

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

19 May 2005

(extract from Book 5)

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By authority of the Victorian Government Printer

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Lady SOUTHEY, AM

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. P. N. HONEYWOOD

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

Deputy Leader of the Parliamentary National Party:
Mr P. L. WALSH

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Thursday, 19 May 2005

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

PETITIONS

Following petitions presented to house:

Schools: religious instruction

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 concerned to ensure the continuation of religious instruction in Victorian government schools, and to provide additional funding for school chaplains.

**By Ms NEVILLE (Bellarine) (126 signatures),
Ms McTAGGART, (Evelyn) (15 signatures),
Mr ROBINSON (Mitcham) (60 signatures),
Mr MAUGHAN (Rodney) (115 signatures) and
Mr WALSH (Swan Hill) (103 signatures).**

Rail: Frankston line

To the Legislative Assembly of Victoria:

The petition of residents of the Caulfield electorate and the state of Victoria draw to the attention of the house the exceptionally poor train services on the Frankston line. Poor services include regular cancellations, lateness and overcrowding.

The petitioners therefore request that the Legislative Assembly of Victoria urge the government to improve train services on the Frankston line.

By Mrs SHARDEY (Caulfield) (106 signatures)

Public transport: outer east

To the Legislative Assembly of Victoria:

The petition of the residents of Melbourne's outer east and the Dandenong Ranges draws to the attention of the house the inadequate level of public transport services in the region which leaves hundreds of residents stranded particularly in

the mornings, evenings and on weekends and leads to social isolation and disadvantage.

The petitioners therefore request that the Legislative Assembly of Victoria act to require the government to review and increase funding to improve services in outer eastern suburbs of Melbourne and in particular the Yarra Ranges.

The petitioners therefore request the following improvements:

1. Improved public transport services in the outer east including more extensive services in the mornings, evenings and on weekends.
2. Better connections between bus and train services.
3. Extension of the metropolitan fare zone east of Woori Yallock, particularly from Woori Yallock to Warburton.
4. Extension of the Telebus service which provides a vital safe home drop-off particularly for children and the elderly.
5. Extend weekend public transport services to include Sundays for Belgrave, Olinda and Upper Ferntree Gully.
6. Increase the frequency and extend to all weekend bus services between Belgrave and Gembrook.
7. Sunday bus services between Croydon, Olinda and Mount Dandenong.
8. Weekend bus services between Lilydale, Mount Evelyn, Silvan, Monbulk, Belgrave.
9. Introduce new service covering Olinda–Monbulk–Emerald.

By Mr MERLINO (Monbulk) (1173 signatures)

Harness racing: St Arnaud

To the honourable members of the Legislative Assembly assembled in Parliament:

The petition of the citizens of the state of Victoria draw to the attention of the Legislative Assembly a decision by Harness Racing Victoria to discontinue the St Arnaud Harness Racing Club track as a TAB race venue with effect from 30 June 2005.

The petitioners therefore request that the minister of racing forthwith:

1. Conduct an investigation into Harness Racing Victoria's decision to terminate the St Arnaud Harness Racing Club track as a TAB race venue;
2. That any decision by Harness Racing Victoria to terminate St Arnaud Harness Racing Club track as a TAB race venue be rescinded;
3. That the minister of racing require Harness Racing Victoria to comply with sections 44, 44B and 44C of the Racing Act 1958 in respect of its decision to terminate the St Arnaud Harness Racing Club track as a TAB racing venue;

4. That the minister of racing recommend to the Governor in Council to terminate the appointment of the board of Harness Racing Victoria and call for nominations of a replacement board forthwith.

By Mr WALSH (Swan Hill) (599 signatures)

Tabled.

Ordered that petition presented by honourable member for Bellarine be considered next day on motion of Mr PERTON (Doncaster).

Ordered that petitions presented by honourable member for Swan Hill be considered next day on motion of Mr WALSH (Swan Hill).

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

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Corporate governance in public sector

Ms CAMPBELL (Pascoe Vale) presented report, together with appendices, minority report, extracts from proceedings and minutes of evidence.

Tabled.

Ordered that report, appendices, minority report and extracts from proceedings be printed.

DOCUMENTS

Tabled by Clerk:

Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2004

Statutory Rules under the following Acts:

Retirement Villages Act 1986 — SR No 29

Sale of Land Act 1962 — SR No 28

Wrongs Act 1958 — SR No 27.

MEMBERS STATEMENTS

Jazz world record

Ms DELAHUNTY (Minister for the Arts) — I am delighted to inform the house that for the past few days Melbourne has been the centre of a world record attempt. In fact it is the jazz jam world record attempt

to improve on the record set by Stockholm University. I can report to the house that as of 7.06 p.m. yesterday at the Victorian Arts Centre Victorian jazz musicians have set a world record for the longest uninterrupted jazz playing in the world. That is a magnificent achievement. I have just received a report that they are still playing. They are so enthusiastic and it is beautiful music. I have popped in on a couple of nights and have had a bit of a jam with them. Their target is 98 hours so they are fired up to continue playing until Friday at 9.00 p.m. There have been 320 musicians taking part in this record.

I urge all members to pop down to the forecourt of the arts centre to give them some support. They have been just outstanding. There has been a wide range of musicians from both interstate and overseas and many emerging musicians from the Victorian College of the Arts. They make a beautiful sound. I congratulate them for a world-class effort.

Police: schools program

Mr PERTON (Doncaster) — The government's decision to abolish the police in schools involvement program has been protested around the state and by networks of principals from Knox and Manningham. I have received a very articulate letter from a school councillor in Mitcham who wrote that she was 'not really surprised at the handball tactic' that our Premier used in question time yesterday, who said the issue was in the hands of the police commissioner. She continues:

As a parent of school-age children I look at the presence of the police in schools as not just a learning issue but one that reinforces the safety that the children can depend on when in times of trouble. Teaching our children the right from wrong strategies are often not listened to as carefully coming from a parent but coming from a person with such authority the children tend to sit up and listen and take on board the teachings. It is an imperative part of today's society, the strong reinforcement of what is tolerated and what is not, and who better to deliver this message than a member of our police force.

...

Also having a 13-year-old in high school and being subjected to bullying, the presence of police in schools will hopefully abolish this burning issue that is becoming more and more of a reoccurrence within the school system across the board. Our children are not feeling safe and secure at school as it is and taking police out of schools only gives the bully more rein to carry on with inappropriate behaviour.

... abolishing police in schools is taking away the marketing of such career paths of those children that may be contemplating making it their goal in life.

Honourable members interjecting.

Mr PERTON — What is interesting is that Labor members are interjecting with mirth and contempt — it is the contempt they feel for the parents of the children of this state.

