmaceuticals and food items, thus creating more and new opportunities for young people with disabilities. I extend my appreciation to Robert Kernick, chairman of the board, and all at Hi-City for their 30 years of service. Well done! I hope the official opening goes well.

Mount Baw Baw: ski season

Mr MAXFIELD (Narracan) — On the weekend I attended the opening of the ski season at Mount Baw Baw. I want to thank all the staff who assisted in getting the mountain ready for the opening weekend. I also want to acknowledge the mountain's new building, Village Central. This building cost in excess of \$800 000, and the money came from the Regional Infrastructure Development Fund as the last stage of the money given to the mountain by the Bracks government. Village Central has been built on budget and on time, and we saw it being used very successfully for the first time over the long weekend. I want to congratulate all those who were involved in the development and those who helped get the mountain to the state it is in today. It is a far cry from where it was five to six years ago.

I want to acknowledge the chair of the board, Leona Mann, and her board for the work they have put in. I also want to acknowledge the chief executive officer, Jim Somerville, who has driven the developments on the mountain and done an outstanding job as we have grown the mountain over the last few years. I also want to acknowledge the support of his very capable staff who have worked very closely with Jim to develop Mount Baw Baw. I am looking forward to a very good ski season. I know this great mountain will delight many families and those who go up there to enjoy the snow sports. This mountain will also deliver economic benefits to the whole region as people not only stay on

it but travel to and from it to enjoy a wonderful snow season.

International Men's Health Week

Mr PERERA (Cranbourne) — I rise to speak on International Men's Health Week, which is being celebrated this week. It runs until 19 June. Representatives from around the world launched International Men's Health Week at the second world conference on men's health in Vienna in 2002. Delegates at the conference agreed to use the week as an opportunity to promote men's health and to encourage institutions to develop health policies and services that meet men's specific needs.

Men and boys face different health concerns than women and girls. International Men's Health Week is an opportunity to both acknowledge those differences and look for ways to improve the health and wellbeing of men and boys. The Men's Shed concept is a fantastic way to improve men's health by addressing issues such as social isolation and disconnectedness among men with similar life situations and experiences. It is also an opportunity to celebrate the positive contributions of men and boys to their communities.

I thank the following who took the opportunity to celebrate the launch with me in Cranbourne on Friday: my parliamentary colleague Dale Wilson, the member for Narre Warren South; Ian Berner-Smith, volunteer and researcher for the Men's Shed for Cranbourne project; Rod Charles, manager of the Oakgrove Community Centre; and Andrew Gabriel, men's health worker, and Rod Shearer, a community health nurse, both from the Casey-Cardinia Community Health Service.

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

Mooroolbark Football Club

Ms BEARD (Kilsyth) — I would like to pay tribute to my most recent parliamentary intern, Andrew Lai, and his report on the Mooroolbark Football Club and the way in which sporting clubs in general are a vital link in community life. Andrew's report was outstanding, even more so when you consider that he lives in Epping and had not seen a game of Australian Rules football. He travelled up to three times a week to Mooroolbark to conduct interviews with officials, players and other people connected with the club, some since its inception in 1965. One of these was my brother, Peter Fuller. My father, Jim Fuller, was the

second president of Mooroolbark Football Club in 1967.

This document is a valuable one for the Mooroolbark Football Club and its history, for my family because of our historic connection to the club, and for the whole Mooroolbark community. I recently became a sponsor of the Mooroolbark Football Club, thanks to the efforts of Margaret and John Lowry. Recently Peter Cameron has volunteered himself as a fitness instructor at the club and has worked during 2005 to run a program helping the youth involved in the football club and in Mooroolbark.

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

Woori Yallock Primary School: safety zone

Mr HONEYWOOD (Warrandyte) — Woori Yallock Primary School in the electorate of Monbulk has had some funds expended for a special 40-kilometre school safety zone in the mornings and afternoons, which are busy times when parents are dropping off and picking up their children. Yet it transpires that the lights do not work and that the lights are yet to be turned on in fact. So all this money has been spent by the government for an inefficient operation that is not actually meeting the needs of the parents.

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

NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL

Second reading

Mr THWAITES (Minister for Environment) — I move:

That this bill be now read a second time.

I am pleased to introduce a further bill to enhance Victoria's parks system. The bill will principally amend the National Parks Act 1975, Crown Land (Reserves) Act 1978 and Forests Act 1958. It will also amend the Heritage Rivers Act 1992, Fisheries Act 1995 and Sustainable Forests (Timber) Act 2004.

Of particular note, the bill will protect the Otway forests by:

implementing the key government policy to create a greatly expanded national park in the Otway Ranges — the Great Otway National Park;

establishing the basis for creating the Otway Forest Park; and

ensuring the end of sawlog and pulpwood harvesting in the Otway forests.

It will also enhance the parks and reserves system near Melbourne through the addition, in particular, of Melbourne Water owned land which is being transferred to the Crown. Some other amendments to several existing parks and heritage rivers will also be made.

A new direction for the Otway Ranges

The primary purpose of the bill is to create the Great Otway National Park under the National Parks Act. This splendid new national park will incorporate the existing Otway National Park and Angahook-Lorne, Carlisle and Melba Gully state parks, as well as areas of state forest and other Crown land. The new national park will cover more than 100 000 hectares, an increase in park area of more than 60 000 hectares, and will implement the park recommended by the Victorian Environmental Assessment Council — VEAC — in its final report for the Angahook-Otway investigation. I thank all those who contributed to this significant study.

The new national park will be complemented by the Otway Forest Park, which will be established under the Crown Land (Reserves) Act. As recommended by VEAC, the forest park will cover nearly 40 000 hectares. It will provide for recreation, including some activities not normally permitted in a national park, and minor resource uses while also protecting and conserving the natural and cultural values of the forest and water supply catchments.

The change in public land use in the Otways results from the decision of the Bracks government to phase out timber harvesting in the native forests of the Otway Ranges and, instead, to recognise that their sustainable future lies with their tourism value. Sawlog and pulpwood harvesting has already ended in the areas of state forest that will be included in the new national park and will end in the area to become the forest park by 2008. A new era for the Otway forests will begin.

The new national park will represent all that is special about the Otways: the tall wet forests, ancient rainforests, the drier forests of the inland slopes and the very diverse heathlands and heathy woodlands, fringed by a spectacularly rugged coastline and studded with some of Victoria's most striking waterfalls and other attractions. Internationally and nationally significant geological features, beautiful streams, tall trees, old growth forest, spectacular wildflower displays, rare

plants and animals, and significant cultural heritage sites will all be protected.

This is indeed a magnificent new park of which all Victorians can be proud. It is easily accessible and will add considerably to the experience of those visiting the world-renowned tourism attractions of the Great Ocean Road and the Twelve Apostles.

I would now like to refer to particular aspects of the bill relating to the new national park.

Protecting water supply catchments

The park will include parts of several water supply catchments currently managed by Barwon Water and South West Water. The catchments are vital for the supply of water to Geelong, Colac, Warrnambool and several other coastal towns, such as Lorne, Aireys Inlet and Anglesea. Some of the land in these catchment areas is owned by the two water authorities and is being transferred to the Crown for inclusion in the park. This will ensure their permanent protection.

Those catchments wholly in the park that are located upstream of water supply storages will be identified as 'designated water supply catchment areas'. Under section 30H of the National Parks Act, the paramount consideration in managing such areas, just like the designated water supply catchment areas in the Kinglake and Yarra Ranges national parks to which the section currently applies, will be the protection of the catchment areas and their water resources.

Clauses 8 and 9 of the bill will substitute, with amendments, several sections of the National Parks Act that were inserted in 1995 when significant parts of Melbourne's water supply catchments were included in the Kinglake and Yarra Ranges national parks. These provisions will then also apply to the designated water supply catchment areas in the Great Otway National Park. Barwon Water and South West Water, as managing water authorities, will, under an agreement with the Secretary to the Department of Sustainability and Environment, continue to have water supply management responsibilities in these catchment areas. The secretary will continue to have overall responsibility for ensuring the park is appropriately managed.

The amended provisions will also enable the managing water authorities to continue to access, control and manage various structures and installations. There will also be the ability, either through a temporary notice under section 32N or the regulations, to control human access where necessary to protect the catchment areas and their water resources.

Defining the Great Ocean Road and other arterial roads

One of the memorable experiences of a visit to the Otways is the drive along the spectacular Great Ocean Road. This is one of the world's great coastal drives. The road is not currently on a road reserve for all of its length, which is also the case for several other arterial roads which pass through the proposed national park. The bill will provide for the roads to be included in defined road reserves which, in accordance with VEAC's final report, will generally be no greater than 20 metres wide. This will help to ensure that the special character of the roads where they pass through or abut the park is preserved.

Clause 10, by inserting sections 32P and 32Q in the National Parks Act, will provide a process whereby detailed survey work can be carried out to define accurately the boundary of the road reserves and for adjustments to be made to the park and existing road reserves following those surveys. The surveying will take some time, given the lengths of the roads involved, but the bill enables the provisions to apply until 30 June 2009. This approach will also apply to the section of the Great Ocean Road that passes through Port Campbell National Park.

Protecting the Cape Otway lighthouse

The Cape Otway Lighthouse Reserve is a particular heritage feature which will be included in the national park, together with the Cape Otway cemetery, which is closed. The lighthouse, which was completed in 1848, and the associated buildings are a special part of our heritage. They make up the largest and oldest group of lighthouse keepers' quarters in Australia. This site will be a key visitor attraction of the national park. The current leases will be continued, with some amendments to one of the leases to clarify the lessor.

Clause 4 inserts a new provision in the National Parks Act to enable a new lease to be granted over a defined area at the lighthouse for the purposes of recreation and tourism where this is carried out in a manner consistent with the conservation of the heritage values of the area. This provision does not provide for the construction of new accommodation.

Establishing the Otway Forest Park

Clause 33 of the bill provides for the Otway Forest Park to be reserved under the Crown Land (Reserves) Act following preparation of a detailed plan to be approved by the Surveyor-General and the minister. Once created, the park will be managed under the Forests Act, which will enable a range of provisions to apply to

the reserve. Clause 37 will allow five existing sawlog and pulpwood licences to continue until their expiry (in 2008) as well as other licences and leases. Importantly, clause 35(5) will amend the Forests Act to ensure that no new licences can be granted in the area of the forest park for sawlog or pulpwood production.

Clause 38 will amend the Sustainable Forests (Timber) Act so that the sawlog and pulpwood licences in the Otways which are included in the list of licences in the west of the state that may, under section 28 of that act, be transferred to VicForests remain under the control of the secretary under the Forests Act.

Amendments to Port Campbell National Park

The bill will also implement some changes to Port Campbell National Park. The historic Loch Ard cemetery, which is closed and for which the secretary has responsibility, will be added to the park along with several sections of unused road reserves and small areas of adjacent Crown land. Using sections 32P and 32Q referred to previously, the Great Ocean Road will be defined following survey where it is not already included in a road reserve.

The boundary of the park in close proximity to the Port Campbell township will be rationalised. A section of the town beach, the surf lifesaving club and the camping ground will be excised and permanently reserved under the Crown Land (Reserves) Act. The bill will continue the existing surf lifesaving club lease. A police residence and two sites containing South West Water facilities will also be excised.

Enhanced protection of the parks and reserves system near Melbourne

The second feature of the bill is the enhancement of the parks and reserves system near Melbourne. Approximately 3450 hectares will be added to the Dandenong Ranges, Kinglake and Yarra Ranges national parks and Warrandyte State Park under the National Parks Act. Two new nature conservation reserves — Beaconsfield and Warrandyte-Kinglake — will be created under the Crown Land (Reserves) Act.

These parks and reserves will, in particular, benefit from the transfer to the Crown of approximately 2800 hectares of land currently owned by or vested in Melbourne Water but which is surplus to its requirements or is better included within parks. Most of the areas were recommended for inclusion in parks and reserves by the former Land Conservation Council in its 1994 *Melbourne Area District Two Review Final Recommendations*. The approval of these particular recommendations was deferred pending resolution of

issues associated with transferring the Melbourne Water land to the Crown. I am pleased to advise that these transfers can now occur.

Dandenong Ranges National Park, which was created in 1987 and significantly enlarged in 1997, will see approximately 320 hectares of land added, including some purchased land and Melbourne Water land acquired for the proposed Silvan no. 2 Reservoir. The bill also refines the boundaries of this national park following a detailed review of the status of various parcels of public land in its vicinity. The investigation revealed small pieces of land, such as unused road reserves and other small areas of Crown land, which should be incorporated in the park and several other areas, such as roads and areas used by schools, which should be excluded.

The additions to Kinglake National Park include Melbourne Water land which abuts the new Warrandyte-Kinglake Nature Conservation Reserve. With an area of about 660 hectares, this new reserve will comprise a mix of Melbourne Water land and existing Crown land, including the existing One Tree Hill Nature Conservation Reserve, and in turn links to Warrandyte State Park to create a significant, protected habitat corridor. Several areas of purchased land are also being added to Kinglake National Park and small areas of Melbourne Water land and purchased land will be included in Warrandyte State Park.

Kinglake National Park will also be enhanced through the addition of Melbourne Water land in the vicinity of Tourourrong Reservoir. Its inclusion in the designated water supply catchment area of the park will consolidate the protection afforded to the catchment of that reservoir.

Similarly, some of the Melbourne Water land being added to Yarra Ranges National Park near Badger Weir, at Fernshaw and Dom Dom Saddle and in the Upper Yarra catchment, will form part of the designated water supply catchment area of that park. Melbourne Water land along part of the O'Shannassy aqueduct will also be included in the park. This will provide an opportunity to establish a linear trail along the lower slopes of Mount Donna Buang.

The Beaconsfield Nature Conservation Reserve, covering approximately 170 hectares, will be established to protect an area of state conservation significance in the vicinity of the disused Beaconsfield Reservoir. This will be a significant addition to the reserve system south-east of Melbourne. It is intended to appoint the Cardinia Environment Coalition as managers of this reserve. Clause 20 of the bill will

enable Melbourne Water, by agreement, to continue to manage and control the dam wall and other structures in the reserve.

Miscellaneous amendments

Minor park amendments

The bill will also add to Cape Liptrap Coastal Park the access roads to three Venus Bay beaches by agreement with the shire, and another area of Crown land near Rock Hill.

Several small areas will be excised from existing parks. In accordance with the government's policy on excisions from parks, these are minor and have minimal impact on the relevant parks. The excisions are:

small areas associated with roads in Dandenong Ranges, Organ Pipes and the existing Otway national parks, the existing Angahook-Lorne and Carlisle state parks, and Cape Liptrap Coastal Park;

small areas which are not required for park purposes in Dandenong Ranges, Kinglake and Port Campbell national parks and the existing Angahook-Lorne State Park; and

boundary corrections to Dandenong Ranges National Park and the existing Angahook-Lorne State Park which exclude some areas of freehold and leasehold.

In accordance with section 11 of the National Parks Act, the National Parks Advisory Council was consulted about the proposed excisions and has provided advice for tabling in Parliament. The council does not oppose the proposed excisions. Attached to its advice are additional details of the excisions.

Additions to heritage rivers

The bill will add areas to two heritage rivers under the Heritage Rivers Act. In particular, it will implement the recommendation in the VEAC's Angahook-Lorne investigation final report to extend the Aire Heritage River to a distance of 200 metres from each bank of the river where it passes through the Great Otway National Park. The Aire River is the least modified large river in south-western Victoria and contains the most rugged river gorge in western Victoria.

The bill will also extend the Mitchell and Wonnangatta heritage river to include part of the area which was added to the Mitchell River National Park in 2002. This will provide additional recognition of the river valley upstream of Angusvale.

Amendments to the Fisheries Act 1995

The government has decided to allow the existing commercial eel licences to continue in the Great Otway National Park instead of phasing them out as recommended by VEAC. Instead, the Fisheries Act will be amended to strengthen the protection given to national, wilderness and state parks and reference areas generally. Clauses 29 to 31 will ensure that any access licence, aquaculture licence or general permit of a particular type cannot authorise commercial fishing in a national, wilderness or state park or in a reference area unless there was an entitlement specified on the licence or permit immediately before 7 March 2005. This amendment will have no impact on any existing commercial fishing operation.

Conclusion

This bill will make a significant contribution to enhancing the state's parks system and to establishing a new and sustainable future for the Otway forests that are so highly valued by the community.

The creation of the new park areas is accompanied by a significant boost in funding for the management of the parks system as part of the 2005–06 state budget. This includes an additional \$13.1 million over four years, plus nearly \$3.4 million per year ongoing, specifically for establishing and managing the new parks in the Otways. Also, the Otways will benefit from part of an additional \$19.3 million allocated to protecting biodiversity, and \$49.4 million for restoring built assets, in parks across the state.

The Bracks government is proud of its record in protecting the environment for future generations and helping to create a more sustainable future for the state. The 13 marine national parks and 11 marine sanctuaries, the expanded parks in the box-ironbark region and the proposed new Point Nepean National Park are all part of a significant legacy for future generations. This bill continues that tradition and will ensure that the magnificent native forests of the Otway Ranges, as well as additional areas around Melbourne, are protected for future generations.

I commend the bill to the house.

Debate adjourned on motion of Mr HONEYWOOD (Warrandyte).

Debate adjourned until Thursday, 30 June.

PERSONAL EXPLANATION

Mr BATCHELOR (Minister for Transport) — I desire to make a personal explanation. The member for Polwarth raised a date on documents referred to in answers and questions given in Parliament on Tuesday, 14 June 2005. Today the member for Polwarth claimed he was referring to minutes of evidence from the UK's House of Lords committee on matters relating to the European Union dated 8 November 2004. In my answer I was referring to a document which was published by the Health and Safety Commission (HSC) entitled the *Joint Inquiry into Train Protection Systems* published in 2001. This 2001 date is consistent with my answer on 14 June. The date of the HSC report was 2001 and this date is confirmed in the House of Lords minutes which were cited by the member for Polwarth today.

HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 19 May; motion of Ms PIKE (Minister for Health).

Opposition amendments circulated by Mrs SHARDEY (Caulfield) pursuant to standing orders.

Mrs SHARDEY (Caulfield) — I am rising to speak on the Health Legislation (Miscellaneous Amendments) Bill 2005. This is an omnibus bill that amends a variety of health acts, which include the Mental Health Act, the Health Services Act, the Cemeteries and Crematoria Act and part 5C of the Building Act. It also amends 10 health practitioner registration acts and the Veterinary Practice Act 2000.

The key provisions in this bill start in part 2, which amends the Cemeteries and Crematoria Act. The first and most important provision is to allow the secretary to declare some cemetery fees exempt from the automatic consumer price index (CPI); and secondly, it inserts a new offence of knowingly making a false declaration on an exhumation application. The previous cemeteries bill was passed in October 2003 which is less than two years ago. Some regulations of cemeteries and crematoria come into effect on 1 July this year.

The provision for the secretary to be able to declare some cemetery fees exempt from automatic CPI increases sets an extraordinary precedent. I am not criticising the secretary for attending to the fact that there will be some rural cemeteries which need this

assistance, but it is an extraordinary admission by the Bracks government that its policy of indexation of government fees and charges is very ill-conceived and in many cases, totally inappropriate.

The house will recall that during the debate on the bill to introduce automatic CPI on fees and charges levied by this government the shadow Treasurer made it very clear the opposition strenuously opposed that bill for a couple of very important reasons. The first was he saw it as an attack on fundamental constitutional principles of responsible government, principles that date back to the Bill of Rights in 1689. The second was that it created yet another unjustified burden on Victorian businesses and families by what he described as a cash-strapped government that is desperate for more revenue to cover its spending blowouts.

He went on to say there were two fundamental principles of the Westminster system of responsible government. The first is that governments may not levy charges on the people without the consent of Parliament; the second is the government may not expend public moneys or other resources without the consent of Parliament. The power of Parliament to exercise financial control over the executive is fundamental, he said, to parliamentary democracy.

That bill blew all those principles away at the time and this is the first crack in the armour, if you like, of this ill-conceived legislation which allows fees and charges to be increased by the CPI without any transparency or without this Parliament being able to examine what has occurred. These increases apply to hundreds if not thousands of fees and charges for a vast range of services and activities which affect the lives of many thousands of Victorians. No doubt the amendment in this bill is in recognition of the fact that many rural cemeteries simply will not be able to sustain fee increases and relief has to be brought to local people. The government should stand ashamed of the fact that it introduced that monetary units legislation in the first place.

Part 3 of this bill makes a number of procedural and, some might say, tidying-up changes to the Health Services Act. There are three areas that are of specific interest and concern. One is the substitution in clauses 10 and 12 of 'December' instead of 'October' as the reporting month for hospitals and health services' annual general meetings, where the health service reports to its local community. As we know, currently hospital annual reports are required to be available at the annual meetings — that is, by 31 October. This will now be extended to 31 December.

Clause 10 amends section 36(1) of the act in order to extend the date by which public hospital annual meetings must be held — that is, from 31 October to 31 December each year — unless the secretary in writing approves a later date. Under section 36(2) of the act the board of a public hospital is required to submit the report of operations and financial statements prepared in accordance with part 7 of the Financial Management Act 1994 at its annual meeting.