Geelong: rubbish collection

Mr LONEY (Lara) — I wish to call today for the restoration of the hard rubbish collection in the City of Greater Geelong. This is an issue that has been raised with me by a number of my constituents who say that their memory of the last collection is that it was in the dim mists of time. It is a weakness in an otherwise terrific rubbish collection and recycling scheme which has operated in the City of Greater Geelong since the introduction of the big bin scheme.

Mr Mulder interjected.

Mr LONEY — I can think of one good use for a big bin, Speaker!

The SPEAKER — Order! The member for Polwarth!

Mr LONEY — It is a terrific recycling scheme championed by former Cr Rob Binnie against the opposition of many of the current councillors. But it is in, and it is a great scheme.

Although in Geelong we have a very good recycling centre and good organisation for waste management under Enzo Bruscella and others, many in our community have difficulty in accessing it. They do not have trailers, and they do not have the wherewithal to take large hard rubbish items to the centre. And for pensioners some of the costs of accessing the recycling centre are also a consideration in this.

A good hard rubbish collection would remove much of the rubbish that lies around our community, and it would be a valuable addition to the current rubbish removal services in the City of Greater Geelong.

Schools: religious instruction

Mr WALSH (Swan Hill) — I share the concerns of many constituents about the outcome of the current review of the Education Act and the possibility that religious education may be removed from state schools, and I oppose any such changes to the act.

We live in an increasingly secular society. Many people believe standards of behaviour and individual responsibility are declining. Few children now attend Sunday school or regularly go to church with their parents. For many of them the symbol of Christmas is

Santa Claus, reindeers and a glut of presents. The deep religious meaning of Easter has shrunk to chocolate eggs and rabbits.

We should not apologise for our Christian beliefs and values. They are the foundation of our society and the cultural roots of our nation. They form the basis for the way we treat each other, the way we relate to authority and the way we live our lives. They are intrinsic to our democratic system of government and the principles of law. They lie at the heart of our justice system. They may not be obvious to the young who are exposed to a meagre diet of TV shows and video games. Christian education gives children the opportunity to explore their lives for meaning and purpose and discuss the big questions of life, death and the universe. Dedicated volunteer religious education teachers handle subjects that class teachers may be reluctant or unable to cover. It is right and fitting that Christian education continues to be offered on a regular basis to children in our schools.

Vietnam War Memorial of Victoria

Mr MILDENHALL (Footscray) — On Saturday, 30 April, on the 30th anniversary of the fall of Saigon the dedication and blessing of the impressive statue, *Side by Side*, was led by the Governor-General, Major-General Michael Jeffrey. The memorial depicts an Australian soldier and a South Vietnamese soldier protecting each other as a Huey Dustoff ambulance helicopter lands to undertake an evacuation. A complementary wall of honour, a wall of flags and a helicopter wall have also been constructed. Located at the Dandenong RSL, this impressive memorial has been constructed as a result of a strong relationship between the Vietnamese Australian community, particularly the returned organisations, and the Dandenong RSL. Over \$400 000 has been raised through years of concerted activity. The Bracks government was pleased to assist.

The community is indebted to Andy Nguyen, Cam Nguyen, Phong Nguyen, Be Ha, Hung Chau and their myriad supporters, with the extraordinary partnership with the Dandenong RSL and its members inspired by John Wells, Steve Lowe, Jim Coghlan and their colleagues. Well done to those men! It was a pleasure and an honour to be part of this project and this moving ceremony dedicated to the friendships forged in Vietnam many years ago and to the memory of comrades lost then and since.

Housing: Wodonga

Mr PLOWMAN (Benambra) — In 1998 the Kennett government initiated a proposal to develop approximately 70 ministry of housing properties in central Wodonga. The area was to be redeveloped with a mix of public and private houses for people over 55 and managed by the Department of Human Services. After the election in 1999 the Bracks government demolished all the houses, and an additional application to rebuild the area was lodged incorporating the development of community facilities. In June 2001 another application was made, including the community facilities. Again in June 2003 a further planning application was forwarded for 80 dwellings and the facilities. However, in July 2004 Wodonga City Council was informed that the project would no longer include proposed community facilities.

The council has made it clear to the Minister for Housing, the Honourable Candy Broad in another place, that this proposal is totally unacceptable. The community has been waiting six years for this project to be built. The minister must act immediately to get these houses built to help overcome the dreadful shortage of housing stock in Wodonga, and the project must include the facilities that were originally planned. This project needs a real dose of Viagra. It is one thing to pull down houses, but it is a much more difficult job to get them back up.

DreamZone

Mr HUDSON (Bentleigh) — Last Friday I had the pleasure of launching DreamZone, a program for young people run by the Coatesville Uniting Church. DreamZone, which runs fortnightly on Fridays, is for young people aged between 10 and 17 and has around 40 young people participating. It is an activities program where young people can develop skills in areas of interest, like building X-box games consoles, playing instruments or making films. Importantly the young people decide what they want to learn.

The best part of this program is the wonderful range of people who have volunteered to work with the young people, including the local police. This team not only runs a wide range of activities but works with these young people on issues they confront in their teenage years. The Department for Victorian Communities is supporting the program with a \$5000 volunteer grant, which is designed to train the volunteers in working with the young people. Any items which are made at DreamZone and are not needed by the group are sold or donated to assist community groups and charitable organisations in my electorate.

This is a wonderful program being run by the Coatesville Uniting Church, and it gives young people something to do on a Friday night. There are some quite exciting activities: I had the opportunity to look through a huge, powerful telescope at Saturn and Jupiter and the moon out there. It really is an exciting program, and I want to congratulate the Reverend Steve Tyrrell and his team for the work they are doing with young people in my electorate. It is very much appreciated.

Native vegetation: regulation

Mr HONEYWOOD (Warrandyte) — This inept state government's draft native vegetation clearing control proposal is two years overdue. However, now that a draft document has finally been released to selective councils and organisations for feedback, what has been proposed will have major implications.

If these draft guidelines are translated into final regulations, they will involve: firstly, another major cost-shifting exercise from the state government onto already insufficiently resourced rural local councils; secondly, the need for small councils across Victoria to employ properly qualified botanists and native flora experts, because they could otherwise well be liable; and thirdly, any number of planning appeals and court cases because of problems at the local level with interpreting what will be very complex requirements. If we are going to introduce native vegetation regulations, then let the level of government that is intent on bringing them into being — namely, the state government — provide sufficient resources and direct grants to local councils, if that is the level of government it wants to delegate the task to.