The explanatory memorandum on this clause says:

It is appropriate that public hospital annual reports be tabled in Parliament before they are publicly released at public hospital annual meetings. However, under section 46(1) of the Financial Management Act 1994, annual reports may be tabled in Parliament after 31 October in a year.

This amendment is designed to allow sufficient time for public hospitals to hold their annual meetings after their annual reports have been tabled in Parliament as required under the Financial Management Act 1994.

We take issue with all of this. The practical effect of this change will be to enable the government to hide embarrassing hospital annual reports in the lead-up to the next election. The Minister for Health claims that the changes are nothing to do with the election, but quite frankly, we do not believe that. While reports will still be required to be tabled by 31 October each year, if this Parliament is not sitting because an election has been called, the health service will table it on the next day of sitting — and of course, the next day of sitting may be well after the next election.

We know that this did occur during the last election. The reports were required to be tabled under the Financial Management Act on or before 31 October 2002, which incidentally happened to be the last day of the Parliament's sitting. The opposition wrote to the Premier on 25 September 2002 informing him that these key reports were outstanding and were required to be tabled by law. But of course the Parliament was not sitting, so they were not tabled. What was hidden, as we now know, were huge blowouts in the finances of some of our major hospitals. At Western Health there was a blowout of \$7 741 000; at Bayside it was \$2 million and at Eastern Health it was \$5 million. The blowouts totalled some \$39 million — they were enormous. It is reasonable for the opposition to oppose this clause, and we will be moving an amendment to that effect.

The flawed rationale for the government's claim is a ruling by Speaker Andrianopoulos which said that releasing a report before it was tabled was discourteous to the Parliament. What he was referring to were reports by the Auditor-General and did not relate explicitly to hospitals reporting to their own

communities. We believe it is important that annual general meetings (AGMs) be held with the community and that at the time of holding those AGMs prior to 31 October annual reports be made available to the community attending those meetings. We believe this extension of time is just a very cynical way of trying to give the government the opportunity to not make public the annual reports of our hospitals prior to the next election. So we take great issue with the proposal.

It is hard to see the merit in the argument about discourtesy. I do not think it is one people will believe. The Liberal Party will be moving an amendment to delete this clause in the bill, because it believes it lacks transparency, seeks to hide the truth of the financial status of our hospitals in the run-up to the next election and will deny local communities access to information on the financial performance of their hospitals. I note that there are other people who agree with the Liberal Party in this regard. In particular the Western District Health Service's chief executive officer (CEO) expressed his hospital's opposition to this very clearly in a letter he wrote on 2 June 2005. He said:

I do not support the extension of annual meetings from the current 31 October to 31 December, as in my view the annual meeting is about reporting back to your community in a timely manner.

Annual meetings held after October and particularly towards the end of November and December become irrelevant due to the passage of time, and I believe community interest would wane. Many agencies, and Western District Health Service is one, are committed to engaging the community and using the annual general meeting as a major event on our health service calendar. I view this as more important than ensuring that annual reports are tabled in Parliament prior to the holding of annual meetings.

I sincerely hope the government will take this on board and perhaps will even consider supporting the Liberal Party's amendment when we get to the consideration-in-detail stage. In summary, I think the government's use of this ruling is little more than a fig leaf to cover its plan to hide key health reports until after the state election.

Clause 11 provides that a director of a public health service is not able to serve more than nine years as distinct from three terms, which may amount to less than nine years if one or two of those terms is only for two years. The Liberal Party does not oppose this, but it believes it is probably more important to attract good people rather than being overly concerned with the time they are serving.

The second group of amendments in clause 14 relates to Health Purchasing Victoria (HPV). It is said that the amendments will allow greater ministerial flexibility in

appointments, and I turn to clause 14 of the bill in relation to that. The explanatory memorandum states:

Clause 14 replaces section 134D of the act, which provides for the composition of Health Purchasing Victoria. This amendment is designed to introduce greater flexibility into the statutory criteria for appointment of members of Health Purchasing Victoria, thereby ensuring that the government of the day always has the capacity to appoint and retain the best available candidates for these positions.

The Liberal Party does not oppose these changes, although it has some concerns in relation to the issue. Members would recall that Health Purchasing Victoria was established in 2001 as a system to centralise the statewide procurement of purchases for our hospital system. In its annual report Health Purchasing Victoria has said that it has installed some 13 statewide contracts with a combined annual turnover in excess of \$90 million, which I concede is quite an achievement.

The government argues that these changes will allow greater flexibility in the appointment of people with broader but relevant skills, including the change that provides that the chief executive officer of HPV need not be someone with health industry experience. It will also mean that the representation of country hospitals may be reduced. I suppose there is a concern with that.

I will mention a couple of the current requirements. Firstly, there is a statutory requirement that the chairperson should, in the opinion of the minister, have expertise in the health care industry. The proposed change will mean that a chairperson could be someone who, in the opinion of the minister, has knowledge of or experience in purchasing, logistics or supply chain management. So the person will not necessarily have to be someone who has knowledge of the health care industry. That is quite a significant change.

Currently there is a requirement for there to be two people employed by a rural public hospital, one of whom must be a CEO. The change will mean that a CEO of either a rural public hospital or a regional public health service can be appointed. So the minimum requirement that two people should be from a rural public hospital is being changed back to one person who has to be a CEO but who can be from a rural or regional public hospital service. That is of some concern to us. Section 134D(f) currently provides for:

up to 2 people (if any) who, in the Minister's opinion, have expertise relevant to the functions of HPV.

Clause 14 of the bill changes that to a requirement for:

... between 3 and 7 people who, in the opinion of the Minister, have knowledge, skills or experience relevant to the functions of HPV.

That amounts to quite an increase. We do not oppose the change, but we have raised some concerns about it.

The third area is, we believe, a possible weakening of reporting requirements under the health services agreement entered into by each public hospital network with the government. Proposed section 26(4A), which is inserted by clause 8, states:

A health service agreement entered into by a denominational hospital or a public health service is not required to specify particulars of any matters that are, or are to be, specified in a statement of priorities ...

The government argues that the health services agreement now duplicates the role and particulars that are part of the statement of priorities. This may well be the case, and of course the Liberal Party is always in favour of reducing duplication. However, these new statements of priorities — that requirement which came through in a piece of legislation less than a year ago — are far from being tried and tested. Indeed, the recent financial control problems that have occurred in our hospital networks probably indicate that there is some weakening of control through the statement of priorities.

We are deeply concerned about this situation. We believe a prudent course is that the established financial controls in the health services agreement should be retained until it is certain the new statements of priorities are functioning adequately. Of course we have not yet had a round of annual reports where the new mechanisms are available for scrutiny. No-one has seen a statement of priorities. They have not been made public, and they have not been made available, so we will be moving an amendment to this effect: that the current situation is retained until the statement of priorities process can be tested.

We believe that the health services agreement should retain detail of all matters regardless of whether they form part of the statement of priorities until the veracity of these statements has been tried and is proven to be reliable, and we will be moving an amendment to that effect.

Part 4 of the act amends the Mental Health Act 1986. It creates greater flexibility in the operation of the act, particularly in the operation of involuntary treatment orders — both community treatment orders and in approved mental health services.

I refer to the explanatory memorandum in relation to clauses 15:

Clause 15 amends section 9 of the Mental Health Act 1986 to allow that either a mental health practitioner or a registered

medical practitioner employed by an approved mental health service may assess a person who has been recommended for an involuntary treatment order.

About clause 16 it explains, in part:

The new section 12AA establishes the procedure by which a registered medical practitioner or a mental health practitioner may make an involuntary treatment order in relation to a person in an approved mental health service ...

...

Currently mental health practitioners are only able to make involuntary treatment orders in the community and registered medical practitioners in an approved mental health service. The new provisions remove the existing connection between the power to make an involuntary treatment order and the location in which the order is being made.

So the key changes relate to these involuntary treatment orders for persons in the community. The bill seeks to broaden the list of people who can authorise these orders to include mental health practitioners. These changes will assist a number of rural situations around the state, including perhaps where through a failing of the government an approved mental health service has not been gazetted properly. The member for Benambra will be speaking to this issue and explaining what has occurred in Wodonga; he will be seeking some clarification.

Experts in the area believe that these changes to the Mental Health Act are sensible. I have a note from one of those experts who says that the amendments primarily mean that patients are able to be treated in the community more easily without having to be dragged to hospital for a purely bureaucratic reason. So this seems to be a sensible change.

Part 5 of the act makes changes to health practitioner registration acts. There is a whole list of them, including those relating to Chinese medicine, chiropractics, dental practice, medical practice, optometrists registration, osteopaths registration, pharmacy, physiotherapists, podiatrists and psychologists. The changes made are therefore to 10 of the 11 acts and these changes allow boards — and I am just choosing some of the changes — to appoint now from a list approved by the Governor in Council.

I suppose we have some concerns that this will be a list that is put together for the Governor in Council by the minister. It applies some control; however, according to clause 22 it also allows the extension of terms for up to three months. The explanatory memorandum says clause 22:

... allows a board member, with the consent of the minister, to sit on the board for a further period up to a maximum of

three months after that member's term of appointment expires.

I suspect there are good reasons for that. It also will allow specific registration to meet identified needs. There is some concern about this provision, because it is felt that it might well involve large numbers of overseas doctors coming to Australia being sent to rural areas — not that there is any opposition to that in principle — but I think there have been concerns expressed around the country. We have seen a case in Queensland recently where the proper process was not followed in really investigating the background of a particular person who came from overseas, with very terrible consequences.

There are minor changes to lift or vary the conditions on a practitioner's registration which has been restricted and also the introduction of professional indemnity provisions into remaining acts which make them consistent with the Health Practitioner Act. The bill also inserts some of these same provisions into the Veterinary Practice Act.

To summarise — and this is going back to my second major point about why we will move amendments — we believe the Bracks government hid key hospital reports prior to the last election. Many of those reports revealed massive deficits. We believe that part of this bill is an attempt to replicate that same approach in the coming election. We believe these reports should be made available prior to the election, and therefore we will seek the omit two clauses.

We also believe the government introduced a new set of intrusive but apparently ineffectual financial provisions in its Health Services (Governance and Accountability) Act in June 2004. These appear not to have prevented a series of financial and governance issues at the hospital at Sale, at the Peninsula Community Health Service and at Melbourne Health. We therefore believe the government's position advocates a weakening of provisions governing financial reports before the new statements of priorities have been proven to be effective. For this reason, we will oppose clause 8.

The review of health practitioner registrations has not been completed, and therefore I suppose there is some suspicion about changes in part 5 of the bill. One would have thought that they would have allowed that process to be completed. With those comments, and given that the house clearly wants to move to the consideration-in-detail stage of this bill and that other speakers will be restricted for time, as I understand it, because the minister will not be available this afternoon, I conclude my comments.

Mr DELAHUNTY (Lowan) — I rise on behalf of The Nationals to speak on the Health Legislation (Miscellaneous Amendments) Bill. The purpose of the bill is to amend the Cemeteries and Crematoria Act 2003, the Health Services Act 1988, the Mental Health Act 1986 and various health practitioner regulation acts.

The Nationals have consulted fairly widely with various organisations. The optometrists association, cemetery trusts and a funeral director from my electorate have assisted in this regard, including other health professionals who are affected by certain parts of the bill. I want to mainly focus on the Health Services Act. The Nationals will not be opposing this bill, but we do have some concerns. These have been picked up by the Liberal Party, therefore we will support its amendments as tabled in the house this morning.

This omnibus bill covers 14 acts of Parliament — I have a list of them here — but for the sake of time, and because I know other members want to speak on this, I will focus on only a few. In addition to the acts I have already mentioned, the bill covers a very small part of the Building Act and, as I said, 10 health practitioner acts.

I would like to thank the government for the briefing we received on Tuesday. I particularly thank Jenny Hughes, Pauline Ireland, Kristen Densley, Nicola Young, Jennifer Giles and Davydd Griffiths of the minister's office for providing the briefing through the interruptions we had with various bells being rung at the time. It just goes to show if you want to get a proper briefing you should do it outside sitting times, but as members of The Nationals live a long way from Melbourne, it is not always convenient to arrange for a couple of us to be here at a similar time.

Clause 3 of the bill allows for the Secretary of the Department of Human Services to declare some cemetery fees exempt from the government's universal consumer price index (CPI) increase. This has also been highlighted by the member for Caulfield. This provision is one that we objected to back in 2003. We debated the Monetary Units Bill in 2004, which provided that all government fees, charges and fines would be tipped up by the CPI every year.

As this bill highlights, the cemetery trusts and the Department of Human Services needed to review the current fees and charges to see if they were appropriate for the many cemetery trusts and crematoria across Victoria. We understand that discussions are going on at the moment. We also understand that at the end of the review period, which we hope will be by the end of June, the fees will be set and could go back to being

adjusted by the CPI increase each year. Sometimes CPI increases are understandable, but in a lot of cases it is an easy way for government organisations, trusts and the like to not do their homework and look at ways to improve efficiencies.

At the end of the day if they do not go through, then like any other business their fees or costs can snowball and get out of control. If you know that you are going to have a CPI increase every year it takes away the incentive to try to look at different ways of doing things. We objected to the introduction of the CPI increase without proper scrutiny and assessment to see if it was needed, and it is interesting that the government has found that there are problems with the CPI increase at this stage.

Clause 4 clarifies that a coroner can make orders for interments and cremations. Clause 6 adds a requirement that an application for an exhumation licence must be accompanied by specified documentation, which is identical to the documentation required to make an application to inter bodily remains. The Nationals support those provisions. We think it is commonsense legislation.

Clause 5 allows for a coroner or magistrate to make orders requiring a cemetery trust to pay for the burial or cremation of poor persons — in other words, paupers. A couple of weeks ago I received a letter from Dimboola Cemetery Trust. It is addressed to me, as the local member, and states in part:

Would you please advise if there are any funds available for —

people with insufficient means to pay for their burial. I was able to write back and say:

I am aware that there is legislation that requires cemeteries to provide no-cost graves for paupers on the orders of the coroner, however, these orders are usually obtained prior to the funeral taking place.

During the briefing I asked if there was a fund. Many cemeteries in rural and remote Victoria might have only two interments a year, and if they get hit with the cost of paying for a pauper's burial it could bankrupt them. Most magistrates and coroners use commonsense and will have discussions with relevant cemetery trusts before a decision is made, but it highlights the costs associated with the process.

There are occupational health and safety issues. In days gone by you could have had a person just go out and dig a grave. Those days are gone, and so they should be. Nowadays we have proper equipment, but it costs money. Also, there is a requirement to put a plaque on

the grave and various things like that. It costs a cemetery trust money to comply with the necessary processes, and the government should look at a fund for this type of burial. The larger cemetery trusts can absorb this in their overall costs because some of the cemetery trusts in Melbourne are multimillion dollar organisations, as has been highlighted by some of the controversies during the year, but in rural and regional Victoria there are many small cemetery trusts who could get hit with a bill that they cannot afford. I ask the government to maybe in the future look at the issue of providing a fund for these types of burials.

Part 3 of the bill focuses on the Health Services Act. Clause 8 of this bill inserts a new section into the act to provide, as set out in the explanatory memorandum:

... that a health service agreement entered into by a denominational hospital or a public health service does not have to include particulars of any matters that are or are to be specified in a statement of priorities for the financial year to which the health service agreement applies.

This amendment is designed to avoid duplication. As highlighted by the member for Caulfield and from our understanding of the briefing, it probably does in some instances create duplication. But often it is only a piece of paper, which can be duplicated. At this early stage we do not want to go down the track of taking away because we do not know how the statement of priorities is working. We know that it is not in the annual reports. We know that a lot of these things are not documented. We have not seen them in public yet. It has been operating for only 12 months. We really have not tried this method yet.

This government has form in relation to these things. Before the 2002 election there were a lot of problems with hospitals across Victoria. We do not want to give away what we have in this legislation before we see that this method has been tried and found to be a better method than we have in the current act. From that point of view we will be supporting the Liberal Party's amendments to keep clause 8 in the act. In the briefing we were told that it will cut red tape but my understanding is that if the matter is similar or duplicates the current one there is no reason why you cannot put it in the Health Service Agreement and in the statement of priorities. If you duplicate it, it is only reprinting what you have already got.

The provision amended by clause 9 is rarely used so why do we need to change it? The explanatory memorandum states that clause 9 amends the section:

... to provide that the Minister for Health may issue an interim funding statement in relation to a registered funding agency if ... the Minister is satisfied that the agency and the

Secretary failed to enter into a health service agreement for that year.

The purpose of this amendment is to give the Minister discretion —

and I highlight 'discretion' again —

to determine whether an interim funding statement is necessary ...

Again, if it is used only a couple of times, why not leave it there? It does give some protection not only to the minister but importantly for the community that requires this. The second part of the explanation of clause 9 states that:

... the Minister is not required to issue an interim funding statement in relation to a public health service or denominational hospital where there is a statement of priorities under the Act ...

We are concerned about changing that. It should be left there.

I want to get to clauses 10 and 12, which are linked and are of particular concern in country Victoria. Clause 10 amends the Health Services Act:

... in order to extend the date by which public hospital annual meetings must be held from 31 October to 31 December each year, unless the Secretary, in writing, approves a later date.

Already we have four months leeway; this legislation allows another two months and the secretary can increase that by more months. Jim Fletcher, the chief executive officer of one of the hospitals in my area, made a statement that reflects the views of many people in country Victoria when he said:

I do not support the extension of annual meetings from the current 31 October to 31 December as, in my view, the annual meeting is about reporting back to your community in a timely manner.

Annual meetings held after October, and particularly towards the end of November and December, become irrelevant due to the passage of time and I believe community interest would wane.

In country areas there is a close affiliation between hospitals and community members. They give enormously to donation requests and the like, so it is important to keep that link there. If we go back further with annual meetings — as has been highlighted by Jim Fletcher and as agreed with by most communities — it becomes irrelevant to the need to be informed on how the hospital is operating and to talk about the achievements. There are a lot of achievements these days, but there are also a lot of challenges.

If we are pushing the meeting back from October to December, the reality is that not much is going to happen in December or January. Any action will have to be in February of the year after — 9 or 10 months later. We do not agree with that at all. Under the current legislation if there are problems there is the opportunity to extend that time. We do not need to put in the act the provision that annual meetings will be pushed back another two months.

It has been said by the member for Caulfield but unfortunately we have to repeat ourselves: next year, in 2006, we will have this problem. We will not be able to table some of those things in Parliament because we are not sure when Parliament will be prorogued. The election will be held in November. Under the current act the annual report has to be tabled by the end of the October or on the first sitting day after the end of October. I believe Parliament will be prorogued long before that. Therefore we will have a problem because we will not have these annual reports tabled in Parliament. This will happen every four years. We need to think long term in relation to this legislation. Every third or fourth year we will have this problem unless we get a better system in operation. We do not need to push the date back; we need to finetune.

I know that the Auditor-General and other people have enormous difficulty in meeting the time lines, but it only makes it easier if the date is pushed back. People in local government and others have to have their accounts in order by the appropriate time. So we highlight that we are not supporting this part of the legislation. We have the same grave concerns that have been highlighted by the member for Caulfield. The Health Services Act is also linked to the Financial Management Act. There are some differences there, but for the sake of time I will not go through them. The provisions need to be tightened up rather than the problem being fixed by just extending the time by two months.

I go to clause 11, which is about extending terms to three consecutive terms of up to three years each for a total of nine years. We know that after the Duckett report people were appointed for one, two or three-year terms. We agree that this has created this anomaly which we are happy to see changed by clause 11.

I refer to Health Purchasing Victoria. This legislation amends the Health Services Act as it relates to the composition of Health Purchasing Victoria, or HPV. This bill will enable an increase in the maximum number of members of HPV from 10 to 12, with skills, knowledge and experience relevant to the functions of HPV. That should be obvious.

When we look through the arrangements for the changes we can see that a report was done in February 2001 in relation to future procurement arrangements here in Victoria. There was an extensive report, which I do not go through in detail because I am aware of the time. At that stage the structure for the new purchasing authority was set up, and it then went through various changes. The Victorian Healthcare Association was the purchasing authority, but there were problems with that from a legal point of view, so it was agreed that we would set up what is now known as Health Purchasing Victoria.

In talking to hospitals across Victoria it seems to me to be working pretty well, so that group is to be congratulated for the work it has done. We do not see any reason to change its composition. Maybe the parliamentary secretary can explain why we need to change it. However, we have some concerns about the structure of the new HPV. Under the old structure there were two people, each of whom was employed in a rural hospital and one of whom had to be a chief executive officer.

Even though under this new structure we are extending the numbers from 10 to 12, we are going to lose representation from rural and regional Victoria. The proposed representation will only be a chief executive officer from either a rural public hospital or a regional public health service. We are concerned about that. As I said, it has been working okay, so why change it? The reality is that you are taking away one of the two representatives from rural and regional Victoria, and we have concerns about that.

The bill also talks about either a regional hospital or a rural public hospital. I think you need both, because there are some very small hospitals. I hear some members of Parliament talking about the number of hospitals they have in their electorates. Some of them do not have any, whereas I have six in mine, along with four bush nursing hospitals. The reality is that I have many hospitals in my area, some of which are very small. They all need to make sure they are attuned to the changes that are being made.

We want to make sure not only that the hospitals are serviced well but also that some of the providers in country areas have the opportunity to service the requirements of their smaller hospitals. I know that with information technology and the like there have been many changes, so from that point of view we have some minor concerns with clause 14 in relation to the new structure of Health Purchasing Victoria.

Part 4 of this bill talks about the Mental Health Act, which I want to cover briefly. We know that part 4 enables a registered health practitioner or a mental health practitioner to make an involuntary treatment order that is provided for under clause 15. It also allows for members of the multidisciplinary treatment team, other than an authorised psychiatrist, to discuss a patient's treatment plan with the patient. We do not have any real problem with that. We think that is reasonably commonsense legislation.

Ms Buchanan — It is good news.

Mr DELAHUNTY — It is good news. I know my colleague Damian Drum in another place will focus in on this, because he will have more time. Damian has had a real focus on this from our party's point of view.

Ms Kosky interjected.

Mr DELAHUNTY — He will have more time in the other house because they are not restrained by the standing orders, whereas we only get 20 minutes in this place. Other clauses in this bill allow for boards to appoint formal or informal hearing panels from a list of persons approved by the Governor in Council rather than having to seek approval each time a panel is constituted, and we support that.

Also board members, including the president or the deputy president, may continue to hold office, if required, for a period not exceeding three months beyond the date of the expiration of their term of appointment. Sometimes this arrangement can be seen to be a bit lazy. We know their term of appointment could be for a year, although most times it is three years. The government of the day knows when those dates come up. I am on the board of VicHealth, and we know that most members of that board come up for reappointment next March. VicHealth is already working with the minister in relation to the reappointment of those people. But the last time appointments to VicHealth were made it took months, because sometimes they take a long time to get through to the minister's office and across her desk. It seems that the same thing is happening here. This is the reality —

Mr Andrews interjected.

Mr DELAHUNTY — That is right, but this is about the other members of the VicHealth board, not only the parliamentarians. Anyway, we will support the bill at this stage.

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

Mr ANDREWS (Mulgrave) — I am pleased to rise in support of the Health Legislation (Miscellaneous Amendments) Bill 2005. I will make some general comments and then address some of the matters raised by the honourable members for Caulfield and Lowan. I understand there will be an opportunity to go into the consideration-in-detail stage a bit later on today, so what I do not cover now I will endeavour to cover then.

This is an important bill — omnibus bills are always important — because it is a collection of important changes to a whole range of acts. Some of the most important changes before the house today relate to the Mental Health Act 1986. In terms of flexible treatment and recognising the changes in the way in which we treat people, these amendments provide for the extension of special leave arrangements for those people receiving mental health treatment in a secure facility. As it stands, the current restriction is only 24 hours, and practical experience over time has been that some patients require more than that. So as not to require the consistent renewals of those leave arrangements, the new maximum will be seven days special leave for medical treatment. That is about providing appropriate care to particularly vulnerable members of our Victorian community.

In relation to the Mental Health Act more broadly, the amendments also fix some inadvertent restrictions that have been placed on mental health practitioners, which means that registered nurses, registered psychologists, social workers, occupational therapists and medical practitioners, a broader group of health professionals, will be allowed to administer involuntary treatment orders and care plans. As it stands now only registered psychiatrists can play that role. Again in reference to the way in which we provide care today, we have opened that up and allowed the administration of treatment orders and care planning to be undertaken by a larger group of people. That is obviously important, because it is about improving the care we provide, again to many of the most vulnerable members of the Victorian community.

There are also issues relating to privacy arrangements in terms of who is able to discuss a treatment plan and the passage of information to and from health professionals and patients. All of these amendments are significant in and of themselves. This is another clear example of the government's support for improvements in our mental health service system. Again I draw the attention of the house to the \$180.3 million Fairer Victoria package, which contains a massive boost to mental health funding. It is a significant step forward and one that has been acknowledged in a bipartisan way. These amendments are not so much about funding

as about the way in which we administer our mental health services, and that is important also.

There are some minor housekeeping amendments to the Health Services Act in relation to the flexibility of appointments to Health Purchasing Victoria and to the boards of public hospitals. As the member for Lowan said, after the Duckett report and the disbanding of the health care networks we had a situation where some board members were appointed for one, two or three-year terms. Currently they are limited to being appointed only three times. That has been expanded out to nine years. So it is about not only that class of hospital board member but also about providing for a better rotation within our hospital board systems and about not necessarily having to appoint people for three years.

The member for Caulfield mentioned the premium on getting good people. There is an absolute premium on getting good people to serve on our public hospital boards, and it is our intention to give them the full nine years to provide the service. It is fairly straightforward, but it is also important in terms of investing in the best possible governance of our public hospital sector.

In relation to the Cemeteries and Crematoria Act, there are some changes to the universal consumer price index increases to take account of special circumstances and to provide greater flexibility in the cemeteries and crematoria sector. We have 526 trusts across the state. This is an appropriate set of arrangements to allow for flexibility within those. There has been a very substantial period of change in this important sector, and this flexibility will be of benefit to those hardworking trusts, both large and small, as the member for Lowan indicated.

In relation to paupers graves, the coroner will be able to make orders of interment or the cremation free of charge of a deceased person whose relatives or friends are unable to provide for the interment or cremation. That is important as well. It clears up some difficulties and some unintended limitations that have existed. Currently the coroner needs to sit as a magistrate, in effect. Through this bill we are allowing that to be done as an order of the Coroners Court, not simply as an order of the Magistrates Court. That is important and removes that restriction. Again, that is about giving those who die, and whose family do not have enough money to give them a dignified burial, the dignity they are obviously owed, so that is an important change also.

There are also some changes in relation to offences for giving a false statement for the purpose of obtaining an exhumation licence. Again they are important in terms

of dignity and the proper administration of this particularly sensitive and important area of government administration, the cemeteries and crematoria industry or sector.

I refer to some other changes regarding health practitioner registration acts. The Pharmacy Practice Act — and we all know about that — was the cause of much debate in this house. It has the most recent and most updated provisions — for instance, in relation to allowing boards to appoint persons to formal and informal hearing panels from a list of persons approved by the Governor in Council rather than having to seek approval each time a panel is constituted, with ministerial consent allowing board members, including the president and deputy, to continue to hold office beyond three months. These are important changes. The new pharmacy act does not quite include all of those, but it is better placed than some of the other practitioner board registration legislation, which is up to 10 years old.

Even though a review is going on and there is an options paper out there at the moment canvassing some 70 options, and there will be a legislative proposal at some point in the future, it was felt important to bring those other 10 practitioner registration boards up to speed and put them on a similar footing to the pharmacy board, given that it was much more recently reviewed as the last of the national competition policy reviews. The years all meld into one, but I think we did pharmacy last year. So that is important also in moving forward. Time is against me, but there are a whole range of different amendments in regard to those important practitioner registration acts.

The member for Lowan raised matters in relation to small cemetery trusts and having to bear the cost of paupers burials. Back to the point that I raised earlier in relation to empowering coroners as well as the Magistrates Court to make those orders, as I understand it — and I do not have the figures available to me, but I am happy to come back to the member for Lowan — the government has provided State Trustees with a significant increase in funding to deal with just these issues. I am happy to commit to coming back to him with some details on that.

In relation to the amendments circulated by the honourable member for Caulfield, we will deal with those in more detail later on, but in her amendments she proposes to delete clause 8 in relation to statements of priorities because this provision would somehow hide those statements of priority so that they are not out there in the public domain. I would draw the member's attention to section 65ZFA(5) of the Health Services

Act 1988, which — and I am paraphrasing — basically requires the minister to make available copies of statements of priorities to any member of the public upon a request being made, so again there is no attempt to hide those things at all.

In relation to the other substantive amendments that the member for Caulfield will move in terms of the proposed changes to the reporting time line, the genesis of these matters is not to try to hide things. It is a bit rich to be lectured on plots to hide things by those opposite, who for the whole of 1999 did not produce a *Hospital Services Report*. There was no *Hospital Services Report* in 1999 — none — yet we are being lectured about some cover-up plan. I just add that this comes out of a ruling from former Speaker Andrianopoulos and, as I am advised, a number of approaches from the Victorian Auditor-General's Office to the Department of Human Services and to individual hospitals about gross offence being caused to this Parliament in terms of the tabling of reports publicly at annual general meetings prior to the tabling of those reports here.

We will have more of an opportunity to deal with that later on, but can I just say that there is no intention to try to hide things — none whatsoever. As I said, it is more than rich to be lectured on transparency by a group of people who produced not one *Hospital Services Report* in 1999 and who cut the tongue out of the head of the Auditor-General when they were in government. We will be able to come back to that in some detail. These are a sensible set of changes, and this is a sensible bill. I commend it to the house and wish it a speedy passage.

Mr CLARK (Box Hill) — I want to make a few brief remarks on the amendment to the Cemeteries and Crematoria Act 2003 being made by clause 3 of the bill in relation to the fees of cemetery trusts. The Cemeteries and Crematoria Act sets out a regime in section 43 that provides for the annual indexation of cemetery trust fees in accordance with the consumer price index (CPI) following the publication of a declaration by the secretary declaring the fees to which the indexation applies and which by subsection (3) of section 43 is a declaration that applies to all cemetery trusts.

The amendments being made by the bill in clause 3(1)(a) are simply to correct a drafting error in the 2003 legislation. More substantively, in 3(1)(b), and then in subclause (2), it changes from a declaration applying to all cemetery trusts to providing that:

(2A) A declaration under sub-section (2) may provide that the section does not apply to —

- (a) a specified cemetery trust or specified cemetery trusts;
- (b) specified cemetery trust fees of cemetery trusts generally;
- (c) specified cemetery trust fees of a specified cemetery trust or specified cemetery trusts.

Despite the apparent repetition of proposed subsection (2A), the objective is quite clear. It is one that is understandable and it is one that the member for Mulgrave referred to — that is, the need for variation to fit different circumstances.

Mr Andrews interjected.

Mr CLARK — The member for Mulgrave says by interjection that it is only in this sector. The point that we make is to take the extension of the argument: if it applies in this sector and if we need different fees for different circumstances, why should it not apply to other sectors as well? And this of course could be contrasted with the regime the government introduced under the Monetary Units Act, which applies across-the-board automatic indexation of fees and fines of whatever percentage the Treasurer cares to choose and declare by a notice published in the *Government Gazette*.

The regime here, as I referred to, is limited to CPI increases, and now the government recognises there is a need for different fees and charges increases to apply in different circumstances. The opposition would argue that the principle that applies here should apply right across the board. We opposed the monetary units legislation, not only on constitutional grounds and on the ground of it derogating from the autonomy of Parliament and accountability to the public, but also on the ground that in this era of low inflation it was not justifiable simply to apply a uniform across-the-board increase in fees and charges and that such fees and charges needed to be considered and justified on an individual basis.

That principle has been recognised by the government in relation to cemetery trusts, at least to the extent to which the circumstances of individual cemetery trusts can be taken into account in setting fees. We believe the same principle should be extended much further into other aspects of government fees and charges, and on top of that we believe that variations should not only be made to suit the circumstances of the particular fee charger concerned but should also be decided taking into account the case more broadly for an increase in the fee and charge, in particular the impact on the broader public and its broader economic consequences — in other words, all these increases

should be justified on a case-by-case basis rather than by a sweeping, across-the-board increase.

We note the change that is being made in this bill. We understand the reasons, and we believe the principle should be extended even further than is contained in the bill currently before the house.

Mr PERERA (Cranbourne) — I rise to speak in favour of the Health Legislation (Miscellaneous Amendments) Bill 2005 which covers 14 acts of Parliament. Due to time constraints I would like to focus on some of the amendments to the Mental Health Act 1986 and Health Services Act 1988. One amendment will remove undesirable restrictions on moving quickly to produce involuntary orders for people whose mental illnesses require immediate attention. This will address a number of issues, most importantly the following: firstly, it will stop further deterioration of his or her mental or physical health; and secondly, it will protect the public quickly from patients who could be aggressive, violent or become a public nuisance.

The amended act will allow both registered medical practitioners and mental health practitioners to make involuntary orders in either the community or hospital setting. This bill will also enable practitioners to consult the authorised psychiatrist and release into the community patients subject to involuntary treatment orders pending their statutory review. If the practitioner and psychiatrist are satisfied patients will inflict no harm to either the community or themselves, it is pointless to hold them away from the community. We know that a previous member of this Parliament who disclosed that he suffered from mental health conditions made an invaluable contribution to this house and to his electorate. This is fantastic news for such patients and their loved ones.

The bill also amends the act to allow for members of a multidisciplinary team to discuss a patient's treatment plan with the patient. This will expedite things and help patients get treatment early, and it will improve their status earlier than would otherwise be the case.

Currently the act provides that patients transferred from prisons and requiring mental health treatment or those found guilty of an offence and ordered to be detained in a mental health service can only be granted special leave from that service for a maximum of 24 hours. In serious and complex mental cases this may not even be enough time to properly diagnose the condition of a patient. Some mental health patients could be perfectly normal on a particular day or at times during the day but not at other times.

In most cases special treatment cannot be provided within 24 hours. Invariably therefore multiple leave applications are lodged to cover the required period. This is an unnecessary additional workload. It makes real sense for the bill to extend the special leave period for medical treatment to seven days in line with the forensic patients under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997. A report from the Department of Human Services in 2001 noted that 18 out of 1000 men in the city of Casey suffer a mental illness. This bill would ideally assist them in taking early treatment and reconnecting with the community under professional guidance and supervision.

This bill will also amend the Health Services Act 1988 to ensure that the board members of a public health service do not become ineligible to remain on the board until they have served nine consecutive years, which is equivalent to three consecutive terms. It is a good policy decision to retain the experience of existing board members and avoid unnecessary administrative work to recruit new board members. I know how hard it is to replace specific skills and experience. These amendments are imperative for better usage of resources and flexibility in the provision of health services. I commend the bill to the house.

Mr COOPER (Mornington) — Acting Speaker, because of the very limited time we have available to speak on this bill I now have the opportunity to address only one aspect of it — that is, clause 8, which in part says:

A health service agreement entered into by a denominational hospital or a public health service is not required to specify particulars of any matters that are, or are to be, specified in a statement of priorities ...

The opposition objects to this clause and has given notice it intends to move to omit it from the bill, because, as has been argued by the honourable member for Caulfield, the matter of the statements of priorities as specified in clause 8 are less than one year old and are far from tried and tested. We believe their operation should be properly tested.

The honourable member for Caulfield has put forward a number of other matters that concern the opposition, and I do not propose to go over those again. Nevertheless they are matters of such importance that we believe the government should be paying significant attention to the arguments that we are putting about this clause.

As background, matters of recent financial control problems occurring in hospital networks have been well publicised. The government cannot walk away from

those and cannot pretend the problems have not existed. Certainly those problems point the finger not only at the question of financial controls but also at the competence of the government in managing its core business in the health area. I point out again to this house and to the people of this state that this government is incompetent in the way it runs the health services, and clearly the episodes that have had significant publicity in that regard in recent times are proof positive of the reasons why we make such allegations not only truthfully but with considerable weight.

On a local matter which has been addressed on a number of occasions in this house by the honourable member for Nepean and me, the Peninsula Community Health Service is going through a major financial problem right now due to the misappropriation of up to half a million dollars by the chief executive officer. I do not want to again go over that ground or the reasons for it, or whatever, but I make the point that now that that has occurred — and an administrator has been appointed for at least the next 12 months to run the Peninsula Community Health Service and get it back on line — the government has an opportunity to do what I believe it should be doing. It should take the opportunity to move the Peninsula Community Health Service under the umbrella of the Peninsula Health Network.

A similar opportunity was taken up by the Frankston Community Health Service some years ago. The health service is now run by the Peninsula Health Care Network, and it is run very efficiently —

Mr Andrews interjected — It is a fine service.

Mr COOPER — As the member for Mulgrave said, it is a fine service. The point that I am now making is that here we have the opportunity once the administrator has put the ship back in the water or the train back on the rails — whichever analogy suits the honourable member for Mulgrave — instead of going through the pain of electing a partisan board, because that is the reality of what will occur, we should be able to easily move the Peninsula Community Health Service to the control of the Peninsula Health Care Network. So I am taking this opportunity in this debate to make that suggestion to the government which I hope that it will take up. During the consideration-in-detail stage I hope that I have other opportunities to make some other points on this bill.

Mr WILSON (Narre Warren South) — I am very pleased to rise and speak on the Health Legislation (Miscellaneous Amendments) Bill 2005. While this bill

covers more than 10 separate pieces of legislation affecting the health industry in our great state, many of which I am particularly interested in, my comments this afternoon are on the particular interest I have in the provisions dealing with cemeteries and crematoria. The Cemeteries and Crematoria Act 2003 provides for the efficient operations of cemeteries and crematoria in our great state. This bill seeks to ensure that changes made to the regulations under the act come into effect in the very near future — on 1 July.

In my previous public service I was a councillor of the City of Greater Dandenong. That city has three cemeteries: Bunurong, the Necropolis and the Dandenong Cemetery. I note that Bunurong has had its problems in recent times but the Necropolis and the small, nearly full Dandenong Cemetery have been very well run. The regulations in this amending bill will ensure greater flexibility to provide a more effective operation of not just those three cemeteries but all cemeteries and crematoria throughout the state. In terms of flexibility, this bill allows the Secretary of Department of Human Services to vary the current process of automatic increases in fees. The secretary will be given the power to exempt certain fees from the increases, thus making the fees more affordable.

In recent times the member for Cranbourne and I assisted a particular family in dealing with quite high funeral costs when the widow had no assets to cover those costs. While we were successful in reducing the initial costs of the funeral, I noted that the cremation costs could not be reduced. This bill will reduce the difficulty for such families in meeting the costs of the funerals for loved ones. If this bill had been in force, the request of the family for a waiver of crematoria costs would have more likely been successful. This bill makes the application for waiver on the grounds of lack of funds more obtainable. At this point I note the comments of the member for Mulgrave when he remarked that the Bracks government has provided the State Trustees with an increase in funds available for families with no assets to help pay for cremations and funerals.

Cemeteries often face requests for exhumations of human remains. This bill clarifies the information requirements for exhumations. The bill notes the information required by the Secretary of the Department of Human Services before he can consider exhumation requests. Given the detailed discussions that will occur in the consideration-in-detail stage I will end my comments now and commend this omnibus bill to the house.

Ms ASHER (Brighton) — I wish to make a couple of brief comments on the Health Legislation (Miscellaneous Amendments) Bill as well and in particular I wish to draw the attention of the house to two issues. The first is that of reporting. Specifically what this bill does is change the provisions setting out the requirements for hospital and health services annual general meetings (AGMs). Currently they must be held in October and the bill will allow AGMs to be held in December. The hospital annual reports will, of course, be available at those meetings. But this issue goes to that of scrutiny. The obvious point needs to be raised that now the information in hospital annual reports probably will not be known until after the election in 2006.

More broadly on the overall issue of annual reports, under section 46(1) of the Financial Management Act the requirement for the tabling of annual reports in this place is that that be on 31 October. If the house is not sitting on that day, there is provision under that act to table the report on the first sitting day thereafter. This also raises the broader point of tabling of annual reports — not just hospital reports but all annual reports — in the run-up to the 2006 election. The reason the opposition is raising this particular point of concern is that this government has form on this issue.

For evidence of that one needs only to look to the last election and its processes for tabling or non-tabling of not only hospital but other annual reports which were withheld until after the 2002 election. The Docklands report of recent times was not even tabled in the election year. This government has breached section 46(1) of the Financial Management Act 1994 in respect of a range of annual reports, and this amendment before the house is more brazen because it will simply mean that these AGMs will be held in December and, of course, the election will be held at the end of November.

The second issue I raise is the automatic indexation of fees and fines. Whilst the exemption in this bill before the house allows the secretary to declare some cemeteries fees exempt from automatic indexation and whilst this particular exemption related to cemeteries is not directly or specifically linked to the Monetary Units Act which was debated in this place, it nevertheless raises the same issue, and that is that this government chose when it introduced the Monetary Units Bill to automatically index every single fee and fine in Victoria without any referral to Parliament. That flies in the face of past procedure and a number of notions of democratic rights in Australia.

This curious little amendment before the house allows the secretary to declare that some cemetery fees would be exempt from automatic indexation. There may well be a case for those fees to be exempt, and that is not the point I am making. I am making the general point that every other fee and fine paid by ordinary citizens in the state of Victoria is automatically indexed. Given that with this bill the government seeks to make an exemption on some grounds I heard articulated by the parliamentary secretary, it needs to revise its attitude to other fees and fines which are in the system in Victoria.

This bill has two themes which are offensive to the opposition. Theme one is that it is the usual money-grabbing government with only one exception in the bill in relation to cemetery fees. The government is pressing on regardless with making sure fees and fines, whether they are paid by the public or are for freedom of information requests, will continue to be indexed. Then there is the very important issue of scrutiny. This government yet again with this bill is deliberately and brazenly enshrining in legislation its legal capacity to avoid scrutiny of its hospital administration prior to the run-up to the 2006 election. This is a joke because this government was elected on the platform of so-called openness, honesty and transparency. This bill signals absolutely the death of that commitment to the Victorian people.