All of this smacks of abrogating responsibility and setting up local councils to take the blame if something goes wrong. This mean-spirited government could not even find the money to fund the bush tender program in the recently released state budget. After two years of delays and procrastination the minister needs to go back to the drawing board, because yet again he has been caught napping in his department.

Brian and Tracy Morrison

Ms GREEN (Yan Yean) — Today I want to commend two of my constituents who are also my neighbours, Brian and Tracy Morrison, for the contribution they make to the Diamond Valley Football League as umpires. Brian and daughter Tracy are both veteran field umpires. Tracy, although only 22, first worked the boundary with her father Brian on the field in 1996, and just last month they officiated together for the first time as field umpires. Tracy has been a pioneer

in the Diamond Valley Football League, being the first female to umpire in the league. She says having Australian Football League veteran Brian to support her made it much easier. She says that all she and her dad do is 'talk footy 24 hours a day, seven days a week'.

This reminds me of the relationship I had with my own late father, Wal Green, who was a football and cricket umpire and secretary of the western umpires board in the 1970s and 1980s. He developed my own love of our great game. Singing the praises of umpires is not normally the Australian thing to do, but their dedication makes our great game possible. Without them I would not be able to enjoy the many matches in the Diamond Valley Football League that I do, attending Panton Hill and Epping matches regularly. They and the game provide lots of opportunities for young people to get fit and go for their life in the Diamond Valley.

Road safety: roadside vegetation

Mr DELAHUNTY (Lowan) — I raise for the attention of the state government concerns of country motorists. It is a matter of public safety to have appropriately cleared roadsides, especially with the increasing number of kangaroos, emus and livestock which roam across country roadways. Sadly, last weekend nine people died on our roads. It was quoted in the media that five drivers ran off the roads into trees or other objects. Recommendation 6 of a recently released Road Safety Committee report, entitled *Inquiry into Crashes Involving Roadside Objects*, needs urgent action from this government. It reads:

That VicRoads increase the minimum clear zone distance for high-speed high-volume roads, such as freeways, beyond the current 9 metres, in line with international best practice.

On most country roads vehicles are allowed to travel at 100 or 110 kilometres per hour and the clear zone distance is only about 3 to 5 metres. In my electorate many concerns have been raised with me about vegetation getting closer to our roads and causing a traffic hazard. Grass, shrubs and other vegetation growing on the verge up to the road are causing problems with visibility and making driving very difficult. Rural communities have the added problem on country roads of wildlife and wandering stock. That makes roadside clearance so important to safe travel. Drivers on metropolitan roads generally do not have to nor would tolerate such conditions. It is vital that motorists in the country have clear vision on both sides of the road to see oncoming traffic and/or any livestock straying onto the road. The principle must be that native vegetation comes second to road safety.

Denise Wach

Mr MERLINO (Monbulk) — I would like to congratulate Ms Denise Wach, a teacher at Upwey High School, who was recently acknowledged for 40 years service to education. Ms Wach first taught at the then Morwell Technical School, then spent several years at MacRobertson Girls High School followed by a time at the former South Melbourne Technical School. In addition to teaching high school students, Ms Wach also shared her knowledge with school teachers, returning to the work force to lecture at Glenbervie Teachers College.

Ms Wach has spent most of her teaching career of 33 years at Upwey High School and has taught a range of subjects including art, photography, drama, history, social studies, English and English literature, French and material art and design. She has held positions as year-level coordinator for years 9, 10 and 11 and has been in charge of the English and arts key learning areas in her time at Upwey. The principal at Upwey High, Mr Greg Holman, says that Ms Wach is highly thought of, by not only her teaching colleagues but also students and their families. He has said also:

She has an excellent rapport with the kids and a number of her former students have received acknowledgment and distinctions in their chosen field.

Ms Wach is also a practising artist and several times has been successful in having her work selected for display at various national and international exhibitions. Whilst many would be looking to retirement after achieving a 40-year milestone, Denise Wach continues to be excited about teaching, is as energetic as ever in what she does and is looking forward to continuing to teach for some time yet. It is teachers such as Denise Wach who make our community what it is and contribute to the standard of excellence of schools such as Upwey High School.

Wind farms: local government rates

Mr BAILLIEU (Hawthorn) — The state government has established a secret new methodology for the charging of rates for wind farms, determined behind closed doors without public discussion. It will apply when agreement on local government rates is not reached between councils and developers. It sets a \$40 000 flag fall for each wind farm plus a \$900 charge per megawatt of installed capacity. This will ensure substantial discounts for wind farms on rates they would attract under usual capital improved value measures. For instance, the Challicum Hills wind farm in the Ararat shire is set to enjoy an estimated 89 per cent discount, from approximately \$770 000 to just

\$88 000. The Portland project in Glenelg shire is set to receive an 81 per cent discount, from \$1.01 million to \$189 000.

The flag fall ensures smaller wind farms will face further systemic discrimination. The effective payment per megawatt of installed capacity at the 12-megawatt wind farm at Wonthaggi in the Bass Coast shire is \$2043, compared to an estimated \$1656 at Challicum Hills. Other rate payers will be subsidising these industrial properties. Amazingly it appears that remainder land on these wind farm properties will now be rate free. Interestingly, Pacific Hydro as a wind farm developer is set to receive an annual discount of over \$1 million. Given the exclusive relationship between the government and at least one current suitor and Labor mate in the Pacific Hydro takeover stakes, one question is: who had the heads up on this information?

What do affected councils think of these new rates? Pyrenees mayor, Lester Harris, told the ABC on 17 May that the method was ‘puzzling’ and ‘unfair’. The chief executive officer of the Moorabool shire told a parliamentary committee on Monday, 15 May, that his shire was unhappy with the methodology and described it as a ‘dangerous precedent’.

Adult Multicultural Education Service: Noble Park

Mr ANDREWS (Mulgrave) — Last week I had the great pleasure of visiting the Adult Multicultural Education Service in Noble Park. AMES is one of the largest adult education providers in Melbourne’s south-east and I was pleased to visit with chief executive officer, Mr Ahmed Yusuf, and Noble Park campus manager, Mr Sam Navarra.

The visit gave me an opportunity to see first hand the good work undertaken at AMES, which is an educational facility with around 1400 enrolments. I was able to meet with students and staff and discuss issues of concern to them. I was also able to discuss a state government grant of some \$3 million to support the relocation of AMES from Frank Street in Noble Park to an improved location. This funding will make it possible for AMES to take over the current Noble Park campus of Chisholm TAFE upon its relocation to Dandenong later this year. This funding will also mean that AMES can move out of its current temporary or portable facilities in Frank Street and move into even better, more appropriate buildings on the former TAFE site.