Ms MORAND (Mount Waverley) — It is a pleasure to speak on the Health Legislation (Miscellaneous Amendments) bill 2005. It is an extremely broad bill covering a range of amendments to a large number of acts. Because of my limited time I want to restrict my comments to part 5 of the bill concerning the regulation of health practitioners. There is a very important exercise currently under way in the fundamental reform of the regulation of health practitioners in Victoria. The Department of Human Services has developed a discussion paper which was released in 2002. An option paper was released in April of this year which is going to be the basis for further discussion with the key stakeholders about the reform of health practitioner registration acts in Victoria.

The review aims to ensure the framework for regulating health professionals is up to date and appropriately equips the registration boards to protect the public and to address any emerging challenges and issues that come before it. The review also very importantly aims to promote community confidence in the operation of Victoria's regulatory scheme. The regulation of health practitioners by their respective boards is an extremely important role and having consistency in the regulation of the boards is an important goal.

I am currently chairing a committee for the Minister for Health that is investigating the occurrence of violence and aggression against nurses. The committee has a membership that includes senior clinical nurses, nurse managers, nurse educators, union representatives and management representatives. Victoria Police has a representative on it, as does the Nurses Board of Victoria, through its chair, Louise Milne Roach. She has an extremely important role as chair of the nurses board, which has broad responsibilities of the registration of nurses in Victoria. It has been a pleasure working with her and other members of the committee in developing strategies to address violence, aggression and bullying against nurses, which unfortunately occurs in our health services.

The development of a number of important changes and advances in nursing has been undertaken by the nurses board in recent years. This includes endorsing nurse practitioners and the development and approval of courses that will lead to division 2 nurses being able to administer a range of medications. All of these important reforms in the practice of nursing will have a very important and direct impact on patients in our health services.

The public relies on the Nurses Board of Victoria, the Medical Practitioners Board of Victoria and other health practitioner boards to ensure we are cared for by appropriately qualified people and that appropriate investigations are undertaken when there are complaints about practitioners. It is important that the practitioner registration boards should be accountable to the Victorian community when they undertake those investigations. There should be transparency in their decision making and the decisions that are made by all the practitioner boards should be well and surely understood by the community.

I look forward to the final recommendations of the review. The amendments before us today to the Health Practitioner Registration Act will allow the boards to appoint persons to formal and informal hearing panels from a list approved by the Governor in Council. This is rather than having to seek approval each time a panel is constituted. This is just a commonsense amendment. Those involved in these panels make a very important contribution to the regulation of health practitioners and I know their work is very highly regarded. Another commonsense amendment is allowing board members to hold office, if needed, for a further three months. In the interests of allowing other members to make a contribution to the debate on this bill and with limited time available, I restrict my comments to that. I commend the bill to the house.

Mr THOMPSON (Sandringham) — The bill before the chamber today traverses a number of important areas that are of keen relevance to members of the Victorian community. My experience in the last few years has been that the availability of services for those people suffering a mental illness is not sufficient to meet the complex demands and needs in those fields. The finest speech I have heard in this chamber was made by a former member for Warrnambool, John McGrath, when he spoke of the circumstances of his family members who had suffered mental illness. He quoted from the American doctor, Dr Arieti, who made the remark that no war, disease or famine in history had affected so many lives in the way that mental illness impacts upon the lives of people who suffer such an illness.

It was reported to my office a while back that a lady spent 70 hours on a hospital trolley because there was no mental health bed available for her to be properly treated. Her family reported to me that on being discharged from hospital she was sometimes so heavily drugged that she was not able to put a cigarette to her mouth or get a spoon to her mouth, and she was dribbling such was the level of medication that had been administered to her to stabilise her.

There was another circumstance in recent times of a person who was near suicidal being visited by a crisis assessment and treatment (CAT) team, which was of the view that he did not require admission. He had not slept for three days. His family members were with him to try to look after him, but there was not a bed in the system immediately available for him that he was happy to take that would have enabled him to stabilise and be restored to a better state of mind and wellbeing.

These are complex areas. It is well known around the state that mental health is an area where there is a shortage of available beds, and there is a lack of appropriate treatment options available to people. I might add there is some outstanding work being done by some mental health practitioners; one is Dr Peter Doherty at the Alfred hospital. In my experience he has done some excellent work in quickly responding to the needs of patients under his care. The issue of involuntary treatment orders is a complex one that presents some difficulties, especially when a person does not appreciate that they may require some form of treatment. The legislation before the house makes amendments in relation to that.

The other area I wish to comment on relates to the reporting requirement and the extension of time from October to December. The opposition has a serious concern that this will mean information regarding the

hospital services as provided in a range of arenas will not be made available within a relevant and reasonable time frame for the public to assess it.

Mr LEIGHTON (Preston) — An important part of the bill is the amendments to the Mental Health Act. As a former mental health practitioner, before my election to this place, it is a pleasure to speak in support of the provisions. The bill does a couple of main things: it remedies the difficulty of mental health practitioners not being able to make involuntary treatment orders inside psychiatric services and registered medical practitioners not being able to make such requests or orders outside of the facilities, and it also extends the period after which security patients can be released from 24 hours to 7 days.

The point I want to make on involuntary treatment orders is twofold. Firstly, they are a much more sophisticated measure than used to exist in mental health. Secondly, there is a need to ensure that we have sufficiently trained mental health practitioners. Prior to the 1986 act there were three ways by which people could be admitted to psychiatric hospitals: informally, as a voluntary patient or as an involuntary patient. Involuntary detention was a much more blunt instrument.

With the 1986 act we recognised the need to find a balance between the need to treat people who were very sick and the civil liberties of the individual, and I think we largely got it right. But in the process of that we discontinued the notions of informal and voluntary treatment and provided that registered psychiatric nurses could detain a voluntary patient pending an examination for possible admission as an involuntary patient. That is where these provisions came from.

It is clear that we need to do more to ensure we have a well-trained, well-educated and numerically strong work force of mental health practitioners. Many of them are my age and due to retire, and some of the work going on at the moment — —

Mr Delahunty interjected.

Mr LEIGHTON — No, I am talking about the mental health work force. With the changes to the way we train those people, particularly our psychiatric nurses, in the time to come there are going to be shortages in the work force.

I will mention briefly — because of the agreement on time — a couple of other issues. I was pleased by the statement made by the Minister for Health that the capacity of the registration boards to make professional indemnity insurance a condition of registration is not

intended to apply to people such as registered nurses in public hospitals. In my view it would be a retrograde step to start requiring public hospital nurses to have their own professional indemnity insurance, and it would add an enormous expense to the provision of health services.

In regard to the coroner being able to make orders for a pauper's funeral, I particularly want to acknowledge the work undertaken by Ted Worthington and a number of the civil celebrants in that area who put a lot of their own time and effort into the provision of those services to afford people with no assets the dignity of a proper funeral.

Finally, on the issue of health services' annual general meetings, in my view — and I hope I get to make a further comment on this during the consideration-in-detail stage — the opposition overstates the significance of annual meetings in the 21st century and understates a range of other mechanisms and processes in health, ranging from the health services commissioner, the publication of hospital waiting lists and consultative committees of boards; there are a whole range of processes that exist in this day and age that render AGMs much more as formalities than they once were. With those comments I am pleased to support the bill.

Mr PLOWMAN (Benambra) — I wish to restrict my comments to part 4 of the bill, which deals with the mental health provisions of the act. Clause 15 deals with involuntary treatment orders and includes a registered medical practitioner employed by an approved mental health service as being someone who must apply an involuntary treatment order if required to do so. This is a great improvement because it will mean that those people who are in a community where someone needs an involuntary treatment order can request it, and a registered medical practitioner will be one of those people who can effect that order.

We have situations around the state, particularly in the city of Wodonga, where mental health services have never been gazetted and are therefore not regarded as approved mental health services; without their being gazetted, they are not approved mental health services. This has created all sorts of problems. Every one of us in our own communities has had problems with people who try to avoid having involuntary treatment orders made against them.

In our situation on the state border it is that much more difficult because mental health patients are aware of their rights interstate and often move interstate to avoid apprehension within the state they are in. In the

cross-border area this creates an enormous problem. I would have thought the government could have easily overcome that by gazetting those mental health services. Had it gazetted them, a lot of the problems that we are faced with on the border would have been overcome.

I am delighted to see the changes in this bill, because they will bring about a much greater opportunity for the application of not only involuntary treatment orders but also transport orders to take people to the mental health services for the involuntary treatment orders to be applied. I support what is in the bill in respect of those issues. As I said at the briefing we got on this issue, I hope that after the many years of trying to get a service that works in the cross-border area this will overcome that anomaly.

The issue in respect of involuntary treatment orders is also dealt with under new section 12AA, which covers those people who are in mental health services rather than those being taken to mental health services. It is obviously a requirement that is not in the principal act.

Further, section 12AA(5) allows for the release of a person. Again, that is an appropriate requirement if the mental health employed person — the registered medical practitioner — has regard for the section 8(1) which determines whether an order should be applied and he or she has also consulted with the authorised psychiatrist. This gives a level of flexibility which is an improvement to the act.

I will touch on two other issues. One is that under clause 12AA(8) if a person is taken to an approved mental health service the involuntary treatment order is sufficient authority for the detention of that person until the authorised psychiatrist examines him or her. That is a very reasonable provision.

The last point I make is about clause 18(6)(b) which provides that:

The authorised psychiatrist must ensure that —

...

... the treatment plan is discussed with the patient by a registered medical practitioner, the patient's case manager or any member of a prescribed class of person.

I would like to know if that prescribed class of person does include a carer of the patient. It is vital that carers are included among those people who discuss the treatment for a person who is to have an involuntary treatment order applied to them.

Mr MERLINO (Monbulk) — I am very pleased to make a brief contribution on the Health Legislation

(Miscellaneous Amendments) Bill, which as we have heard makes amendments to a large number of health acts. They include changes to the regulation of cemeteries and crematoria, improvements to the Health Services Act in relation to Health Purchasing Victoria, amendments to the Mental Health Act and amendments to health practitioner registration acts.

The review of regulation of health professions in Victoria has been extensive and much needed. Currently there are 11 health practitioner registration acts regulating 15 groups of health professionals in Victoria. Only the Pharmacy Act 2004 is up to date. This review commenced in October 2002 and a discussion paper released the following year received 116 submissions. An options paper and further consultation followed earlier this year. The major structural reform outlined in the options paper will form the basis of legislative reform later in the year. In the meantime this legislation provides for a number of technical and administrative reforms that will improve the functionality and consistency of our health practitioner registration boards in preparation for the broader structural reform to come.

These reforms include the ability of boards to appoint people to formal and informal hearing panels from a list of people approved by the Governor in Council, rather than having to seek approval each time a hearing panel is formed, and to extend board members' terms for three months beyond their terms of appointment. That will enable that person to complete hearings that they are involved in and enable the board to deal with unavoidable delays in the appointment to fill a casual vacancy. It will allow boards to grant specific registration to an applicant to meet an identified need for a practitioner. It provides boards with greater flexibility with regard to the conditions and suspensions of practitioners and allows boards to issue guidelines regarding professional indemnity insurance, which will ensure patients or clients are protected in the event of a claim.

Just briefly, Health Purchasing Victoria is a vital arm of the health system in this state. Just looking at the 2004 annual report, the chief executive's report states that:

... HPV has now delivered some 13 tenders and subsequent contracts with annual sales of greater than \$90 million with a conservative estimate of in excess of \$10 million in savings to Victorian hospital and health services.

So HPV plays a vital role in keeping the costs of medical resources as low as they can be.

The amendments allow for the appointment to and retention on the board of the best possible candidates.

The current provisions are inflexible. It limits the number of potential appointees, or by virtue of the specific criteria can make an individual who is already on the board of HPV ineligible because of a change in job.

The bill allows for the possibility of increasing the number of members of HPV from 10 to 12 people, and while it retains the representation of a current metropolitan and a regional or rural chief executive officer on HPV, it includes the nominees of the secretaries of the departments of Treasury and Finance and Human Services. The change made by this legislation will allow for the best possible and most qualified group of people to be members of HPV. Again, the 2002 annual report outlines the number of comings and goings and the casual vacancies that need to be filled. So increasing from 2 to between 3 and 7 the number of people the minister can appoint is a vital improvement to the function of the board. I commend the bill to the house.

Dr NAPHTHINE (South-West Coast) — I rise to speak on the Health Legislation (Miscellaneous Amendments) Bill. I want to refer to particular parts of this bill because it makes omnibus changes to a large number of acts. Part 2 of the bill amends the Cemeteries and Crematoria Act 2003. In the second-reading speech it says:

The bill amends those provisions to allow the Secretary of the Department of Human Services to declare some cemetery fees exempt from the universal CPI increase currently provided for under the act.

That is an important principle. I support that change because there are many cemeteries, particularly those in regional and rural Victoria, which have a fairly low number of interments and a fairly low cost base and if they are subject to annual increases that can often put the costs of those burials well beyond the capacity of the community to pay and well beyond what is necessary to efficiently manage that cemetery. So I applaud that change.

However, it is interesting that in principle this is inconsistent with the government's approach to a whole range of fees, fines and charges on which it has already passed legislation that has empowered the Treasurer of this state, on his own motion and subjective view — without any reference to Parliament or any known figures like the CPI — to increase all fees, fines and charges right across the length and breadth of Victoria. So he can do that without referring to Parliament in any way, shape or form.

I put it to you, Acting Speaker, that this change made by this legislation ought to be a model adopted across all of government; that there ought to be a review across all of government; that there are certain fees, fines and charges that the government levies that should not be subject to annual increases of unspecified amounts; and that in the interests of good management and looking after the citizens and families of Victoria that the government ought to adjust fees, fines and charges according to need rather than having a blanket provision. So I support this change and urge the government to adopt it more widely.

The Minister for Health is obviously a very influential minister, in that she has been able to introduce this change which is contrary to total government policy. She has been able to persuade the government and her cabinet colleagues of the value of this flexibility with regard to cemeteries and crematoria. She should persuade the government in the interests of good government, in the interests of the families of Victoria and in the interests of making Victoria a good place for families to live, to extend that further.

I move now to part 3, which amends the Health Services Act. There are a couple of clauses here that require particular attention. I refer to clauses 10 and 12. Clauses 10 and 12 replace 'October' with 'December' with regard to the timing of hospital annual general meetings. What that fundamentally means is that annual general meetings for hospitals across this state, which currently have to be held before 31 October each year, can now be held as late as 31 December each year.

One must remember that these are annual meetings relating to a financial year that was completed on 30 June. I would have thought that the basic principle in relation to an annual meeting and reporting annually to the community on the operation of something as fundamentally important to it as its local hospital would be based on reporting back to the community as soon as is practicable after the finalisation of the accounts and administrative details. The more remote they are from the end of the financial year — the end of the reporting year — the more irrelevant the annual report and the annual meeting become.

In this case we have a situation where the government is shifting the date from 31 October to 31 December. I put it to you, Acting Speaker, that that makes this less relevant to the local community. Indeed Jim Fletcher, the chief executive officer of Western District Health Service, wrote to me on 2 June and said:

I do not support the extension of annual meetings from the current 31 October to 31 December, as in my view the annual

meeting is about reporting back to your community in a timely manner.

Annual meetings held after October and particularly towards the end of November and December become irrelevant due to the passage of time, and I believe community interest would wane. Many agencies, and Western District Health Service is one, are committed to engaging the community and using the annual general meeting as a major event on our health service calendar. I view this as more important than ensuring that annual reports are tabled in Parliament prior to the holding of annual meetings.

One has to ask why this change is being made. I put it to the house that the change is being made because we have an election due at the end of November next year. This change is absolute, blatant camouflage to allow the government to obfuscate and to deceive the people of Victoria. It is about ensuring that hospitals across the length and breadth of this state — in country communities, regional centres and Melbourne — do not produce their annual reports prior to the election next year. The government will be able to deceive the people of Victoria about its management of hospitals — indeed its mismanagement of the hospitals — hospital debt levels, waiting lists and a whole range of vital measures the community deserves and has a right to know about, particularly in the lead-up to an election, so it can make a judgment about the government and about health service delivery. This legislation is purely about allowing the government to deceive the people of Victoria in the lead-up to the election in November next year.

What is worse, because of the changes to the legislation pertaining to electoral matters elections are held on the last Saturday in November every four years. That means that every time it comes up for election the government of the day, irrespective of its colour, will be able to hide hospital annual reports until after election day. That is not a fair and reasonable way to treat the people of Victoria.

Finally I wish to refer to clause 11, which limits board membership to nine years. Again Jim Fletcher has written on this issue:

I believe the proposal to limit board members' length of tenure to nine years — that is, three consecutive terms of three years — is a retrograde step. Much importance has been placed upon attracting the right people with the right skill base to boards, and in my view this should continue to be the focus. The length of tenure in my opinion is irrelevant.

I agree with Jim Fletcher. It is very important, particularly in country Victoria, that we have the right people with the right expertise and the right experience to manage our hospitals.

At a hospital in my own backyard, the Portland and District Hospital, we have seen a classic example of the Department of Human Services and the government conspiring to run down the hospital, depriving the community of good hospital services. One of the reasons they have been able to do that is that there has not been the necessary strength of experience on the board to stand up to the DHS and to the government's secret agenda to run down the hospital. I express genuine concerns about the future of the Portland and District Hospital. Portland has a significant and growing population. It has major industries, including the port of Portland, Portland Aluminium and key engineering firms.

It is disappointing that instead of the hospital being upgraded from a C hospital to a B hospital, where it belongs, given its accident emergency attendance and the demands of the community, it has been allowed to run down as a result of a conspiracy by this government and the DHS. Unfortunately the board has not had the experience and the strength to stand up to that. This legislation will make it worse, because it will make sure that experienced people are removed from the board.

I do not support clauses 10, 11 and 12 of this legislation. The people of Victoria need to be aware of what the government is doing to undermine the strength of boards across Victoria, to undermine the reporting process and to deceive the people of Victoria with regard to the management of hospitals prior to the next election.

Mr TREZISE (Geelong) — I am very pleased to be speaking in support of the Health Legislation (Miscellaneous Amendments) Bill. I am always pleased to be speaking in support of Bracks government health legislation, because in my mind and in the minds of Victorians it is health and education and the magnificent initiatives in these sectors that since 1999 has separated the Bracks government from the previous Kennett government, which in my electorate of Geelong vowed to sell off the Grace MacKellar Centre and sold off part of our hospitals. The sheer hypocrisy of the member for South-West Coast in his contribution was breathtaking!

The bill, which addresses numerous issues, is another piece of great legislation. I congratulate the Minister for Health on her ongoing work on this legislation. I commend the bill to the house.

Ms PIKE (Minister for Health) — I want to take the opportunity to make a few comments in summary and to thank those members who have contributed to the debate on this very important bill, which makes some

amendments to a whole range of acts because of appropriate changes within different aspects of the health portfolio.

I thank the members for Caulfield, Lowan, Mulgrave, Box Hill, Cranbourne, Mornington, Narre Warren South, Brighton, Mount Waverley, Sandringham, Preston, Benambra, Monbulk, South-West Coast and the member for Geelong for their important contributions.

It is true that the government has been working to significantly improve the operation of a number of aspects of the health portfolio, certainly in the management and efficient functioning of our cemeteries, in the way we support and offer appropriate services for people with mental illness and also the way we improve the functioning of our boards of management and particularly improve the appropriate accountability of those boards to their varying communities. The amendments to the health legislation that are before us come about because of this government's very strong commitment to openness and accountability — to transparent, fulsome reporting.

That stands in great contrast to those opposite. For a very extended period of time when they were in government they did not produce even one single *Hospital Services Report*. We are providing much more information to the public and the community about the functioning of the hospitals. The amendments in the bill extend the possibility for people within the community to engage with their local health services and receive appropriate information.

Once again I wish to thank members who have contributed to this debate, and certainly I commend the bill to the house.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 and 2 agreed to.

Clause 3

Mrs SHARDEY (Caulfield) — I would like to ask the minister about this variation whereby the nexus between the consumer price index (CPI) and fees is now to be exempt. I ask the minister to perhaps provide rationale or evidence as to why she believes this should occur. It goes back to whether any work was done initially to find out if there was ever any link between

the CPI and the cost of burial in small rural cemeteries. In other words, why was it there in the first place?

Ms PIKE (Minister for Health) — We have responded to a range of concerns that have been brought to us by those who operate our cemeteries and crematoria. We are instituting these changes because we want to give them greater flexibility. There are wide variations between cemeteries and crematoria in the state of Victoria. We have very large multimillion-dollar organisations, and we have very small cemeteries in tiny rural communities where for many years there may not even have been an internment. So there needs to be greater flexibility. There is not one size that fits all for the running and management of cemeteries and crematoria. We are responding to community concerns and aspirations in this issue.

Mr DELAHUNTY (Lowan) — We appreciate the minister's response about clause 3, but does it mean that at the end of this review period these cemeteries and crematoria will go back into the automatic CPI adjustment situation?

Ms PIKE (Minister for Health) — This is a review and therefore we will consult appropriately. The outcomes of the review will depend on the nature of the deliberations during the review. There is not a fixed position.