This is a clear demonstration of the government’s commitment and support for diversity in my local

community. Up to 50 per cent of local residents were born overseas, with many arriving in Australia as refugees, having fled violence and unrest in their country of birth. AMES and services like it give newly arrived migrants the tools and skills they need to play a meaningful role in modern Australian society. This practical support through adult education, particularly English language education, is of great value to many individuals in my community. Indeed it benefits our community more broadly. Education is all about empowering people and giving them choices and options to build their own future. AMES plays an important part in this — in education, recognition of prior qualifications and job placement.

I congratulate AMES on receiving this significant support in the budget. I salute it for its hard work and commitment and wish it all the very best for the future in its important move to the former TAFE site.

Glen Eira: councillor

Mr McINTOSH (Kew) — This week it was revealed in the *Caulfield Glen Eira Leader* that Cr Sapir from the Glen Eira council had used her position as an employee of Centrelink to inappropriately access data on the computer file of a fellow Glen Eira councillor. She is reported as saying, ‘I did a silly thing. I did a name search — that was silly’. Regrettably Cr Sapir may not understand that her actions were not just silly, they were illegal. The Crimes Act makes it illegal to intentionally access such data held in a computer. This offence carries a maximum penalty of two years imprisonment. Misuse of this private information is a matter of real and genuine concern for all Victorians. While Victorians have tough laws which prevent Big Brother from accessing and misusing private and confidential information, they also want a government that will actually enforce the laws for the benefit of everybody.

Despite the rhetoric of this government, we continue to see, for example, the LEAP (law enforcement assistance program) database files on Kay Nesbit and barrister David O’Doherty being inappropriately accessed. Cr Sapir’s criminal act is further evidence that Labor will in the end do whatever it takes — just ask the former police minister.

Brimbank: community awards

Mr SEITZ (Keilor) — Last Saturday, 14 May, I had the pleasure of attending the second Brimbank thanksgiving breakfast which was organised by the Westvale Christian family church. This event allows communities to express their thanks to people within

their own communities who have performed extra duties and given outstanding service to those communities. Recipients of the awards were Pastor Patricia Tipping, Margaret Rutherford from the migrant resource centre, Claudia Dale, a volunteer, and also Marilyn Duncan, the chief executive officer of the City of Brimbank, to whom I had the pleasure of presenting the award. As many people know, being a chief executive officer in a municipality is a very hard and tough job, and it was a great pleasure for me to present this award to Marilyn Duncan. I am not short of criticising when I do not see things going the right way, but Marilyn Duncan has now brought Brimbank on stream after its difficult start following the Kennett slash-and-burn attitude, when Keilor and Sunshine councils were amalgamated.

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

Bethany Support Services: volunteers

Mr HOWARD (Ballarat East) — Last week I was pleased to join a function run by Uniting Care Ballarat to recognise the contribution made by volunteers to support aged and disabled people associated with Bethany Support Services. I was pleased to talk with many of the volunteers present to learn of the contributions that they make and have made for 20 years and even longer in supporting older people and disabled members of our Ballarat community and the broader region.

While most of the people present were retirees, some, like Kristine James and Michelle Feltham, were as young as 24 and 26. But all the volunteers to whom I spoke indicated that they gained a great sense of fulfilment from the voluntary work that they had become involved in, some as drivers helping older people get out and about to functions, others simply as Do Carers visiting homes and providing assistance and company for older and disabled people. A booklet detailing the profiles of many of these volunteers was released on the occasion, and this provided very good reading, as it presented a range of insights into the people who had volunteered and the enjoyment they gained from doing that. I certainly commend all those volunteers who have supported this service, and I commend Uniting Care for running Bethany Support Services.

Ballarat Begonia Festival

Ms OVERINGTON (Ballarat West) — Recently I had the pleasure of attending a photographic exhibition at the Ballarat Begonia Festival. The exhibition, which

was an initiative of Pinarc Support Services and funded through the community choice initiative, showcased the creative potential of six young men. Under the guidance of local photographer Stephen Morten, the young men used digital photography to capture their creative views and share them with the Ballarat community. The six young men, who all have a disability, displayed a high standard of quality and creativity. I would like to congratulate Thomas Hawkins, Stephen Whykes, Ronald Manning, Jason Schrieber, William McConnell and Shaun McDermott on the hard work and dedication they put into the photos and the exhibition.

Everyone who attended the exhibition was captivated by the stories each photo told and the insight it gave into the person taking the photo. Once again, congratulations to the photographers and everyone at Pinarc Support Services who has assisted these men in discovering another way to express themselves, to perhaps look at things differently but most of all to have fun.

Vivian Alvarez Solon

Ms MORAND (Mount Waverley) — In the last sitting week of Parliament my member's statement referred to the growing concern about the competence and practices of the federal Department of Immigration and Multicultural and Indigenous Affairs and the missing Australian citizen deported to the Philippines. Since that time the person has been identified as a Queensland woman and Australian citizen, Vivian Alvarez or Solon. Not only is Vivian Australian, she left behind two children and was not in a fit condition physically or psychologically to be abandoned by Australia. There is obviously more to the story of how she came to be in hospital from either a road accident or as a result of an assault, but her admission there led her on a path to eviction from her home and separation from her children, one of whom was then only five years old.

It is of great concern that if this could happen to Vivian, it could happen to any Australian citizen who was born overseas, who has an accent or who speaks another language, as Cornelia Rau did. The department does not seem to start from the premise that a person is Australian but rather seems to assume that they are an illegal immigrant. What on Earth is going on if you can be admitted to hospital with serious injuries and end up being thrown out of the country? Watch out if you have a head injury or a mental illness and also have an accent!

You could talk about the incompetence of the department in not establishing this woman's identity,

and you could discuss the reasons why it may have made a mistake, but in matters of such importance surely there is no room for excuses. Surely the duty of care that should be exercised by this department outweighs its bureaucratic box ticking and heartless approach to people in such compromised situations.

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

St Michael's, Ashburton: 50th anniversary

Mr STENSHOLT (Burwood) — Last Sunday I had the honour to attend the 50th anniversary of the opening and blessing of St Michael's church, Ashburton, and to join with parish priest Fr Bill Attard and around 500 parishioners to celebrate this important milestone. Bishop Mark Coleridge, a former curate of the parish, was chief celebrant of the mass. He also blessed a beautiful anniversary quilt created by Anna Gaetano, which incorporates photos of former priests; Sr Una Melville; Sheila Dalton, the first school teacher; and other aspects of parish life over 50 years. Also opened on the day was the memorial garden, which is a special place set aside to remember parishioners, family members and friends who have died, as well as being a space for prayer and reflection. The 50th anniversary was also commemorated by the opening of the new church canopy and narthex, which forms a warm and welcoming gathering space and entrance to the church. St Michael's is a great community where people look out for each other.

On behalf of the community I thank the parish pastoral council and the many people who contributed, including Peter Harrington, Marion Higgins, David Martin, Dan Place, Lorna Williams, Rhys Timms, Ernie Kollegger, Margaret Prowse, Annette Gunn, Karen Brown, Brigitte Kollegger, Kerri McFarlane, Brian Marshall, Therese Molnar, Nance Gardner, Liz Scully, Marline Cooper, Terzita Pendrey, Louise Harris, the staff and students of the school, Cath Place, Jane and Michael Wood, Fiona Dodds, Steve Walsh, Fred Zantotto, Paul Pettenon, Kath and Terry Farrelly, Marjorie Lambert, Amy Wong and Margaret Sowersby.

St Helena Secondary College: *Oliver*

Mr HERBERT (Eltham) — On Thursday, 12 May, I attended the opening performance of *Oliver* at St Helena Secondary College's Sue Dyet Theatre. *Oliver* is the 19th student musical production to be held at St Helena and, like previous productions, was an outstanding success. Opening night of this classic production was virtually flawless, with all students

delivering masterful performances to the delight of many proud parents and teachers in the audience. The professionalism of the performance was testament to the three months of hard work and practice by students, production coordinators and backstage staff. Director Glenda Evans, producer Kirsten Finley, musical director Joe Parr and a host of other staff, students and parents who were responsible for the production are to be congratulated, not just for the excellent calibre of the show but for the enthusiasm and dedication that goes into undertaking such a massive commitment.

The performances were fantastic — a more talented, dedicated and enthusiastic group of young people would not be found anywhere in Melbourne. While I am sure that the effort they put into the play would have created great pressure on their schoolwork and private lives, the benefits they gained and the confidence they achieved in delivering such an outstanding performance will deliver years of success well into the future. I commend the entire St Helena Secondary College community for once again blessing our suburbs with a great local musical production and for the fantastic service the school always offers.

Seymour: grants program

Mr HARDMAN (Seymour) — I rise to thank the many hardworking volunteers of the 1300 Crown land committees of management, of which there are many across the Seymour electorate, and to celebrate with them the stewardship in action grants program. I also have to praise the Seymour electorate for getting some of those stewardship in action grants. The Buxton Progress Association successfully applied for \$26 364 to renovate its hall, a \$58 000 project — well done! And the Alexandra racecourse and recreation reserve received \$4156 to improve safety — —

The ACTING SPEAKER (Mr Savage) — Order! I hate to break up the member's discourse, but the time has expired for members statements.

APPROPRIATION (2005/2006) BILL

Second reading

Debate resumed from 18 May; motion of Mr BRUMBY (Treasurer).

Mr COOPER (Morrington) — I join the debate on the Appropriation (2005/2006) Bill, and in doing so I note that a number of speakers, regrettably limited to this side of the house, have described the budget for this coming year as a budget of lost opportunities. I suppose

it is a matter of degree, a matter perhaps of political bias. Whilst people on this side regret lost opportunities, we have heard nothing but a paean of praise from government members. One wonders who supplied the script, but one can only suspect that the script for government members has been supplied by the Treasurer.

I want to address a number of issues in this budget, and I hope I will have sufficient time to address them all. I want to start by saying that the road to Damascus is one that is not trodden by many, but I am prepared to stand up here and say that in recent months I have found that roadway in regard to the issue of gaming machines in Victoria. I am glad that the Minister for Gaming is in the house because I want to make some remarks on that issue. There is no doubt in anybody's mind that if we had our time over again in this state, gaming machines would not have been legalised. Joan Kirner, who was the Premier when gaming machines were legalised, has said it was one of the worst decisions that she made. Jeff Kennett, who succeeded her as Premier, said it was one of the worst decisions by the opposition to support that decision to introduce gaming machines into this place.

As late as last December in this house we had a debate in regard to gaming. I said at the time that I believed the right way to go was to provide greater education, as those people who gamble responsibly should not be punished because of the sins or frailties of those who gamble irresponsibly. But I have changed my view on this in recent months, because I have done a reasonable amount of research on the matter. I have read quite a bit on it, and frankly I believe the best thing Victoria could do would be to follow the pathway that has been trodden by only one state or territory in this nation, and that is Western Australia, and not have gaming machines.

In doing so I am well aware of the financial ramifications of making such a statement. For starters this government receives \$1.4 billion per year from gaming machines. There are of course a substantial number of jobs that are created by the gaming machine industry, both directly and indirectly. But one has to balance that against the damage that is done to the community by these machines, and the damage is quite significant. I want to quote someone whose views might be pooh-poohed by members of the Labor Party in this house, and that is Andrew Bolt. In the *Herald Sun* of 28 May this year he talked about the damage poker machines do:

Do these blind self-pleasers know why we want to close the pokies and not the horseracing, for example, or the scratchies?

It is because the woman jailed last month for stealing didn't lose that \$1.6 million on the horses but on the pokies. It's because the boss of a trauma centre who was jailed the week before for stealing didn't lose that \$570 000 on Tattsлото but on the pokies. It's because the mother of three who was called a pathological gambler by a judge in March didn't drop her stolen \$584 000 on the dogs, a raffle or a game of blackjack but on the pokies.

I can also state that in recent times the chief executive officer of the Peninsula Community Health Service has been charged with stealing in excess of \$400 000 and up to \$500 000. It all went down the throat of a poker machine. One has to then ask whether this is the sort of thing we want to have in this state.

When the Blair Labour government's sport and tourism minister, Richard Caborn, was here he said this about Victoria:

It is probably the worst example anywhere in the world of deregulation and the effect of the market on gambling.

The American Gaming Association president, Frank Fahrenkopf, Jr, recently said:

With the hotels and club system, the concentration and penetration is all over. It is very, very different from anywhere else.

Locally, Tim Costello, who as this article says historically is the most trenchant critic of the Kennett and Bracks governments' gaming policies, remains scathing of Labor's record:

The coffers are full and the government is left without a fig leaf to hide its moral shame.

I dispute what Tim Costello says. It is not the government that is having difficulty hiding its moral shame, it is this Parliament — and it is both sides of this Parliament. Both sides have participated in the approval and continuation of gaming machine operations in this state. The minister knows that in his own electorate there are significant problems. The Frankston City Council has done its own report on gaming machines, and it found that 5 per cent of the players contribute to 90 per cent of the losses. The damage that is being done to families and the very fabric of our society is something we should all be concerned about. We should not just stand here and wring our hands and say there is nothing we can do about it. It is time now to bite the bullet. I do not point the finger at the Labor Party, I point the finger at us all and say we have all been responsible. It is time now for all sides of this Parliament to say what is right for this community and to start making some decisions on where we go.