Mr DELAHUNTY (Lowan) — To quickly clarify the position, I understand that the review is going on — and that is appropriate — to try and set appropriate fees for different cemeteries and crematoria across Victoria. At the end of that review period into fees and charges will all the cemeteries and crematoria in Victoria go back into the automatic CPI indexation position?

Ms PIKE (Minister for Health) — No, not necessarily because we are empowering the secretary to make specific arrangements.

Clause agreed to; clauses 4 to 7 agreed to.

Clause 8

Mrs SHARDEY (Caulfield) — The Liberal Party does not support the inclusion of clause 8 in the bill. We believe that the health service agreement should retain all detail of other matters regardless of whether they form part of a statement of priorities until the veracity of these statements has been tried and been proven to be reliable or otherwise.

I note that the member for Mulgrave very generously explained to me that statements of priority should be available under the act on request.

Mr Andrews interjected.

Mrs SHARDEY — It may well be in the act, but that does not mean there has been compliance with the act. In fact, I suggest very strongly there has not been compliance with the act. There have been several requests both through the office of the shadow Minister for Health and through the library. There have been numerous excuses about people being away or being on holiday — to the tune of, ‘A dog ate my homework’ — —

Mr Andrews — Don’t lecture anybody on making excuses, Helen. You are a walking excuse.

Mrs SHARDEY — The member might try and insult me, but it does not really answer the question in relation to his government’s compliance with the act, which obviously has not occurred. The Liberal Party does not support the inclusion of clause 8.

Ms PIKE (Minister for Health) — The government cannot support the Liberal Party’s amendment. This is about reducing red tape and duplication. The governance review and the subsequent act that enacted the recommendations of the governance review put in place an annual statement on priorities. Under that, the minister must cause copies of the statement and any variations to be made available on request to the public. So this is not about hiding anything, it is about saying that the current agreements are redundant and have been superseded by the statement of priorities.

Mr DELAHUNTY (Lowan) — The Nationals will be supporting the amendment. We believe that this statement of priorities, which at this stage is not a public document, has not been trialled as it has been in operation for only 12 months. We would rather have it wait. We strongly agree with reducing red tape, but at this stage we will be supporting the Liberal Party’s amendment.

The ACTING SPEAKER (Ms Lindell) — Order! The question is:

That clause 8 stand part of the bill.

House divided on omission (members in favour vote no):

Ayes, 53

Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms

Kosky, Ms
Langdon, Mr
Languiller, Mr
Leighton, Mr

Beattie, Ms
Bracks, Mr
Buchanan, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D’Ambrosio, Ms
Delahunty, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Green, Ms
Hardman, Mr
Harkness, Mr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Jenkins, Mr

Lindell, Ms
Lobato, Ms
Lockwood, Mr
Lupton, Mr
McTaggart, Ms
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Robinson, Mr
Seitz, Mr
Stensholt, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Noes, 26

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Honeywood, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr

Mulder, Mr
Naphthine, Dr
Perton, Mr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr
Wells, Mr

Clause agreed to.

Sitting suspended 1.01 p.m. until 2.01 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Treasurer: document

Mr CLARK (Box Hill) — I refer the Treasurer to last night’s refusal to table a document detailing legal advice on changes to stamp duties and his attempts this morning to table only a paragraph from the document, and I ask: will the Treasurer now do the honest thing and make the entire document and the legal opinion available for scrutiny?

Mr BRUMBY (Treasurer) — This matter of course was dealt with this morning, and here we are back again after the whole morning’s parliamentary session. It is a pretty sad reflection on the opposition. There is not a single new policy or a single new idea — and we have

had all the debate all this week. There were the mountain cattlemen, and you were going to unite the whole of Victoria against the government. You were going to debate here all through the night, and what happened? You fell over. You are hopeless!

The SPEAKER — Order! I remind the Treasurer he must address his comments through the Chair.

Mr Perton — On a point of order, Speaker, the Treasurer is debating the question. The shadow Treasurer has asked him to table the legal advice. Let him address that question.

The SPEAKER — Order! The Treasurer was debating the question. I ask him to return to answering the question.

Mr BRUMBY — As I said this morning in tabling the document, I tabled the relevant document.

Mr Mulder interjected.

Mr BRUMBY — It is a long time since you have been in government.

Mr Thwaites interjected.

Mr BRUMBY — No, it is a long time since they were in government.

Honourable members interjecting.

The SPEAKER — Order!

Mr Doyle — I love the arrogance. It really suits you, you know.

The SPEAKER — Order! I have had to speak to the Leader of the Opposition many times about continuing to interject when the Speaker is on her feet. I hope I do not have to remind him of the consequences of that again. I ask the house to come to order and allow the Treasurer to answer the question raised with him by the member for Box Hill without inappropriate interjections and that level of noise.

Mr BRUMBY — As I indicated to the house this morning, the practice is that during debate on legislation it is quite common for the minister and/or the parliamentary secretary to have brief —

Honourable members interjecting.

The SPEAKER — Order! The member for Doncaster and the member for Bass will cease interjecting in that manner.

Mr BRUMBY — It is quite common for the minister and/or the parliamentary secretary to have brief summary notes prepared on particular clauses. As I said last night, the notes were provided by the member for Burwood, who is the parliamentary secretary, as is the case and as was the case during the 1990s with the former Treasurer, Alan Stockdale, and the then parliamentary secretary, the member for Box Hill.

Mr Cooper interjected.

Mr BRUMBY — It had always been my understanding of the standing orders that if you were reading from personal notes you were not required to table them.

Speaker, this morning you indicated the correct application of the standing orders, which is that, whether they were personal notes or not, they should be tabled. Upon receiving that advice from you I tabled that document, and that is the document from which I was quoting last night.

Infrastructure: government initiatives

Ms MUNT (Mordialloc) — My question is to the Treasurer. Given the government's commitment to rebuilding Victoria's social and economic infrastructure, can the Treasurer update the house on the progress of the Bracks government's major infrastructure projects in the last 246 days?

The SPEAKER — Order! I thought the member was going to say 246 years, for a moment!

Mr Batchelor — How many days?

Mr BRUMBY (Treasurer) — It is 246 days, but it feels like 246 years over there, doesn't it, Robert? That is how long they have been waiting.

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

Mr BRUMBY — The Bracks government has an outstanding record when it comes to infrastructure. Over the last five years we have spent \$10 billion on capital works, and over the next five years — if you include the budget sector, EastLink and the non-financial public corporations like the water bodies — we will spend \$20 billion. That is over the next five years. The average level of budget sector expenditure under the Kennett government used to be less than \$1 billion a year.

Mr Smith interjected.

The SPEAKER — Order! The member for Bass will cease interjecting in that manner, and I ask members to allow the Treasurer to answer the question without that continual high level of interruption. The Treasurer, to continue.

Mr BRUMBY — Since October 2004, which is about 246 days ago — it is about the same time the opposition last came up with a policy — the Bracks government has delivered a wealth of vital infrastructure. Since then we have completed five police stations, we have opened four major health redevelopments, the \$376 million Austin and Mercy — —

Honourable members interjecting.

The SPEAKER — Order! I do not intend to allow question time to continue with this level of noise in the chamber. If members, particularly the member for Brighton, persist in interjecting and continue making that noise, I shall remove them from the chamber without further warning. I ask members in the house to assist the Chair in allowing question time to proceed in an orderly manner.

Mr BRUMBY — We have opened four major health redevelopments. The Austin was of course opened by the Premier just a few weeks ago. There is the new \$22 million, 100-bed rehabilitation centre at the Barwon Health Grace McKellar Centre in Geelong, stages 1 and 2 of the Stawell hospital and the redeveloped Ararat hospital. We have opened two major new road projects and the new Ravenswood duplication of the Calder Highway, and of course the first section of the Craigieburn bypass. Since October 2004 we have opened four schools, including Lynbrook Primary School, and built new facilities at Frankston High School — and we have more on the way. Of course we have the relocation of the Melbourne Markets, the convention centre and the Geelong bypass.

The opposition can only look at this record with envy. It is no wonder they have not been able to come up with a policy on EastLink, because if they did — the \$7 billion policy! — it would cripple spending on EastLink.

Mr Perton — On a point of order, Speaker, the Treasurer was asked a very narrow question about infrastructure investment in the last 246 days. It does not give him licence to debate the question.

The SPEAKER — Order! I ask the Treasurer to return to answering the question.

Mr BRUMBY — Speaker, 246 days is a long time. In the last 246 days we have seen elections in the

United States of America, the United Kingdom, Australia and Iraq. We have seen Syria pull troops out of Lebanon. We have seen the Commonwealth Games baton pass through 23 countries. We have seen a new Pope elected — and now we have three Cloke boys playing for Collingwood. So 246 days is a long time!

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order, and I ask the Treasurer to address his comments to matters that relate to Victorian government business.

Mr Doyle interjected.

Mr BRUMBY — We will talk about around the world! They will have a man on Mars before you release your EastLink policy!

Honourable members interjecting.

The SPEAKER — Order! Despite the interruptions, the Treasurer has been speaking for some time. I ask him to return to the question and remain there.

Mr BRUMBY — If you were to pay out tolls on EastLink, you would have to slash infrastructure spending, close 220 primary schools and sack 3000 teachers or sack 3000 nurses.

Mr Doyle interjected.

Mr BRUMBY — We have been waiting for a long time. The people of Victoria have been waiting for a long time for this policy.

The SPEAKER — Order! The Treasurer will return to addressing his comments to Victorian government business.

Mr BRUMBY — Here we are, on the last day of the sittings, all looking forward to the famous EastLink policy. We have been waiting 246 days, and we hope we do not have to wait too much longer.

Victorian Farmers Federation: consultation

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the government's ban on meeting with Victorian Farmers Federation president, Paul Weller, and I ask: can other individuals and organisations who disagree with the government's policies expect the same treatment from Melbourne Labor?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. Just as he was asking

his unusual question I had many ministers saying, 'I met with him last week'. The reality is that we meet with the Victorian Farmers Federation regularly. I remind The Nationals' leader that the VFF is there to represent farmers, not The Nationals. Could I remind him of that? If the Leader of The Nationals thought the VFF was somehow an organ of The Nationals, he is wrong. It is there to represent the farming community, and in representing the farming community the VFF needs to stand up and talk to levels of government, and it does just that. I am sorry if the Leader of The Nationals wanted to have that as one of his branch offices — it is not.

Infrastructure: Building One Victoria

Mr DONNELLAN (Narre Warren North) — My question is to the Premier. In light of the government's \$10 billion infrastructure commitment over the next four years, can the Premier outline how the government's delivery of its Building One Victoria program is already benefiting Victoria?

Mr BRACKS (Premier) — I thank the honourable member for Narre Warren North for his question. Representing one of the biggest growth areas in the state, he knows how important it is to provide for the future, to provide infrastructure and to provide the conditions for families to enjoy — new schools, new hospitals, new facilities and upgraded facilities as well. I thank him for the work he undertakes, alongside other members of this house.

As the Treasurer mentioned, since coming to office we have doubled the amount of infrastructure spending in the state — that is, to twice the amount we found when we came to office in 1999. That is in the inner budget sector about \$10 billion of new infrastructure spending over the next four years. If you look at the wider provision of infrastructure in non-central government agencies, it is about \$20 billion over that same period.

That spending includes \$473 million for health and community services-related infrastructure, and we have heard of some of the new facilities that have been opened and those that have been extended and renovated. I was pleased to be with many members of the government at the opening of the refurbished Austin Hospital. I should remind the house that that hospital was on a different path when we came to government in 1999 as the previous government wanted to privatise and sell off that hospital. We not only said we would stop the privatisation; we said we would reinvest — and we did. I am very pleased that this is the biggest health precinct and one of the best state-of-the-art hospitals in

the country, which we can all be proud of — and importantly, it is in public ownership and control.

We have also invested \$323 million in education-related infrastructure, including new and modernised schools throughout our state, and we have invested \$660 million for transport infrastructure, including six new major outer suburban projects. Importantly, I know the member for Narre Warren North would welcome that in the growth suburbs and areas of the state. New police stations were mentioned, new prison facilities are being built, and \$158 million is being spent in the justice portfolio.

Importantly, not only have we been committing funding in infrastructure to parts of Victoria, but our change in policy from that of the previous government when we came to office was to commit to infrastructure for the whole of the state — for every part of Victoria. So if you look at the Regional Infrastructure Development Fund, the investment in rail, the reopening of rail lines, all those things which were — —

Honourable members interjecting.

The SPEAKER — Order! The member for Polwarth will be quiet!

Mr BRACKS — In all those areas which were neglected under the previous government we have seen a significant amount of reinvestment, including in regional and country communities. As I conclude I will give some examples.

That investment includes building one of Victoria's most remote police stations, at Bendoc in the state's north-east; a \$2.5 million residential rural learning centre on part of a 445-hectare aerodrome reserve at Marlo; the major redevelopment of the Walwa Bush Nursing Centre that serves the remote community in north-east Victoria; a new community mental health facility at Traralgon in the Latrobe Valley; and, as has been mentioned, stages 1 and 2 of Stawell hospital. Also we know that our government will be rolling out \$89 million of new investment in optic fibre for every government school in Victoria, providing that necessary infrastructure which will generate significant investment by Telstra in that complementary infrastructure as well. If as a government — —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Bass!

Mr BRACKS — If as a government we were required to invest in \$10 billion of infrastructure and

also pay out \$7 billion to get rid of a contract, we would have to change our policy. For example, we would have to cut about 3000 nurses, teachers and police officers were we to pursue that policy. We would also have had to resume the policy, which we rejected when we came to office in 1999, then in place to close schools, police stations, country rail lines and hospitals. We have rejected that policy and we have been changing that policy of the former government over the last five and a half years.

There is no doubt in my mind that if any government in the future were to pay out \$7 billion from the state's accounts to rip up a contract, it would need to resort to and resume those very policies which were not only rejected by our government on coming to office but rejected unceremoniously by the people of Victoria.

Coast guard: vessel tenders

Dr NAPTHINE (South-West Coast) — My question without notice is to the Minister for State and Regional Development.

Mr Helper — Are you quoting from a document? Will you table it?

An honourable member (to Mr Helper) — We'll give you a paragraph of it!

The SPEAKER — Order! The member for Ripon should not interject in that manner; it is extremely unhelpful. If the member for South-West Coast has a question, I ask him to ask it; otherwise he can sit down.

Dr NAPTHINE — Speaker, my question without notice is for the Minister for State and Regional Development. I refer the minister to his government's failure to win the air warfare destroyers contract and his continued claim that Victoria is the best place in Australia for shipbuilding, and I ask: if the minister is so confident about this claim, why did the government award its contract for its own volunteer coast guard shipbuilding to a New South Wales company rather than build them in Victoria?

Honourable members interjecting.

Questions interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! Just prior to asking the Minister for State and Regional Development to respond to that question I would like to welcome to the

gallery the Prime Minister of East Timor, Dr Mari Alkatari.

Honourable members applauded.

Questions resumed.

Mr BRUMBY (Minister for State and Regional Development) — Speaker, this is a question that should have been addressed to the responsible minister and —

Honourable members interjecting.

The SPEAKER — Order! The member for Brighton and the member for South-West Coast! I ask the house to come to order.

Mr BRUMBY — This should have been a question from the shadow Minister for Transport, the member for Polwarth. This is a matter which concerns a contract let by the coast guard and it has nothing to do with the portfolio of state and regional development.

Transport: infrastructure

Mr LOCKWOOD (Bayswater) — My question is to the Minister for Transport. Could the minister outline the most recent efforts of the government to improve Victoria's road network infrastructure and is he aware of how other approaches may impact on these efforts?

Mr BATCHELOR (Minister for Transport) — This year's budget is good news for Victorian motorists and for Victorian freight operators. The Bracks government again has contributed large amounts of money for road infrastructure, particularly right across rural Victoria where \$81.5 million has been made available in the last budget alone to regional Victoria for upgrades on the Calder and Bass highways and Princes Highway East — all important roads to Victoria. Another \$97 million has been made available as part of the outer metropolitan arterial roads program, and we have already announced two of those — the extension of South Road and the program to upgrade Ferntree Gully Road.

In addition, \$110 million has been provided for improving black spots and black lengths of sections of roads in Victoria, particularly to address the problem of single-vehicle run-off-the-road accidents which occur frequently across country Victoria. We have just recently announced that tenders have gone out for the first stage of the Geelong bypass. Tenders have been received for the first major construction works on the Pakenham bypass. The Pakenham bypass is the no. 1 road project for Gippsland and the Latrobe Valley, and the councils are really keen to see this project get under

way. This is all good news for regional Victoria, for Victorian motorists and for Victorian freight operators. There is, however, one dark cloud on the horizon.

Honourable members interjecting.

Mr BATCHELOR — They guessed it, Speaker. If this dark cloud were ever to put in place its policy to waste \$7 billion on paying out the tolls of EastLink, these sorts of projects could not go ahead.

Mr Perton — On a point of order, Speaker, the minister is debating the question. You have made several rulings in the past on this sort of answer being given by a minister, and I ask you to rule it out of order and ask the minister to answer the question in accordance with the standing orders.

The SPEAKER — Order! I uphold the point of order and I ask the Minister for Transport to return to answering the question.

Mr BATCHELOR — None of the projects I mentioned could be completed under that scenario — for example, the Geelong bypass would just be completed to the Midland Highway, rather than being completed by the government working in cooperation with the federal government. This is a Victorian government project. The Pakenham bypass would be stopped short — —

Mr Smith — Yes, four years late!

Mr BATCHELOR — And of course the other regional road projects would come to a halt.

Mr Smith — You have only just started, and you promised to have it completed.

Honourable members interjecting.

Mr BATCHELOR — What, you do not want the Bass Highway to be upgraded?

The SPEAKER — Order! I ask the Minister for Transport to address his comments through the Chair.

Mr BATCHELOR — These are new projects that are important to regional Victoria. The economic lifeblood and future prosperity of the state would all be put off into the distant future. It is not helped, of course, by the refusal of the federal Treasurer to free up some \$542 billion from the AusLink funding pool for these sorts of projects.

Honourable members interjecting.

Mr BATCHELOR — The federal Treasurer, a Victorian, prefers to help out other states at the expense of Victoria. If that money were made available to Victoria, the sorts of projects that I have mentioned could be replicated in a whole host of other locations. We could improve the road infrastructure and the logistics chain and help get goods from country Victoria to our ports, onto boats and into the overseas markets. All of this is being placed at jeopardy because the federal Treasurer and the Leader of the Opposition do not care about Victoria getting its fair share. They are playing cheap, political games at the expense of Victorian country people.

Land tax: refunds

Mr CLARK (Box Hill) — My question without notice is to the Treasurer. I refer the Treasurer to the government's promise to send refund cheques to Victorians slugged by massive land tax bills, and I ask: is the Treasurer aware that his parliamentary secretary, the member for Burwood, is advising business organisations that the government does not know how to send out reimbursement cheques and suggesting that any reimbursement is a long time away?

Honourable members interjecting.

Mr Stensholt interjected — Bullshit!

The SPEAKER — Order! I ask the member for Burwood to apologise for that comment.

The Treasurer, to answer the question.

Mr BRUMBY (Treasurer) — This is the sort of accuracy we have become used to from the member for Box Hill. You would not have a clue.

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby will not interject in that manner.

Mr BRUMBY — The opposition makes these claims, which are totally unsubstantiated. These refunds will be paid.

Honourable members interjecting.

The SPEAKER — Order! The member for Doncaster and the member for Benambra!

Mr BRUMBY — The State Revenue Office is writing to all businesses affected tomorrow — —

Honourable members interjecting.

Mr BRUMBY — That is fully consistent with what we said at budget time. Let me just say this about the land tax cuts being provided. What these mean is that for the vast majority of small and medium businesses up to \$2.8 million — we have now had the New South Wales and Queensland budgets, and people will be paying less tax in Victoria than they would in other states — we have the lowest rates in Australia.

Mr Perton — On a point of order, Speaker, whilst the Treasurer is entitled to an introduction he is now debating the question. The question is quite specific and relates to refund cheques to businesses. Answer that question!

The SPEAKER — Order! The member for Doncaster should remember that when he is addressing points of order he is addressing them to the Chair, not to members across the chamber. I do not uphold the point of order, and I ask the Treasurer to continue.

Mr BRUMBY — As I said, consistent with what we said at budget time, straight after the budget the State Revenue Office wrote to all businesses in Victoria paying land tax, advised them of the government's land tax cuts and advised them that if they had paid their bills there would be a process put in place for refunds. If they were yet to pay their bills, it advised them of the extent of the rebate. All of that has been put in place, on schedule, as I said at budget time. I would like to make another point in relation to the rebates which are being paid, and I will be issuing a press release in relation to this matter. This concerns the passing on of the rebates to tenants.

As honourable members are aware, post the 2003 amendments to the Retail Tenancies Act land tax cannot be directly charged, so it is not an issue for those tenants. But for tenancies in place before 2003, where obviously those bills have been paid by the tenant, we are now paying the refunds back to the landowner. I will be making it very clear publicly, and the State Revenue Office will be making it very clear in its dealings with landowners, that they are required to pass on those refund cheques to the tenants. In other words, if the tenant has paid the land tax bill, the tenant is entitled to get the refund, and we will be monitoring this very closely.