I refer to page 122 of budget paper 2, which under the heading 'Gambling/ gaming licences' details the

conditions under which licences are granted to Tabcorp and Tattersalls and states that those licences extend until 2012. Then, of course, we will have to consider whether to grant new licences to them or somebody else, and if we do not grant them new licences there is a significant financial penalty. That is right, Minister, is it not? So under the arrangement I am referring to today we will be seeing not only the loss of \$1.4 billion per year in revenue, but also a significant payout to Tabcorp and Tattersalls. If we as a community and as a Parliament decide that we do not want to go on with having gaming machines in this state we will have to pay them out a very large sum of money. We would also have to deal with the loss of jobs, direct and indirect, that are created by the gaming industry.

But if you put all that on one side and on the other side you put the damage that is being done to the community, frankly I think the scales tip very heavily in favour of the community itself. Most people in the community, even those like me and people I know who will put \$10 or \$20 into a gaming machine — I do and I am a person who does not have a gambling problem, but I am quite happy to tip \$10 or \$20 into a gaming machine if I happen to be in a place where there is one — and people who play them far more often than I do will say it is the worst thing we have in this state and that it is doing significant damage. They would be putting their hands up and saying: we will improve Victoria by not having gaming machines; we will improve Victoria by doing something that no other state or territory that has introduced them has been game to do — and that is to stand up and say, ‘The time has come’. We should have learnt our lesson by now and we should say, ‘This is not a good thing to have in this state’.

Like so many other people, I welcomed the introduction of gaming machines into Victoria back in 1991. They had been in New South Wales since 1956 and I believed the Victorian community was wise and mature enough to be able to deal with gaming machines, given the experiences that so many Victorians had had in going to New South Wales and playing them. The reality now, as we all know, is that this has not been so. We have a major problem with a minority in this community and it will not be resolved by pious words, education, antigambling slogans, putting clocks on gaming machines or whatever. It will not be resolved by that. The only way that you can solve the problems that gaming machines are causing in this state — and they are significant — is to remove them from the state. I advocate this course of action to all other states and territories in the country as well.

We can perhaps handle a limited number of gaming machines in a casino — and I would say a limited number of them — but one of the things that this state and other states have shown is that we cannot handle the proliferation of gaming machines in pubs and clubs dotted right around the state. They are doing damage and the Parliament and the government need to address this issue quickly.

There are other issues I wanted to touch on and I note I have only just over 3 minutes remaining to be able to do that. I want to return to the theme that has been uttered by many people on this side of the house in regard to lost opportunities and in particular I want to deal with two areas that this government should have dealt with in this budget — that is, the multipurpose taxi program and the motor vehicle registration fees for people on low and fixed incomes. These issues have not suddenly popped out of the woodwork. A large number of Victorians from right across the spectrum have been complaining bitterly about what this government has done.

The cap that has been placed on the use of the multipurpose taxi program is a disgrace. It was born out of the claim by the Minister for Transport that some taxidivers were rorting the system. So what did the Minister for Transport do? He did not deal with the taxidivers who were allegedly rorting the system, but turned around and victimised the victims — the users of the system. Who are the users of the multipurpose taxi program? They are the disabled and the frail aged — the people in the community who need help and turn to governments for it. They have received a slap in the face. Now people are confined to their houses because they cannot use the taxis they were able to use in prior years. This is a disgrace, and it has been brought home to this government time and time again over the last 18 months or so.

It is time for the government to understand that doing something in next year’s budget, in the run-up to the election, will be too late for it to get some credibility with the groups that have been dealt with so harshly. It needs to do something right now. It should have done something six, eight or nine months ago, and it is overdue now for it to remove the cap on the multipurpose taxi program and give some justice, equity and fairness back to the people who used that program. The frail aged and the disabled should not be crucified in the way they have been by this government. It is a terrible thing that this government has done to those groups, which do not deserve that treatment.

The motor vehicle registration fee for people on low or fixed incomes is simply another disgrace. We are

looking at the older people in the community — people who, in the main, have worked throughout their lives and contributed significantly to our society, our nation and certainly our state. They were granted a concession — freedom from motor vehicle registration fees. This government reintroduced those fees. What a mean, nasty act against the older members of the community that was. Again it will not be good enough for the government to remove these fees as some kind of attractive bait in the budget this time next year in the run-up to the state election. It is losing this group — it probably has already lost them — and will not get them back by a last-minute denial of the whole thing and by saying, ‘We will now give it back to you’. It needs to take some action now. The groups I am talking about need greater help from government, not less help.

I regret that I do not have more time to deal with other issues, particularly issues that affect my electorate, but with those few words I will now relinquish the floor to the member for Tarneit.

Ms GILLETT (Tarneit) — It is my privilege to make a brief contribution to the Appropriations (2005/2006) Bill this morning. At the outset I say that budget time is always eagerly anticipated in my seat of Tarneit, being part of the growth corridor that houses the communities of Werribee and Hoppers Crossing. Being a member for a growth corridor community ensures that one is never bored. It also ensures that one occasionally earns the ire of treasurers and finance ministers, for if one is doing one’s job properly, one should be talking to them not just around budget time but right through the year.

I am pleased to say in this budget the Bracks government has absolutely delivered for the community which I am privileged to represent. Members might recall that last year there was a devastating fire at Werribee Secondary College. The fire was brought under control very ably by our local Country Fire Authority brigades, but not before a significant amount of damage was done to the school. The school had also been looking forward to master planning and building in this financial year, so it felt it was a double blow — not only did it feel it was going backwards in terms of not being able to proceed with its stage 1 development but it was also devastated by the fire.

The budget committed some \$6.1 million to Werribee Secondary College to help restore the damage that had been caused by the fire and to build facilities in accordance with stage 1 of its master plan. I congratulate members of the college community for their patience, resilience and absolute dogged determination to move forward. I look forward to

seeing the completion of those works in due course and being able to look with the students on some new and wonderful training facilities for them. But that is not all the Bracks government has delivered in terms of educational resources for my community. The government has committed to a new primary school in the north of Wyndham to be called Tarneit Primary School.

Most notably there has been agitation in the community for many years around justice service requirements. In a growth corridor where the percentage of growth of new people is extraordinary it is always difficult to keep pace with the needs of the community. This budget has been sensational in terms of our policing and justice needs. It has provided for a new police community facility worth some \$6.4 million. The other sensational project that we have in the community is around neighbourhood renewal in the Heathdale estate. The neighbourhood renewal program has been doing wonderful things to strengthen our most vulnerable communities. It is wonderful to see that that program is not only going to continue but it is going to be boosted.