It is a matter that has been brought to my attention by a number of members on this side of the house. I do not believe I have had any representations from the opposition. These refunds will be made, as I have said, consistent with the time frame I set out at budget time.

Health: medical research

Mr WYNNE (Richmond) — My question is to the Minister for Health. Can the minister outline to the house what the government is doing to ensure that Victoria reaps the benefits of advances in medical research, especially in the area of biotechnology, and whether the minister has considered the impact of alternative policy proposals on sustaining these benefits?

Ms PIKE (Minister for Health) — I thank the member — —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster was warned this morning for his continual interjections in the house. It is unfortunate that I have to warn him again on the same day.

Ms PIKE — I thank the member for Richmond for this excellent question, because I am very proud to acknowledge that Victoria is nationally and internationally recognised as a leader in the biotechnology field. We have huge strengths that have been built up over time. These strengths revolve particularly around the linkages between research and treatment. We have a wonderful system here in Victoria which allows for great collaboration between clinicians and researchers. They are prepared to work together and with consumers and providers of health care to get the best possible outcomes and really build on our strengths in the biotechnology field.

Many of our research institutes are co-located with our large public hospitals and teaching schools. It is the Bracks government's commitment to build up our public hospital system so that it further enhances those connections and builds on those strengths. The Walter and Eliza Hall Institute, the Ludwig Institute for Cancer Research and the Howard Florey Institute are co-located with the Royal Melbourne Hospital and the University of Melbourne. The Baker Heart Research Institute and the Burnett Institute are co-located with the Alfred hospital along with Monash University's teaching school. There are many other examples.

Already we are beginning to see some further practical applications of these collaborations in our cancer services framework. We went to the last election with a commitment to boost and enhance our cancer services and we have been doing just that. We have been doing some world-class work on the 10 most prevalent tumour streams in cancer. That work now sees great collaboration between researchers, clinicians and

educators so people can have appropriate treatment right through their journey in whatever cancer stream they are in. We now have a new multidisciplinary and integrated approach to the delivery of cancer services across the state.

That has been underpinned by terrific capital investment in new cancer units in Moorabbin, the Latrobe Valley, Geelong and Frankston and the replacement of equipment. It has been an about \$78 million series of projects. Yesterday I opened the new \$7 million cancer unit at the Alfred hospital — \$7 million which the government has recently invested. It is a terrific program with the capacity to pinpoint tumours with greater accuracy and to give new hope and life to people who previously had inoperable cancers. These are very important and major investments and we have been able to deliver them in a strategic and timely way because we are committed to the growing of our economy and we are managing the funds in a most prudent way.

There are alternatives, and we know what they could be. If you recklessly promise to undermine the stability of the budget position, then your capacity to actually keep pace with world developments and in fact be a leader in this area is seriously undermined. Any government that was reckless and made ridiculous promises which undermined the capability of our budget position would be in a very difficult position.

The other threat to our position as a world leader in the biotechnology area is particular policy suggestions to undermine our public health system generally. When the previous government planned to privatise the Austin Hospital, there was a chorus of concern from clinicians, researchers and institutes. At the Austin we have world-class research institutes in a whole range of areas. If you were to privatise the Austin Hospital and take away that nexus between research and clinical excellence our leadership position would be seriously undermined. What is research for? In the end, medical research is done in the service of the prevention and management of disease. It is about enhancing the health and wellbeing of our community.

I am proud of the work we are doing and the leadership our government is showing, particularly the Premier and the Treasurer, who are showing great leadership, in the area of health and medical research. That leadership is now appreciated enormously by our research community whose members are working with us to maintain Victoria's position as one of the leading places in the world for biotechnology.

Manufacturing: employment opportunities

Mr DOYLE (Leader of the Opposition) — My question is to the Treasurer. I refer the Treasurer to his overseas trip starting, I believe, tomorrow, and I ask: would he not be better staying here in Victoria to help find jobs for the 660 workers at Trico and Autoliv whose jobs have gone to China, or even find the document that mysteriously disappeared last night and cannot be found today?

The SPEAKER — Order! The Leader of the Opposition has in fact asked two questions in that question. I rule the first one in order and I ask the Treasurer to respond to that.

Mr BRUMBY (Treasurer) — I want to thank the Leader of the Opposition for his question. Obviously the government regrets any closure of a business or loss of jobs in Victoria. Obviously working in partnership with the federal government we will do everything we can to see new job opportunities established in Victoria for those who may have been displaced as a result of these decisions.

I should say in relation to the auto industry that it has been enjoying years of success across Australia but particularly in Victoria. If you look at the support provided for the industry by the Bracks government you see it has been considerable. If you look at the Holden engine plant, the support provided to Ford with the development of the new Territory which I must say is a fantastic vehicle in achieving the car of the year award and record sales, what we have done with the Toyota research and development centre at Clayton opened by the Premier just a few months ago and what we have done with ACL Mahle and others, it has been a great story of investment. Also, if I am right, for the member for Ripon, in Stawell there is Aunde Norwellan in relation to the clothing textile side of the automotive industry —

Mr Bracks interjected.

Mr BRUMBY — As the Premier has just reminded me, the Toyota research and development investment came as a result of an overseas visit by the Premier. It is true to say that we would not have achieved the investment of \$450 million by General Motors Holden without the contacts we made with General Motors overseas.

I should say generally on the issue of jobs, which is an important issue, that the regional labour force figures were released today. I think the house on this last day of sitting would be pleased to learn that there are today

32 000 more jobs in regional Victoria than there were a year ago, in May last year. There are 32 000 more jobs in regional Victoria, which is to be compared to the 6000 more jobs in New South Wales over the same period. It represents an increase in employment of 5.2 per cent over the 12 months. It is stronger than Queensland, it is stronger than New South Wales, and it is stronger than every other state, except Western Australia.

We take the business of creating the right economic environment to generate jobs very seriously. I noticed in the press the other day that the Leader of the Opposition was reported as saying in respect of the visit by the Premier and I to BIO 2005 that he supported visits focused around the need to attract investment to the state. All of those visits are focused around the need to attract investment. We will have many meetings at BIO 2005 in Philadelphia. I will be opening a new office of the Victorian government in New York, and in Los Angeles I will be having a number of meetings with the film industry to build on the extraordinary success that we have enjoyed since the completion of the film and television studios. We have seen more film production in Victoria in the last year than at any time in the last 20 years. It has been a great success. We will do everything we can to generate jobs for those who may have lost them as a result of the announcements today.

Water: infrastructure

Mr PERERA (Cranbourne) — My question is to the Minister for Environment. Given the government's commitment to rebuilding water infrastructure, could the minister detail the government's recent initiatives in this area and outline the impact of alternative policies on these initiatives?

Mr THWAITES (Minister for Environment) — I thank the member for Cranbourne for his question and his interest in water. As the house will no doubt know, the Bracks government is committed to rebuilding our water infrastructure right around the state. We are providing better quality and better security of water for farmers and towns and improving our river systems.

One might demonstrate this by looking at how much has been achieved in the last 246 days. How much has been achieved in the last 246 days? This government has boosted its commitment to the Wimmera–Mallee pipeline to \$167 million. It is ready to go; all we are waiting on is for the tick-off from the Prime Minister. In the last 246 days we have seen the Eildon Dam wall upgrade going ahead magnificently. It is a great reconstruction. As well as that there is the work on the

spillway. It is going ahead, it is very good construction and it will mean better security for farmers.

We have also seen the extra work to help the red gums along the Murray River. We are seeing water now being pumped onto the red gums, and they are now living; before they were dying. We have handed over the extra water that was required for the Snowy River. We have delivered more than 25 billion litres of water. The water was signed over to give the Snowy the environmental flows that we committed to.

The water projects in the Macalister irrigation system have gone ahead. The members for Narracan and Morwell are great proponents of that, as are the farmers in that region. Stage 2 of that was announced in the last 246 days.

Honourable members interjecting.

The SPEAKER — Order! The level of noise in the chamber is too high, particularly from the Leader of The Nationals.

Mr THWAITES — We have also seen the world-leading automatic channel control technology introduced into the Goulburn–Murray system. It is in stage 2. It is another magnificent infrastructure achievement of the Bracks government, which will save water and give farmers more security of supply. The Tungamah pipeline has been announced, which is something I know the member for Murray Valley is very supportive of.

Mr Honeywood interjected.

Mr THWAITES — Are you having a go at him, are you?

The SPEAKER — Order! I ask the Minister for Environment to address his response through the Chair.

Mr THWAITES — The member for Murray Valley, together with the farmers in the community in that area, is absolutely thrilled that this was going ahead, because this is a project that the community of Tungamah has sought for 30 years. There will be better security of water. Before the farmers used to get a couple of channel runs — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition and the Deputy Leader of the Opposition and other frontbenchers on the opposition side! I have already warned a number of them, and I ask them to

behave in a manner more appropriate to the conduct of question time and in an honourable manner.

Mr THWAITES — The Tungamah pipeline will deliver better security for farmers and better quality water, and will also deliver more than 4000 megalitres of water savings. These are projects that have been and are being introduced by the government as part of its system to have a much better water infrastructure throughout the state.

Closer to Melbourne we have seen the Werribee recycling scheme up and running in the last 246 days. We have also seen the eastern irrigation scheme. Right around the state we are now seeing water projects being delivered. We are boosting infrastructure, and we are boosting investment.

Honourable members interjecting.

Mr THWAITES — The opposition thinks this is a joke. The problem with the opposition is that it does not have a water policy. There has been nothing on water except — —

Mr Perton — On a point of order, Speaker, the honourable member asked a two-barrelled question, the second part of which refers to matters that you have ruled out in the past. The minister is restricted to answering in relation to government administration and not hypothetical questions or attacks on opposition policy. He is debating the question, Speaker.

The SPEAKER — Order! I find it a bit surprising that when members of the opposition, particularly the member for Doncaster, persistently interject they then take offence if ministers canvass the views that they have raised in their answers to questions. My response would be — —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster will cease interjecting in that manner, and if he ceases interjecting the minister will be able to address his answer to the question that was asked.

Mr THWAITES — Victoria is leading Australia in water infrastructure. We are regarded as such, and the reason we are able to do that is that we have a strong budget. And we have been able to do that because we are financially responsible. If we had the alternative policies that have been canvassed by some, which would see a massive multibillion dollar hole in the budget, we would not be able to continue to invest at this level in water.

Mr Smith interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! I suspend the member for Bass from the chamber for unparliamentary behaviour.

Mr Smith interjected.

The SPEAKER — Order! And I suspend the member for Bass for the maximum time allowed under standing orders, which is an hour and a half.

Honourable member for Bass withdrew from chamber.

Questions resumed.

Mr Plowman — On a point of order, Speaker, the minister is clearly debating a hypothetical question and not coming back to government business. I ask you to bring him back to government business.

The SPEAKER — Order! The minister must relate his comments to Victorian government business.

Mr THWAITES — The people of Victoria are quite clear: they want a strong government with a good financial performance and, as is the case with this government, great performance in water, and we will continue with that.

HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Consideration in detail

Debate resumed.

Clause 9 agreed to.

Clause 10

The DEPUTY SPEAKER — Order! I call the member for Caulfield to outline amendment 2 in her name.

Mrs SHARDEY (Caulfield) — As previously stated, the Liberal Party does not support the inclusion of clause 10 in this bill, which would move the closing date for annual hospital annual general meetings (AGMs) from October to December. The rationale for this clause is not one we support. We believe that

communities have a right to hear from their hospital boards, that AGMs should be held at the local level and that people should have the annual reports made available to them at those meetings. As I have quoted, the minister has contradicted what appears to be part of the bill. The rationale for putting up this clause is that the government should not allow reports to be made public prior to their being tabled in the Parliament.

Mr Andrews interjected.

Mrs SHARDEY — If the government does not understand its own legislation, we should go to the clause itself. Clause 10 talks about amending section 36(1) of the act in order to extend the date by which public hospital annual meetings must be held from 31 October to 31 December, which is moving — —

Mr Andrews interjected.

Mrs SHARDEY — I understand what it means. It is moving the date by which the meetings must be held, the implication being that they will be or can be held after 31 October and before 31 December. The government's rationale for all of this is that the annual reports should not be made public prior to their tabling in the Parliament by 31 October.

As we know, prior to the last election those annual reports were not tabled in this Parliament. The rationale that the government has given is that former Speaker Andrianopoulos said that it was a discourtesy for reports to be made public prior to their tabling in Parliament, and he cited the Auditor-General's report as one such case. I do not believe that rationale makes sense, because we are not talking about an Auditor-General's report, we are talking about annual reports of hospitals. My question to the minister is whether she can tell us how many annual reports of hospitals were tabled prior to the last election in 2002?

Ms PIKE (Minister for Health) — From my careful listening to the issues that have been raised by opposition members during the debate on this bill, it appears that they are somehow alleging that the government is changing or extending the final date by which the hospitals are required to have their annual general meetings because somehow it wants to diminish public reporting by hospitals. From a group that did not produce a *Hospital Services Report* for a full 12 months and was incapable of providing public information to the community on the performance of hospitals, this allegation is absolutely astounding.

This government has a profound commitment to public accountability in relation to the performance of our hospitals. That is why we now have web sites that

people can turn to. We are reporting on 27 more indicators than were previously reported on, and we know that it is very important that hospitals report to their communities on their overall performance.

Last year the Auditor-General became concerned that some hospitals were holding their annual general meetings before their annual reports had been tabled in Parliament. Of course under the Financial Management Act annual reports are to be tabled in Parliament before 31 October, and that is not changing. There certainly is a view from the Auditor-General that the public reporting of financial positions before the tabling in Parliament of reports that the Auditor-General has himself signed off on is in fact discourteous to the house.

We have been working within our department and within government to try to address the matter so there is greater congruence between the tabling of the reports under the Financial Management Act and the public reporting of the performance of hospitals. They will be tabled publicly in Parliament — here! — so there is absolutely no question about public accountability.

As far as the hospitals are concerned, they may have their annual general meetings and table their annual reports at any time after their reports have been tabled in Parliament. That could be any time up until — —

An honourable member interjected.

Ms PIKE — Yes, they can have their annual general meetings before, if they want to, but they cannot table the financial report. They can table every other aspect of their report. At any time up until 31 December of any year they can hold their annual general meeting under this provision.

I am absolutely confident that the lion's share of hospitals will continue to hold their annual general meetings earlier in the year, because they are as committed as I am to communicating with the community the very good news about the millions of dollars of additional funding they have been receiving every single year, the hundreds and thousands of additional patients they are treating, the thousands of additional nurses they have hired, and the magnificent financial performance they have achieved under the leadership and strategic initiatives of this government.

There is absolutely nothing to hide. It is ridiculous that the opposition is making that suggestion. This is a pragmatic solution to an issue that has been raised by the Auditor-General — —

Mrs Shardey interjected.

Ms PIKE — The same Auditor-General you tried to get rid of! The Auditor-General has requested that we show courtesy to the house. We are accommodating the Auditor-General's concerns, and we are providing greater flexibility. This is a good, positive initiative and we have no intention of taking up the ridiculous suggestions made by the opposition.

Mr DELAHUNTY (Lowan) — I take up the point that the minister has raised, that under the Financial Management Act the reports have to be tabled before 31 October. I remind her that the explanatory memorandum about clause 12 states:

However, under section 46(1) of the Financial Management Act 1994, annual reports may be tabled in Parliament after 31 October in a year.

Mr Andrews interjected.

Mr DELAHUNTY — Let's make sure we get it right.

The DEPUTY SPEAKER — Order! We will conduct the debate through the Chair. The member for Mulgrave is out of his place and disorderly.

Mr DELAHUNTY — I note that section 36(1), to be amended by clause 10, will continue to provide that the secretary, in writing, can extend the date if that is appropriate. We cannot understand, and it has not been explained to us, why we need to extend the due date by two months, from October to the end of December. We all know it is just about impossible to hold annual meetings during December.

Ms Pike interjected.

Mr DELAHUNTY — I agree. It is true that they do not have to hold the meeting that late; they could hold it in July, August or September. How many hospitals hold their annual meetings in September? In reality, not too many do. We appreciate that most of them are battling to get their financial statements done by the end of October. The government is making it jolly easy for the Auditor-General, with this type of arrangement.

More importantly, we are taking away the opportunity to make sure that the hospital reports to its community by an appropriate time. One chief executive officer highlighted that pushing the reporting back into December — and the reality is it will be held in the early part of the following year — is inappropriate for the community. For that reason, we will be supporting the amendment of the Liberal Party. We do not see sufficient need to extend the reporting date. As I said earlier, the act already provides, and the bill does not amend that provision, that approval can be given by the

secretary to table reports at a later date. We do not need to amend the act to give the hospitals an excuse to report later.

Ms NEVILLE (Bellarine) — I am a bit confused about the opposition's views on this clause. I cannot see where it actually says in the clause that a hospital has to have its annual general meeting (AGM) in December; I do not think it says that, but maybe I have not read it properly. A hospital can report from any time after 30 June in any one year. I have been through a couple of these exercises with Barwon Health, and I know you always want to get it right. It is a complex process and obviously most hospitals are not ready by 1 July for that.

The bill is not about compelling them to have it in December. My understanding of this bill is that most hospitals have their AGMs in September or October. There is no reason why they cannot table the document in Parliament in October and have their AGM scheduled for the next day. They can do that; parliamentary dates are set down, and they can plan ahead. I cannot see any greater level of accountability than tabling an annual report in the Parliament of Victoria. My understanding is that the Parliament is the forum in which we represent all Victorian taxpayers, and that information is available to all Victorians, as it rightly should be.

This is not about our coming up with some grand idea to not allow people to see information. Tabling information in the Parliament achieves the greatest level of public accountability. As the Auditor-General suggested, it is a courtesy to do so. We are not compelling hospitals to have their AGMs in December, and I am sure they will not do so.

Mr PLOWMAN (Benambra) — I agree with the member for Bellarine. I think it is essential that we see these reports tabled in the Parliament. But the question about this provision relates to next year, and everyone knows when the election is going to be held in 2006.

I agreed with what the minister said, but I would like an assurance from the minister that next year, which is an election year, all those annual reports will be tabled in the Parliament prior to the election. That should be able to be done. The minister should ensure that because it follows exactly what the member for Bellarine was asking for. Could I ask for that assurance? If that assurance is not given, it indicates that the reason for clause 12 being in the bill is as a directive to ensure that those reports are not tabled in the Parliament prior to the election.

The other point is that almost invariably the annual reports are available for members who attend those annual general meetings. That is the way it should be. I agree with that part of it, but not until they have been tabled in Parliament.

Mr Andrews — There is no compulsion.

Mr PLOWMAN — Okay, well I — —

The DEPUTY SPEAKER — Order! Through the Chair.

Mr PLOWMAN — Minister, I would like that assurance that those annual reports will be tabled next year prior to the election.

Ms PIKE (Minister for Health) — There are two questions here. First I will add to what the member for Bellarine said when she clarified this. There is absolutely nothing in this legislation to compel health services to present their annual reports to the community at an annual general meeting at any time. It just gives them greater flexibility to be respectful to the Parliament. That is all it is about — it is giving them greater flexibility.

On the second question, regarding the tabling of annual reports in Parliament, I can say that health services are required to comply with the Financial Management Act. I am seeing to it that they do that.

Mr Plowman interjected.

Ms PIKE — I have said that they will comply with the Financial Management Act. I cannot pre-empt the sittings of the house, but there are rules within the Financial Management Act that they need to comply with.

Mrs SHARDEY (Caulfield) — I seek further clarification on this. My understanding is that this clause is about hospitals not being able to table their financial reports at their annual general meetings prior to those reports being tabled in the Parliament. This is what we understand, because the explanation at the briefing was that according to Speaker Andrianopoulos there was some interpretation that the tabling of reports outside the Parliament to an AGM prior to them being tabled in the house was considered a discourtesy to the Parliament. Therefore we are saying those reports will not be made available at annual general meetings if they are held prior to those reports being tabled in the Parliament. Otherwise what is the reason for these clauses anyway? Just providing an extension, or the capacity to have a meeting two months later, probably would have no effect.

The whole point is about the discourtesy to the Parliament if those reports are made available outside the Parliament prior to being tabled in Parliament. The fact is that under the legislation reports are still required to be tabled in the Parliament by 31 October or on the next sitting day. If the house has been adjourned or prorogued, as it was in 2002, for a state election then the next day of sitting will be after the election. In that scenario, as we understand this bill — and if we are wrong I stand to be corrected — the reports would not be made available at an annual general meeting held prior to their tabling in Parliament. If the reports were not tabled until after the election because the Parliament had been prorogued, then the reports would not be available before the next state election. If that is not right I would like it to be clarified to the house.

The other thing is a question: if there is advice or a request from the Auditor-General on this issue, can we see that in writing?

Ms PIKE (Minister for Health) — Let me reiterate that this provision minimises the potential for discourtesy to the house. There is nothing here that compels health services not to have their annual general meeting before the reports are tabled and there is nothing here that compels health services to wait until the tabling of their reports in the Parliament but we would prefer — —

An honourable member interjected.

Ms PIKE — They can do what they like, quite frankly. But we are opening the capacity for them to do the right thing — that is, to be courteous to the house and wait until the reports are tabled in the house. There is absolutely nothing to compel them. They can hold their annual general meeting from 30 June onwards. They can table the reports on their own instigation if they choose but they need to be mindful that the Auditor-General believes and has stated that that is discourteous to the house. Therefore we are providing this extension to give more space to health services so that they will respect the house and await the tabling of their reports. They are not being compelled; they are just being given more opportunity to have a greater time frame to work in to be in sync with the tabling of the reports by the Auditor-General.

Mr DELAHUNTY (Lowan) — I will be quick. I know the Minister for Health wants to get away and I do not want to hold her up. My understanding of her statement is that hospitals can hold their annual meetings at any time, they can table their annual reports with all the financial details for their community, but it

would be seen as discourteous to Parliament. There is then no reason why we need to extend the time.

Under the current act they have until 31 October or the first sitting of Parliament after that, which is any time in November. That gives them four and a half-odd months. Even then the Secretary of the Department of Human Services can in writing give them more time. So we do not see any reason to extend the date. More importantly, I am nervous that this is not only about next year; but we will have this problem every four years. Hospitals everywhere in Victoria want to know — it is not only me — that they can have their annual meetings, rather than having to wait for the outcome of an election, because Parliament will not sit — whoever it is — until February the year after. That is the reality.

Mr Nardella — No, it is not.

Mr DELAHUNTY — It is the reality. We will have elections in November, and most times we will not sit — —

Mr Nardella — December.

Mr DELAHUNTY — If that is the case, so be it, but it was not the process used in 1999 or 2002. What I am saying is that we do not see any reason to extend the date because, as the minister said, hospitals can table their reports at their annual meetings. It is discourteous to Parliament, according to the minister, and that is a quote from the Auditor-General.

An honourable member — Correct.

Mr DELAHUNTY — If hospital managers read that, they will want an assurance from the minister that if they do table it and Parliament has been prorogued, or does not sit until January, they can do it without any recriminations being made against them.

The DEPUTY SPEAKER — Order! The question is:

That clause 10 stand part of the bill.

Those of that opinion say aye; to the contrary no. I think the ayes have it. Is a division required?

Bells rung.

Members having assembled in chamber:

The DEPUTY SPEAKER — Order! The member for Caulfield has outlined an amendment which would have the effect of deleting the clause. Members who support the proposition of the member for Caulfield

should vote no. The question is that clause 10 stand part of the bill. A division has been required. I ask members to take their allocated seats in the house.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Opposition members will come to order. For the clarification of the house, under standing order 124 a member who is suspended from the service of the house for the period stipulated is able to take part in any division that takes place during the time of the suspension but must remove himself from the chamber immediately following the division. I ask the Clerk to record the vote.

House divided on omission (members in favour no):

Ayes, 60

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beard, Ms	Lim, Mr
Beattie, Ms	Lindell, Ms
Bracks, Mr	Lobato, Ms
Brumby, Mr	Lockwood, Mr
Buchanan, Ms	Lupton, Mr
Cameron, Mr	McTaggart, Ms
Campbell, Ms	Marshall, Ms
Carli, Mr	Maxfield, Mr
Crutchfield, Mr	Merlino, Mr
D'Ambrosio, Ms	Mildenhall, Mr
Delahunty, Ms	Morand, Ms
Donnellan, Mr	Munt, Ms
Duncan, Ms	Nardella, Mr
Eckstein, Ms	Neville, Ms
Garbutt, Ms	Overington, Ms
Green, Ms	Pandazopoulos, Mr
Hardman, Mr	Perera, Mr
Harkness, Mr	Pike, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Savage, Mr
Holding, Mr	Seitz, Mr
Howard, Mr	Stensholt, Mr
Hudson, Mr	Thwaites, Mr
Hulls, Mr	Treize, Mr
Ingram, Mr	Wilson, Mr
Jenkins, Mr	Wynne, Mr

Noes, 24

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Shardey, Mrs
Honeywood, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Clause agreed to.

Clause 11 agreed to.

Clause 12

Mrs SHARDEY (Caulfield) — The Liberal Party's opposition to the inclusion of this clause is the same as that for clause 10.

Clause agreed to.

The DEPUTY SPEAKER — Order! As the member for Caulfield's amendments 4 to 9 were consequential on clauses 8, 10 and 12 being omitted they can no longer be moved.

Clauses 13 to 15 agreed to.

Clause 16

Mr PLOWMAN (Benambra) — I just want to ask four quick questions of the minister. Given that some of the mental health services in Victoria were not gazetted, which includes the mental health service at Wodonga, can the minister just give me an assurance on the four questions? First, are all approved mental health services in Victoria now gazetted? Second, has anyone been operating from a mental health service without the authority to do so if that health service was not gazetted but deemed to be an authorised or approved health service? Third, is the government confident that all treatment has been done legally, within the legal framework of the act? And, fourth, is the government in receipt of any legal advice regarding the situation of mental health services which have not been made into approved mental health service facilities?

Ms PIKE (Minister for Health) — I want to thank the member for his questions and I acknowledge his long-term interest in mental health issues. It is certainly the intention of the government that the new requirements under these changes apply to all locations of delivery of mental health services. I understand his specific request is concerning the gazettal of mental health services and I will get back to him. It does not affect the functioning of this particular legislation, but I will get back to the member on these matters — I do not have a specific response for him today.

Clause agreed to; clauses 17 to 54 agreed to.

Bill agreed to without amendment.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Ms PIKE (Minister for Health).

Mr Baillieu — On a point of order, Deputy Speaker, on a number of occasions this week, and twice in question time today, members of the government and ministers in particular have referred to today as the last sitting day of the autumn sitting. I wonder if you could confirm to the house that indeed the July sitting days are part of the autumn sitting and in fact today is not the last sitting day.

The DEPUTY SPEAKER — Order! I cannot confirm one way or the other. I will seek the advice of the Speaker in relation to that matter and advise accordingly.

I have received some advice that in fact it is not the last day of the sitting.

Mr Baillieu — So the Treasurer was wrong!

ADJOURNMENT

Ms PIKE (Minister for Health) — I move:

That the house do now adjourn.

Melbourne Water: North Balwyn drain

Mr McINTOSH (Kew) — I have a matter for the attention of the Minister for Water. The matter I wish to raise with the minister is in relation to the Melbourne Water barrel drain in the vicinity of North Balwyn which exhausts that particular catchment area. It flows under a number of residential streets, such as Hatfield Street, Corhampton Road, Aylmer Street, Severn Street and also Nicholson Street in North Balwyn, travels out into East Kew and finally exhausts into the Yarra River. The action that I seek from the minister is to expedite the necessary process of upgrading that Melbourne Water barrel drain to ensure the residents in that area and the surrounding areas do not have to endure yet another flood clean-up.

I have been contacted by many local residents and have spoken to them about the harrowing accounts of the damage that floods have caused in that area simply because the existing drain is unable to cope with heavy rains. I have witnessed it first hand and seen videos and photographs. Some of the floodwaters have reached up to about 4 or 5 feet in normal residential homes. Residents simply should not have to go through the painful and expensive process of replacing furnishings and personal goods and repairing housing structures

simply because of the damage caused by the drain being unable to cope.

Indeed it does not just stop with residential homes. In December 2003 the Eva Tilley Memorial Hostel, an aged care facility, had to evacuate many of its elderly residents as many of the buildings were flooded on that occasion. I indicate to the house that there have been three floods in the last 18 months in the vicinity that have caused thousands of dollars worth of damage. I have spoken to representatives of Melbourne Water who informed me that the only practical solution would be to build a retaining wall in Macleay Park, which is adjacent to Severn Street, that would enable the water to flood out into a public park area that would then relieve the immediate problem of flooding downstream in the barrel drain.

That would require planning approval as well as somewhere in the vicinity of \$1 million or \$2 million to complete. I ask the minister to intervene to ensure that the planning approval and planning processes are commenced as soon as possible and also that an appropriate allocation of funds is made to ensure that work on the urgent solution that has been arrived at by Melbourne Water is commenced and completed as soon as possible to prevent any further damage to residential homes and aged care facilities.

Monash Freeway: noise barriers

Ms MORAND (Mount Waverley) — I raise a matter for the Minister for Transport. I ask that he take action through VicRoads to ensure the community in the vicinity of the recently announced proposed noise barriers on the Monash Freeway are consulted regarding the impact of their construction. I very much welcome the announcement of \$8 million funding from this year's budget. That will see the construction of noise barriers on a section of the Monash Freeway between Stephenson's Road and Stanley Avenue in Mount Waverley. This 1.2-kilometre section of the Monash Freeway will have noise barriers erected on both its northern and southern borders.

The affected residential pocket of Mount Waverley has one of the highest noise levels in the state, as recorded by VicRoads. I know that my colleague the member for Oakleigh has also very much welcomed this funding announcement as the residents on the south side of Monash Freeway in her electorate have also been adversely affected and they, too, welcome this decision. In my electorate the residents in the affected area of Mount Waverley can now look forward to a significant reduction in road noise once the barriers have been erected.

There has been an increasing traffic volume on the Monash Freeway, which has led to the increased noise and the need for improved noise barriers. I have had contact with many residents in the affected pocket of Mount Waverley, and I want to acknowledge their time and effort spent in pursuing the project on behalf of their community. I would like to acknowledge a particular group of residents who have been lobbying for some time.

I first met Peter Balaam in the lead-up to the 2002 election. He contacted me when I was the Labor candidate for Mount Waverley and sought my support for funding for this project. Since that time I have lobbied for the construction of barriers. I was extremely pleased, when the funding was announced, to be able to call Peter and let him know personally of the decision. I would also like to acknowledge two other residents who have represented the community there: Klara Baranyay and John Love-Linay, and many others were involved, too.

These barriers will be constructed from timber and perspex, and will range in height up to 13 metres. They will be extremely high and will be welcomed by the affected community as they will make a big difference to the quality of residents' lives by reducing the traffic noise which, as I said, has been increasing over many years. I understand that VicRoads will now undertake a process of extensive design work and structural investigations to ensure the best design and technology are used for these important barriers. As members no doubt understand, the erection of barriers of that magnitude is quite a significant engineering project. The project will take 12 months to complete, from the start of construction.

I ask that the minister ensure VicRoads undertakes an appropriate consultation process with residents whose properties are in the immediate vicinity of the barriers during this important design period, and I very much look forward to seeing the commencement of work next year.

Dental services: Wangaratta

Mr JASPER (Murray Valley) — I raise a matter for the attention of the Minister for Health, and in her absence the Minister for Community Services. I refer to the continuing difficulties being experienced by low-income earners in north-eastern Victoria in their accessing dental services in the Wangaratta area. This is an issue which I have raised in the Parliament and with the minister on previous occasions, and I raise it again because of the continuing representations I am receiving at my electorate office at Wangaratta from

people who are seeking but not receiving assistance from that service.

We in north-eastern Victoria are not alone in this. It is an issue right across Victoria and is something which has developed since the late 1990s. I also am concerned that the federal government withdrew funding for this service back in 1996, and it was picked up by the Victorian government at that time. Additional funding has been provided, and I acknowledge an increase in funding to the Wangaratta service of about 80 per cent into this current financial year, but unfortunately the facility at Wangaratta is totally substandard. It is a building that is owned by the Wangaratta and District Base Hospital — or Northeast Health as it is now known. There are two dental chairs there, but the accommodation is in a substandard building.

The other difficulty is in getting dentists to operate in these areas; only a part-time dentist is available. The result is an increasing number of people seeking assistance and waiting for services, and we have a waiting list for some types of services that goes to 3, 4 or 5 years, or even longer. The service is now provided by Dental Health Services Victoria which took it over some years ago from the service operated from the former Wangaratta base hospital.

I seek assistance from the minister in many ways: in looking to the recruitment of additional dentists to assist in the provision of the services at Wangaratta; consideration of the development of new facilities to replace the totally inadequate facilities; and consideration of using the mobile team which apparently is going around to parts of country Victoria and which, as I understand it, is to operate at Wodonga over the next few weeks.

What we need to do is get that dental service provided into Wangaratta as soon as possible, to see if we can do something about reducing the present extensive waiting list — I know about it because of the representations being made to my office at Wangaratta — and meet the requirements of the people who are looking for dental health services, particularly in the low-income areas. I ask the minister to respond to this issue, to acknowledge the problem we are having in Wangaratta and north-eastern Victoria and to do something to assist the people there. Immediate assistance is required.

Motorcycles: disabled permit

Mr TREZISE (Geelong) — I raise for action this afternoon with the Minister for Transport an issue involving a constituent in Geelong, Mr Ritchie McGovern, and his application to VicRoads for a

permit to ride a four-wheel motorbike on footpaths while delivering Australia Post mail. I know his family has also approached the member for South Barwon on this issue.

For the information of the house, Mr McGovern tragically lost both legs above the knees whilst working as a garbo with the City of Greater Geelong. In October 2000 he was on the back of a garbage truck when it was hit by a car. Mr McGovern now has the opportunity to do a mail run at St Leonard's but to do so, he would need an exemption from VicRoads to allow him to ride a four-wheel motorbike on the local footpaths. His initial inquiry to VicRoads produced no answer. The action I therefore seek is for the minister to investigate all possible avenues to assist Mr McGovern to get the required exemption or permit from VicRoads to allow him to carry out his duties as a postie.

At present, Mr McGovern has informed me, there appear to be limited exemptions or permits provided to people to ride four-wheel motorbikes on public roads. I understand that farmers can get such exemptions to do their work, which requires them to travel on public roads, and I would imagine driving cattle between properties along reserves may be such an instance. There are currently no regulations that would provide an exemption for a four-wheel motorbike on a footpath, and I understand why such restrictions are placed on these bikes. However, in exceptional circumstances I would like to think that there is some leniency in how regulations are implemented; and Mr McGovern's circumstances are exceptional.

Here is a bloke who has suffered a serious accident that could have him just throw in the towel, but Richard McGovern is not prepared to sit behind a computer or in front of a television. He is out there having a real go. Having spoken to him, I can assure the minister and the house that Richard McGovern is champing on the bit to deliver mail to the people of St Leonard's, and I therefore urge the minister to take all steps to help Richard McGovern achieve his goal.

Police: numbers

Mr WELLS (Scoresby) — I would like to raise a matter of grave concern with the Minister for Police and Emergency Services in regard to the shortage of police in region 2 — that is, the area from Geelong to the South Australian border. A couple of days ago a stop-work meeting was held in Geelong by the Police Association to highlight the shortage of police in that region. It is ironic that about a year ago almost to the day a stop-work meeting was held at Werribee because of the shortage of police in that area. In that instance the

government, through the Chief Commissioner of Police, moved police from Geelong up to Werribee; yet a year later Geelong has a significant problem with police shortages.

There are also problems in Terang, Cobden and Camperdown. In Terang there should be four police — they are running on two or three; at Cobden there should be four police — they are running on two; and at Camperdown there is a shortage of two. What makes the situation even worse is that from midnight to 8.00 a.m. in the area from Simpson to Skipton, which is a huge area, three police officers should be on call, but unfortunately that number has been cut back to two. So there is a significant problem in that area. The main problem is that at the last election the Bracks government promised extra police. The government has delivered 232 police to date, which means it has to deliver 368 police in 17 months. The problem is, if you deliver 232 police in two and a half years, how are you going to delivery 368 in 17 months?

It was bad enough to make a promise like that for the Bellarine police station, where the local MPs were very keen to run what was to be a 24-hour station but which is now running for barely 16 hours! The government is keen to run a 24-hour police station when it suits its political needs, but when it comes to reality that station is running for barely 16 hours. In fact, when I visited it I learnt that on a couple of days it had been open for only 8 hours — because they were short of staff. The problem is obviously complicated by the shortage of police in Geelong itself. It is our information from the Geelong police that they are about 20 short in Geelong. What is making it a problem is when they have a shortage in Geelong and cannot get the divisional vans and street patrols out, they have to bring the police in from outlying areas — —

The DEPUTY SPEAKER — Order! I remind the member that he must seek an action.

Mr WELLS — That is creating greater problems, so I ask the Minister for Police and Emergency Services to address the significant shortage of police in region 2, and I ask for a response and a plan on how the government is going to address this shortage in the area.

Disability services: legislation

Mr LANGUILLER (Derrimut) — I raise a matter for the attention of the Minister for Community Services. In my role as chair of the disability legislation review and also on behalf of families of people with disabilities within my electorate, I would like to draw the minister's attention to the importance of ensuring

that the government's review of disability legislation yields positive results for people with intellectual disabilities. I call on the minister to act to ensure that the outcome of the review of the disability services legislation is able to do exactly that.

As the minister is aware, people with intellectual disabilities are amongst the most vulnerable in our community. Many people with intellectual disabilities have enormous difficulty asserting their rights not just because of their disability but more importantly because of society's lack of awareness and lack of readiness to listen.

Our current disability services legislation, particularly the Intellectually Disabled Persons Services Act, contains a number of important safeguards that help to ensure that people with intellectual disabilities will not fall by the wayside when government plans do not deliver services. Many people within the intellectual disabilities sector know that although the legislation has its shortcomings, there are opportunities to strengthen and improve it; but nevertheless they want some assurance that the government is not going to move backwards or water it down in any way.

I am very proud to be part of a government that has taken such a strong and progressive stand on disability issues. It must be obvious to anyone who reads it that the government's state disability plan makes it clear that disability is an issue that everyone across the community and everyone across government has the responsibility to address. It is also a plan that makes it clear that an accessible, inclusive community for people with disabilities needs to be backed up by a good, responsive disability service system.

I have seen the disability legislation review as a terrific opportunity to make sure that we have in place a legislative framework that will underpin and guide this sort of approach. But it is a tricky balance. It means we have to create legislation that on the one hand acknowledges the basic, ordinary humanity and citizenship of every person with a disability while on the other hand recognises the very specific needs that arise from having a particular type of disability. It has to be legislation that acknowledges not only what we all have in common but also what makes us different from one another. It has to be legislation that treats everyone equally but also reflects that treating people equally does not necessarily mean treating them the same. It means treating people with even-handedness while not treating them as an amorphous blob.

I know that people with intellectual disabilities, their families and advocates are — —

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

Rosebud Secondary College: funding

Mr DIXON (Nepean) — I wish to raise for the Minister for Education Services a matter regarding the Community Facilities Fund application from Rosebud Secondary College. I am asking the minister to seriously consider the college's application for a grant. At the moment Rosebud Secondary College is undergoing a major redevelopment and part of its entitlement is a performing arts centre of a fairly modest size. The people at the college, being very community minded and forward thinking, thought it would be a great opportunity to develop a larger performing arts precinct for the entire community. To ascertain whether that was the case a number of meetings were held and all the various performing arts and arts groups on the Mornington Peninsula were called together to make sure there was that need and that they were prepared to support the project. Of course they said they would.

As part of that process the Mornington Peninsula Shire Council came on board. Prior to the redevelopment of the college the Mornington Peninsula shire conducted a review of what was needed and the gaps in the performing arts facilities on the peninsula. They found there was a real gap on the southern peninsula. The larger centres, especially in Mornington, Frankston and further on, had plenty of facilities but there was really nothing of any modern design or flexibility on the southern peninsula. The Mornington Peninsula shire said it would be happy to contribute \$200 000 towards the cost of building a larger community facility on the site of the secondary college.

Even though it is on the site of the college the new facility would have a joint management committee. It would be available to all arts groups on the Mornington Peninsula and also to visiting artists. Indeed it would raise funds and could become self-sufficient. This is a great project and a lot of work has gone into it. It is certainly worth the minister's serious consideration.

The facility will be flexible. That is very important, because you cannot spend that much money on a building with a very narrow purpose. The design they are looking at would include a large foyer for entertainment and arts shows, a kitchen that would serve the foyer for any sort of performance, and a flexible performing space more of a cube design than a traditional theatre. Lighting could be set up in various ways and the seating could be moved around, depending on the performance. There could even be

aerial performances, performances in the round or a traditional stage. We want that sort of flexibility so the maximum possible number of groups could use the facility. It is a great idea and it certainly has my endorsement. It has been great being part of the planning and I urge the minister to seriously consider the application.

Torquay Football Netball Club

Mr CRUTCHFIELD (South Barwon) — My issue is for the Minister for Sport and Recreation in another place. The action I seek is for the minister to provide advice to me and therefore indirectly to the Torquay Football Netball Club about whether it is eligible for some of the recent funding that was announced by the minister and the Premier with respect to one of the recommendations of the committee I was a member of that inquired into the health of country football. It is for some \$4 million-odd, with \$2 million from the state which was matched very kindly by the Australian Football League. I publicly thank it.

I am here to represent the Torquay Football Netball Club, which has expressed interest in accessing that fund. Clearly if that amount of money is spread around the state, it is not going to go to large reconstructions of facilities. That is not what it is about. The recommendations of our report were angled at small amounts of money to be carefully targeted, particularly to facilities that involve some degree of collaboration. The best facilities around the state involve collaboration between football and netball — indeed football, netball and cricket often. We found that netball is an integral part of the community in many places in country Victoria. Torquay is one example of where the netball and football clubs work closely in collaboration.