The opportunities provided by the Bracks government build on a new primary health care centre opened in the last year or so and worth \$10 million. Other improvements to health in my community have been a \$10 million upgrade to emergency at the Mercy Werribee Hospital, improvements in our palliative care area and new infrastructure at the hospital.

In terms of health, education and safety the Bracks government has well and truly delivered for the Tarneit community, and I would like to place on record my thanks to the Treasurer, his staff and his parliamentary secretary, the member for Burwood, for their remarkable efforts in listening to communities and then delivering for them. It will be said in time, if not now, that our present Treasurer has had the most stunning performance and will be remembered as a Treasurer who was able to grow the whole state and keep a well balanced budget.

When one looks at the budget one has to also look at a wonderful series of programs that are simply and perhaps humbly called A Fairer Victoria. These programs deliver for the most disenfranchised in Victoria. A Fairer Victoria will deliver a staggering \$788.2 million over the next four years to tackle disadvantage and give all Victorians the best possible chance to achieve their potential and share in the many benefits the state has to offer. These series of programs, all funded, are the sorts of projects that great Labor governments are able to deliver. In particular, A Fairer Victoria has done a remarkable job in assisting the

government to respond most effectively to one of the most pervasive problems that we have in our society and that is probably the greatest retardant for communities to move on and strengthen — the issue of family violence.

A Fairer Victoria has committed over \$35 million to an integrated system that will help women and children deal with family violence in the most effective way and at the earliest stages. Many people have to be congratulated on persisting with the effort and energy that identified that in Victoria we had no system to address family violence. We had a chaotic, haphazard, almost disconnected series of services that struggled to meet the demand that was placed upon them every day. There were some wonderful people doing remarkable work, but it was disconnected and not seriously funded. Part of A Fairer Victoria has wholeheartedly and holistically addressed this disconnection. It is with enormous relief, great pleasure and anticipation that we look forward to service provision being connected for women, children and, it has to be said, men and their being able to access services that they need at the earliest opportunity. It is hoped those early interventions will be successful in making sure that the cycle of violence is broken.

With those brief remarks I commend the Appropriation (2005/2006) Bill to the house and congratulate the government on producing such a wonderful set of resources as are produced in A Fairer Victoria.

Mr THOMPSON (Sandringham) — I have a number of concerns about the budget, and I would like to make some comments in relation to indigenous affairs.

At page 341 of budget paper 3, *2005–06 Service Delivery*, appendix B under the section headed ‘High quality education training for lifelong learning’ notes that the percentage of year 3 indigenous students reaching national benchmarks in numeracy and reading have been 16 per cent and 22 per cent respectively lower than that of other year 3 students for the past few years. The percentage of year 5 indigenous students reaching national benchmarks in numeracy and reading have been 13 per cent and 19 per cent respectively lower than that of other year 5 students for the past two years. The number of indigenous Victorians and indigenous Australians achieving national benchmarks was consistently and substantially below average figures.

I am concerned that the government’s targets remain unaltered in this field for the 2005–06 financial year and there are not sufficient strategies to address these

issues. Indigenous Australians have high levels of unemployment, high levels of participation in the criminal justice system and inferior outcomes in the education process, and there needs to be a more concerted effort to deliver stronger outcomes in literacy and numeracy and not accepting the government’s projections which it has set for itself in those areas.

It might be noted too that in relation to Lake Tyers reserve, an area has been given over to Victorians indigenous to that part of the state for their own autonomous regulation. Last year we saw a bill introduced into the house which gave power to appoint an administrator. I am concerned about the level of resourcing that is available there and whether those serious problems have been addressed in a way that will enable the next generation of children at Lake Tyers to take an active role and engage on a constructive basis and on wider terms in Australian society.

I also note that on page 247 of budget paper 3 the government intends to:

... work in partnership with Victorian Aboriginal communities and their organisations to increase participation with government and build their capacity ...

But I am concerned as to whether the target number of grants is proposed to be decreased in the coming financial year. There is a slight variation there and I seek clarification as to why that is the projected outcome when more needs to be done in that area. From my understanding at this stage, there is insufficient indication regarding the low school attendance by numbers of indigenous Victorians throughout the state and at Lake Tyers specifically. It is unclear what straightforward programs are being proposed to enable those levels of inequality to be appropriately addressed. I allude to the \$3.2 million over four years for the Lake Tyers community renewal program and ask whether the changes being put forward there are being replicated in other areas of Victoria to assist the numbers of people who might still be living in old cars and caravans on reserves in different parts of Victoria.

There are other issues in relation to the health of indigenous children in terms of access. It is important that these matters be addressed so that levels of disadvantage are appropriately responded to and that children are not placed at risk in any number of different circumstances. Finally, I turn to the issue of indigenous family violence strategies to ascertain whether there are appropriate review measures incorporated in the budget which will respond to these very serious issues.

In wider terms there is the issue of land tax, which is a factor that affects my electorate more specifically. I note that following the changes to land tax that have been introduced, the reform does not go far enough to respond to the concerns of the constituent groups and organisations within my electorate. One particular business enterprise had a letter published in the *Herald Sun* of Tuesday, 10 May, under the heading 'Land tax disbelief'. I will quote it for the *Hansard* record:

Land tax relief? We have gone down from \$30 000 to \$24 000, which is still a 1543 per cent increase from the 1998 'reasonable' level of tax.

Mr Brumby says last week's state budget was 'family friendly'. No, business people have families, too. Heartless? Yes. Thieving? Yes.

After the government has taken our \$24 000 this year, we are now a 'non-profit' business, so we assume we are exempt from land tax next year. Mr Bracks and Mr Brumby, please advise.

A great chance to fix the system and save businesses has been lost, but they really don't seem to care.

The letter is signed by Bruce and Trevor Isaacs of Tulip Street Tennis Centre, Cheltenham. Here are a couple of brothers who have invested their life savings in running an enterprise and who have been subjected to exorbitant tax increases that are not reflected in their business turnover.

Another constituent writes:

We have worked very hard over the years to purchase an investment property and a holiday home. Land tax on these two properties has increased well over \$1000 each year for the past three years. This year we had to pay \$3500 in land tax.

... by ... the time we pay rates, maintenance, agents fees, bank loan et cetera, the properties are not worth the long wait for appreciation. This is obviously a tax on people who are considered to be wealthy enough to own property; however, no consideration is taken into account of the fact that a large loan is outstanding on these properties.