I live next door to the treasurer of the football club, Graham Bayles. I have had many conversations about the much-needed upgrade of the club's amenities. That was started one and a half weeks ago when I was opening the Torquay Scout Hall. At that function the mayor, Keith Grossman, who is a long-time supporter of the Torquay Football Netball Club, was in discussions about improving that facility for all users of that sporting precinct. The club would be keen to work in collaboration with the state, and I am seeking some advice from the minister about whether we can value add to the money we receive from the fund in terms of whether the council would contribute in a matched way.

As I am sure other members are well aware, football and netball clubs provide a lot of resources both in kind and in monetary terms. I am sure the Torquay Football

Netball Club is exactly like many other sporting groups. On Saturday I will be at Barwon Heads Football and Netball Club with Minister Madden and Minister Thwaites.

Mr Jasper — Are you playing?

Mr CRUTCHFIELD — No, I am not, but I am umpiring the under-18s before the main game, so if you want to see a wonderful umpiring performance in white, I implore you to be there at Barwon Heads.

Foxes: control

Mr PLOWMAN (Benambra) — The issue I wish to raise is for the attention of the Minister for Agriculture or possibly the Minister for Environment, depending on which portfolio it comes within. I have sought advice on this and I am not quite sure which one it is. What I am asking the minister to do is reimpose the fox bounty in Victoria, so I therefore think it is a matter for the Minister for Agriculture.

The issue came to my attention particularly in respect of an article in the *Weekly Times* of 18 May which has as part of its headline ‘The bureaucracy of baiting beats Victorian farmers’. This is all about the fact that it is now so difficult for farmers to run a baiting program because of the bureaucracy involved that they are not baiting foxes in the same numbers that they used to. The best way to overcome this is to reintroduce the fox bounty so we get shooters shooting foxes in the same numbers as were shot when the bounty was in place. I will quote from the opinion piece by Tony Peacock in the *Weekly Times* of the same date:

At a recent gathering of pest animal managers and scientists at Wellington in New Zealand, Primary Industries Victoria revealed research findings that a large number of producers have given up trying to bait foxes because of the bureaucratic barriers in their way.

The first topic to surface in any conversation about foxes in Victoria is the controversial fox bounty.

... some 198 000 fox tails were cashed in at \$10 a piece.

That clearly indicates that this system was working. It goes on to say:

In New South Wales this means most fox control is undertaken in baiting campaigns. But in Victoria shooting outweighs baiting as the most popular method of control. Why?

For a significant number of farmers in Victoria it is because the bureaucracy of baiting beats them.

... 23 per cent of farmers don't bait because the logistics and permission to do so are too hard to organise.

...

But the training is a two-day course — to undertake an extremely low-risk operation many have done safely for years.

...

As for purchasing baits, for many producers this means a trip to town at a highly specific time (they are on sale for as little as 1 hour per week in some centres).

...

But if the local sheep producers don't keep fox numbers down, cattle exposure to *Neospora caninum*, an abortion-causing parasite, is likely to increase.

Neospora is the leading cause of cattle fertility loss in the United States.

I ask the minister to look at the program.

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

Eastern Freeway: Bulleen Road exit

Mr ROBINSON (Mitcham) — I want to raise an issue for the attention of the Minister for Transport that relates to the road surface on the Eastern Freeway. What I am seeking from the minister is repairs to the road surface, to be undertaken by VicRoads. The location in question is on the city side of the Bulleen Road exit. There are two large exit signs on the freeway leading to Bulleen Road. The first of them is probably 1 kilometre or 1.5 kilometres on the city side as shown on *Melway* map 35, reference B11. Drivers in the outbound lanes encounter a significant dip as they go through that particular location. It has been there for some months, but it appears to be getting considerably worse.

VicRoads may or may not be aware of the problem. If it is aware, it may have scheduled works at some point in the future, but my suspicion is that the problem is getting worse and requires immediate attention. I am hoping that the minister can direct VicRoads to have this looked at straightaway.

The DEPUTY SPEAKER — Order! Ten matters having been raised on the adjournment debate, the time for raising matters has concluded. Before calling the minister I advise that I believe the matter raised by the member for Benambra should have been directed to the Minister for Agriculture. If that is not the case, we will ensure it is redirected to the appropriate minister.

Responses

Ms GARBUTT (Minister for Community Services) — The member for Derrimut raised with me the issue of the disability services legislation review.

This has provided a terrific opportunity to create some legislation that will guide more modern service provision and recognise a more progressive approach to supporting people with disabilities in the community. It will mean there will be a more accessible and relevant community to which people with disabilities will be able to contribute and in which they will be able to participate in the same way as anybody else. It will also involve creating services that are much more tailored to their individual needs — and as the member pointed out, that is a tricky business. We think we are getting it right. We are certainly doing that in the way we deliver services, which are now much more individually focused and better tailored. We have increased funding by 73 per cent for disability services, which is a great outcome.

The legislation will reinforce that, with a much more individualised approach and more flexible services. It will also increase access to the community. I accept the member for Derrimut's view that the intellectual disability sector in particular was a bit nervous about some of the proposals and was quite adamant that there should be no changes that take it a step backwards. I can reassure people that that is certainly not the intent. There was cautious support from the sector, which wanted to see the detail. We have arranged for that, and there will be an exposure draft coming out shortly. I am very confident that that will reassure people about the detail and that the intent and principles will move them forward.

The DEPUTY SPEAKER — Order! The minister, responding to the matters raised by the member for Kew for the Minister for Water; the members for Mount Waverley, Geelong and Mitcham for the Minister for Transport; the member for Murray Valley for the Minister for Health; the member for Scoresby for the Minister for Police and Emergency Services; the member for Nepean for the Minister for Education Services; the member for South Barwon for the Minister for Sport and Recreation in another place; and the member for Benambra for the Minister for Agriculture.

Ms GARBUTT (Minister for Community Services) — I thank the members who have raised those issues, and I will ensure they get responses from the relevant ministers.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 3.59 p.m. until Tuesday, 19 July.

QUESTIONS ON NOTICE

*Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Assembly.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.*

Tuesday, 14 June 2005

Multicultural affairs: Victorian Office of Multicultural Affairs

430. Mr KOTSIRAS to ask the Minister for Multicultural Affairs whether the position of Director or Acting Director of the Victorian Office of Multicultural Affairs has been filled and, if so, what process was followed to select the successful candidate.

ANSWER:

I am informed as follows:

Following normal recruitment and selection processes, Ms Barbara Mountjouris has been appointed as Director of the Victorian Office of Multicultural Affairs.

Major projects: Haystac Public Affairs Pty Ltd

595(x). Ms ASHER to ask the Treasurer for the Minister for Major Projects with reference to Haystac Public Affairs Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 26 August 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

As at the date the question was raised, the answer is :

- (1) Major Projects Victoria, my office, agency or statutory body under my administration made no payment to Haystac Public Affairs Pty Ltd since 26 August 2003.
- (2) N/A
- (3) N/A

Major projects: Shannon's Way Pty Ltd

596(x). Ms ASHER to ask the Treasurer for the Minister for Major Projects with reference to Shannon's Way Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

As at the date the question was raised, the answer is :

- (1) Major Projects Victoria, my office, agency or statutory body under my administration made no payment to Shannon's Way Pty Ltd since 28 October 2003.
- (2) N/A
- (3) N/A

Major projects: Social Shift Pty Ltd

597(x). Ms ASHER to ask the Treasurer for the Minister for Major Projects with reference to Social Shift Pty Ltd —

- (1) What payments have been made to the company by the Minister's department or private office or any agency or statutory body under the Minister's administration since 28 October 2003.
- (2) On what dates were the payments made.
- (3) Briefly describe the project for which payment was made.

ANSWER:

As at the date the question was raised, the answer is :

- (1) Major Projects Victoria, my office, agency or statutory body under my administration made no payment to Social Shift Pty Ltd since 26 August 2003.
- (2) N/A
- (3) N/A

Police and emergency services: Victoria Police operating budget

599. Mr WELLS to ask the Minister for Police and Emergency Services — what is the operating budget for Victoria Police for 2004–05.

ANSWER:

I am advised that:

The Victoria Police recurrent (operating) budget for 2004–05 is \$1322.5 m.

Please note for future reference that this information is publicly available from the 2004–05 Victorian Budget Papers, specifically, Budget Paper No. 3 (2004–05 Service Delivery), as published by the Department of Treasury and Finance, and presented to the Parliament by the Treasurer, in May 2004.

Police and emergency services: Victoria Police Forensic Services Centre operating budget

600. Mr WELLS to ask the Minister for Police and Emergency Services — what is the operating budget for the VPFSC for 2004–05.

ANSWER:

I am advised that:

The VPFSC is an operational site at Macleod forming part of the Victoria Police Forensic Services Department (VPFSD). The VPFSD also incorporates the Fingerprint Branch at St Kilda Road and throughout regional Victoria and The Disaster Victim Identification (DVI) Unit at Greensborough.

The Operating Budget for the VPFSD for 2004–05 is \$3 372 300.

Police and emergency services: Victoria Police vehicle fleet

602. Mr WELLS to ask the Minister for Police and Emergency Services —

- (1) How many operational vehicles were deployed across Victoria as at —
 - (a) 30 June 2003;
 - (b) 30 June 2004;
 - (c) 31 December 2004.
- (2) How many vehicles were deployed to Traffic Operations Group duties as at —
 - (a) 30 June 2003;
 - (b) 30 June 2004;
 - (c) 31 December 2004.

ANSWER:

I am advised that:

- (1) The number of operational vehicles that deployed across Victoria as at —
 - (a) 30 June 2003: 2123
 - (b) 30 June 2004: 2186
 - (c) 31 December 2004: 2203
- (2) The number of vehicles deployed to Traffic Operations Group duties as at —
 - (a) 30 June 2003: 210
 - (b) 30 June 2004: 212
 - (c) 31 December 2004: 216

Police and emergency services: Victoria Police schools involvement program

610. Mr WELLS to ask the Minister for Police and Emergency Services — as at 30 June 2003, 30 June 2004 and 31 December 2004 detailed by Region, how many —

- (1) Sworn full-time equivalent (FTE) police members were allocated to the PSIP.
- (2) Sworn FTE vacancies did the PSIP have and for what period of time has each vacancy existed.

ANSWER:

I am advised that:

- (1) The following table provides a summary of the sworn full time equivalent (FTE) police members allocated to the PSIP, and vacancies, by Region:

Table – Sworn FTE PSIP: Positions vs. Actual by Region

		Region 1	Region 2	Region 3	Region 4	Region 5
30/06/03	Positions	9.16	18.0	13.26	15.94	19.0
	Actual	8.69	17.3	13.36	15.94	16.0
	Vacancy	0.47	0.7	-0.1	0	3.0
30/06/04	Positions	9.16	18.0	13.26	15.44	19.5
	Actual	9.16	18.0	11.63	15.94	17.5
	Vacancy	0	0	1.63	-0.5	2.0
31/12/04	Positions	9.16	18.0	13.26	15.55	18.82
	Actual	7.69	18.0	12.84	15.52	18.32
	Vacancy	1.47	0	0.42	0.03	0.5

- (2) In relation to the second part of question 2 which refers to the period of time each vacancy existed, I am advised that this request would have to be researched manually, and would therefore be a significant burden on the resources of Victoria Police to research and answer.

Police and emergency services: CFA shadow ministerial briefing

611. Mr WELLS to ask the Minister for Police and Emergency Services — why has the Minister’s office not passed on responses to several questions resulting from a Shadow Ministerial Briefing with the CFA Chief Executive Officer, Neil Bibby, held on 13 November 2003, despite subsequent follow-up phone calls and emails.

ANSWER:

I am advised that:

My office is unable to provide a response to this question as it relates to matters dealt with by the staff of the previous Minister for Police and Emergency Services.

Police and emergency services: BEST shadow ministerial briefing

612. Mr WELLS to ask the Minister for Police and Emergency Services — why has the Minister’s office not passed on a response to an outstanding issue resulting from a Shadow Ministerial Briefing with the Bureau of Emergency Services Telecommunications Chief Executive Officer, John Peoples, held on 14 May 2003, despite subsequent follow-up phone calls and emails.

ANSWER:

I am advised that:

My office is unable to provide a response to this question as it relates to matters dealt with by the staff of the previous Minister for Police and Emergency Services.

Housing: decommissioned properties

646. Mrs SHARDEY to ask the Minister for Health for the Minister for Housing — how many properties currently owned by the Office of Housing have been decommissioned.

ANSWER:

I am informed that the Office Of Housing has decommissioned 46 properties from 24 March 2005 to 19 May 2005 and an estimated 65 properties are to be decommissioned from 20 May 2005 to 30 June 2005.

Housing: crisis accommodation leases

649. Mr THOMPSON to ask the Minister for Health for the Minister for Housing with reference to the leasing of housing units for crisis accommodation to respond to the needs of people for short-term housing —

- (1) What are the rules of the Department of Human Services for the purchase or leasing of premises for short-term housing.
- (2) Is there a limitation on the number of units able to be purchased or leased as represented as a percentage or ratio of the total number of units in a block or particular development.
- (3) What screening is undertaken to ensure the suitability of tenant mix.

ANSWER:

I am informed that:

The Office of Housing, as part of the Department of Human Services, has developed standards for the acquisition of housing stock that involve attention to: level of amenity; convenience of location to services and public transport; and the sociodemographic characteristics of the neighbourhood, particularly for blocks of flats and units. Purchased and leased stock is acquired according to Valuer-General's valuations and limits are set for lease rentals.

The Office of Housing uses discretion in relation to the purchase and lease of housing stock in areas where Office of Housing owned or leased properties already exist. Streets in which there is a high concentration of properties are generally avoided for further acquisition.

Once a property is leased or purchased, the tenancy manager — either a community-based agency or public housing office — is advised of the acquisition and provided with a sociodemographic scan of the surrounding neighbourhood. This informs the type of household allocated to a newly acquired property in terms of its appropriateness to meet the needs of that household. Tenancy managers of public and community-based housing have the discretion to change the use of a property from time to time as a means of minimising the impacts on neighbourhoods.

Housing: crisis accommodation tenants

650. Mr THOMPSON to ask the Minister for Health for the Minister for Housing with reference to the eviction process of serving a breach notice, or successive breach notices, on tenants leasing units for crisis accommodation which may be followed by a compliance order by a tribunal member — is there another process available to directly clarify the obligations of tenants, the breach of which may obligate them to find other accommodation.

ANSWER:

I am informed that:

Crisis accommodation provided for periods of up to 14 days only is exempted from the Residential Tenancies Act 1997 (RTA) and is managed under a non-legal form of agreement drawn between the accommodation manager and the tenant. The means used for moving people on from this form of tenure generally involve a planned exit arrangement for the resident into transitional accommodation or some other form of suitable longer term housing. Eviction of tenants from this form of accommodation can occur via the police and in response to dangerous behaviour that places themselves, co-tenants and/or neighbours at risk. Every effort is made by crisis support workers to ensure such tenants are able to access viable accommodation alternatives linked to support where required.

Crisis accommodation provided for periods over 14 days is automatically covered by the RTA under which residents are afforded rights as tenants as well as responsibilities for their conduct as tenants. In situations where tenants are served with breach notices in accordance with the RTA provisions, those tenants have a right of redress through the Victorian Civil and Administrative Tribunal (VCAT), with the advocacy assistance of support workers where necessary. Again, if successive breaches are served on tenants in short term crisis accommodation it is usually in response to behavioural issues and is necessary for the safety of themselves, co-tenants and neighbouring residents. Where tenants are obliged to move on by order of VCAT, crisis support workers are required to assist with locating alternative accommodation and to make appropriate linkages to the ongoing support services they may require.

Attorney-General: Social Shift Pty Ltd

663. Ms ASHER to ask the Attorney-General with reference to payments made to Social Shift Pty Ltd since 26 August 2003 —

- (1) What payments have been made by each of —
 - (a) Appeal Costs Board;
 - (b) Crown Counsel;
 - (c) Equal Opportunity Commission Victoria;
 - (d) Legal Practice Board;
 - (e) Legal Profession Tribunal;
 - (f) Office of the Victorian Privacy Commissioner;
 - (g) Office of the Public Advocate;
 - (h) Solicitor-General;
 - (i) Victoria Legal Aid;
 - (j) Victorian Institute of Forensic Medicine;
 - (k) Victorian Law Reform Commission.
- (2) What dates were the payments made.
- (3) What are the details of the projects for which payment was made.

ANSWER:

I am informed that:

There have been no payments made to Social Shift Pty Ltd since 26 August 2003 by the following statutory bodies:

- (a) Appeal Costs Board;
- (b) Crown Counsel;

- (c) Equal Opportunity Commission Victoria;
- (d) Legal Practice Board;
- (e) Legal Profession Tribunal;
- (f) Office of the Victorian Privacy Commissioner;
- (g) The Office of the Public Advocate;
- (h) Solicitor-General;
- (i) Victorian Legal Aid;
- (j) Victorian Institute of Forensic Medicine; and
- (k) Victorian Law Reform Commission.

Corrections: Social Shift Pty Ltd

664(a). Ms ASHER to ask the Minister for Corrections with reference to payments made to Social Shift Pty Ltd since 26 August 2003 —

- (1) What payments have been made by each of —
 - (a) Adult Parole Board;
 - (b) Country Fire Authority;
 - (c) Country Fire Authority Appeals Commission;
 - (d) Emergency Communications Victoria;
 - (e) Firearms Appeals Committee;
 - (f) Metropolitan Fire and Emergency Services Appeals Commission;
 - (g) Metropolitan Fire and Emergency Services Board;
 - (h) Police Appeals Board;
 - (i) Private Agents Registry;
 - (j) Victoria Police.
- (2) What dates were the payments made.
- (3) What are the details of the projects for which payment was made.

ANSWER:

I am advised that:

There were no payments made to Social Shift Pty Ltd since 26 August 2003 by the following:

- (a) Adult Parole Board.

The following statutory bodies come under the portfolio responsibilities of the Minister for Police and Emergency Services. I am advised that there were no payments made to Social Shift Pty Ltd since 26 August 2003 by the following:

- (b) Country Fire Authority;

- (c) Country Fire Authority Appeals Commission;
- (d) Emergency Communications Victoria;
- (e) Firearms Appeals Committee;
- (f) Metropolitan Fire and Emergency Services Appeals Commission;
- (g) Metropolitan Fire and Emergency Services Board;
- (h) Police Appeals Board;
- (i) Private Agents Registry;
- (j) Victoria Police.

Police and emergency services: Social Shift Pty Ltd

664(b). Ms ASHER to ask the Minister for Police and Emergency Services with reference to payments made to Social Shift Pty Ltd since 26 August 2003 —

- (1) What payments have been made by each of —
 - (a) Adult Parole Board;
 - (b) Country Fire Authority;
 - (c) Country Fire Authority Appeals Commission;
 - (d) Emergency Communications Victoria;
 - (e) Firearms Appeals Committee;
 - (f) Metropolitan Fire and Emergency Services Appeals Commission;
 - (g) Metropolitan Fire and Emergency Services Board;
 - (h) Police Appeals Board;
 - (i) Private Agents Registry;
 - (j) Victoria Police.
- (2) What dates were the payments made.
- (3) What are the details of the projects for which payment was made.

ANSWER:

I am advised that:

There were no payments made to Social Shift Pty Ltd since 26 August 2003 by the following statutory bodies:

Country Fire Authority; Country Fire Authority Appeals Commission; Emergency Communications Victoria; Firearms Appeals Committee; Metropolitan Fire and Emergency Services Appeals Commission; Metropolitan Fire and Emergency Services Board; Police Appeals Board; Victoria Police.

The Adult Parole Board comes under the portfolio responsibilities of the Minister for Corrections:

I am advised that there were no payments made to Social Shift Pty Ltd since 26 August 2003 for the Adult Parole Board.

Attorney-General: Highett courthouse

691. **Mr THOMPSON** to ask the Attorney-General with reference to the development of the \$28 million Courthouse in Highett to be completed by 2007 — why is the complex to be called the ‘Moorabbin Courthouse’ when it is located in the suburb of Highett, an area which has carried that name for multiple decades.

ANSWER:

I am informed that:

The project was announced in November 2002 as part of the Labor Financial Statement, where the new facility was referred to in the original announcement as the Moorabbin Courthouse.

No land of appropriate size and amenity was available within Moorabbin at the time the site was purchased.

One of the key reasons for providing the courthouse is to relieve pressure at existing courts in Frankston and Dandenong. The new facility will service a large geographical area covering the south and south-eastern suburbs of Melbourne. In this respect the name Moorabbin has a high profile in the area and will make it more identifiable and accessible to court users and the public.

Environment: Summerland estate

721. **Mr THOMPSON** to ask the Minister for Environment with reference to the Summerland estate at Phillip Island and the announcement in 1985 by the then Labor minister for conservation that the property owners on the Summerland estate would be bought out within 15 years —

- (1) Noting the anxiety and uncertainty encountered by property owners by the non-fulfilment of the commitment, what plans does the Government have to resolve this issue.
- (2) When will the Minister convene a meeting with relevant stakeholders to work through the issues and address the problems resulting from the indecision of the Government.

ANSWER:

I am informed that:

This matter does not fall within my portfolio responsibilities and should more appropriately be raised with the responsible Minister.