There remains a high level of concern within numerous sectors of the Victorian community as to the land tax impost on taxpayers. Of greatest concern among the constituent groups and organisations I meet with are the implications of the government's economic strategy which in large part has forfeited the financial inheritance of the coalition government contribution to state government coffers between 1992 and 1999. There has been a decline in a number of key economic indicators which will diminish life opportunities for young Victorians in the decades ahead.

I refer members to some statistics. In the December quarter 2004 new business investment in Victoria was

\$3.4 billion. When the Bracks government was elected in the December quarter 1999 that investment was \$2.7 billion, representing an increase of some 26 per cent. At the same time investment in the rest of Australia has grown from \$7.2 billion to \$11.6 billion, representing an increase of 61 per cent. On that economic indicator business investment in Victoria has not grown at the same rate as other levels of investment in Australia. Victoria's share of new investment nationally has declined to below 23 per cent in the last three-quarters of 2004. This is the lowest share since 1997 and signals business is actively looking at other states for investment opportunities over Victoria.

Of particular concern is new business investment in manufacturing. Adjacent to my electorate is a work location in the Moorabbin area which incorporates the activities of many of my constituents — I refer to the City of Kingston business area, which has a large manufacturing component. In Victoria business investment in manufacturing fell from \$950 million in September 1999 to \$729 million in the December quarter of 2004, a decline of 23 per cent. By comparison the rest of Australia has seen investment rise from \$1631 million to \$2300 million, representing an increase of 41 per cent. As a result Victoria is at great risk of suffering a gradual decline in its status as the manufacturing heartland of Australia.

In addition business confidence slipped to a negative 32 per cent in February 2005, a new low for any Victorian government. The Victorian Employers Chamber of Commerce and Industry's quarterly economic survey shows signs of weakness. In the latest quarter to December 2004 the net percentage of businesses believing Victoria's economic outlook would weaken deteriorated to a negative 8 per cent, while the national economic outlook overall strengthened to plus 13 per cent.

In relation to infrastructure investment, the investment effort in infrastructure for any state in Australia is measured by comparing the engineering construction activity in each state against the gross product, and Victoria has the lowest investment effort. Of the work being done for the public sector — inclusive of the energy sector in Victoria and South Australia — only 1.3 per cent of gross state product was invested in public sector infrastructure in Victoria, and only South Australia had a poorer investment record.

In terms of future prospects things look a little better, with the value of infrastructure work yet to be done in Victoria at the end of the September 2004 quarter being only \$1.6 billion, compared to \$4.5 billion in New South Wales, \$4.1 billion in Western Australia and

\$3.3 billion in Queensland. This was 10 per cent of the national total and far below Victoria's 25 per cent share of the national economy.

The shadow Treasurer has outlined a range of economic indicators which reflect a deterioration in Victoria's economic circumstances. I would like to draw attention to one category — that is, the area of exports. In the last year the value of the state's exports of goods recovered after two years of decline. Exports rose nearly 10 per cent in 2004 to \$18.9 billion, after plunging by 24 per cent, or nearly \$5.4 billion, between 2001 and 2003. This was the largest fall in exports of any state. At the same time Victoria's share of total national exports of goods and services also fell in 2004 to the lowest level since 1990. That point bears repeating. Victoria's share of national exports of goods and services fell in 2004 to the lowest level since 1990, and despite a recovery, exports reached only \$1.05 million in January 2005, the lowest monthly export total since April 1995.

What the impact of these economic benchmarks and statistics indicates is that there is a decline in investment in Victoria and a decline in growth, and when the work being done in the construction sector of the state's economy recedes, this in turn means the loss of job opportunities across a range of other frontiers.

In relation to the provision of government services in my electorate, there is the outstanding project work involving the renourishment of the Royal Avenue beach, the beach north of Red Bluff. That project has been reviewed for the past five years, but still there is no effective outcome on the ground. The government has failed to commit sufficient beach renourishment funding since it came to office. Although there is an allocation in the current budget, it is yet to be seen where that expenditure will be directed.

The Sandringham hospital is serving the local community well. It has played a large role in the history of the local community over several decades, but the infrastructure of the hospital is not in as good a shape as it might otherwise be. I call on the Minister for Health and a number of other stakeholders in the area, including the chief executive officer of Bayside Health, to look at whether there are other possibilities that might see a better utilisation of land. I pose the question of whether the former Gas and Fuel Corporation site on the Nepean Highway at Highett might be a good location for the redevelopment of health services in the local area to provide for the needs of the Bayside community not just for the next five years but in visionary terms for the next 50 years.

The Labor Party still has not fulfilled an election commitment it made 17 years ago to build a new police station in Sandringham, and the vacant site remains there. The difference between the Labor Party and the Liberal Party is that the Labor Party made a promise that it has not fulfilled. During its period in office the Liberal Party kept the land available to be developed to fulfil a strategic role. An important factor came into play, with local community policing being based on local government districts. That really kept alive the prospect of a good utilisation of that particular site, but the government is yet to deliver. That is a matter of major angst for people in the Sandringham electorate.

There are other issues that are of major concern. They include the inability of the Bracks government to properly address the failure of the Saizeriya project, a \$400 million investment in a food plant in Melton which promised some 2000 jobs for the Melton district. Unless there is a serious focus on infrastructure development and attracting investment to this state, the welfare of all Victorians from one corner of the state to the other will be affected.

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

Mr TREZISE (Geelong) — I am very pleased and proud to speak today in support of the Appropriation (2005/2006) Bill. In my eyes a budget is about getting priorities right in allocating government funds. Despite what some people may think, and as you are well aware, Acting Speaker, government coffers are not bottomless. There are and need to be limitations, and as such priorities are important. I believe a governments' priorities reveal what it is about and whom it truly represents. The Brumby budget for 2005–06 is one that again reflects the government's priorities in ensuring that our kids are educated, our sick and elderly receive the health care they deserve, our most vulnerable and socially disadvantaged individuals and communities are catered for, our rural and regional areas continue to develop, our communities are safe and the business sector continues to thrive, ensuring jobs for the future.

All this will ensure that Victoria continues to prosper well into the 21st century. I can assure this house that all the government's priorities in Geelong are paying dividends within that community — for example, our schools have never been in better shape. The Appropriation (2005/2006) Bill ensures that the major refurbishment and building continues as it has since the election of the government in 1999 — for example, this budget has committed \$3.6 million to the new Barwon Valley Special School which looks after the education and social needs of children with special needs. The site

on which the school currently sits is far too small and restrictive. The school community there fought long and hard for a new site and I am pleased to note that this budget and the work of the school community now bears fruit. The site, which is at Belmont Secondary College, will provide a magnificent state-of-the-art facility and will take the Barwon Valley Special School well into the 21st century.

There are of course other schools in the region which will reap the benefit of the millions of dollars allocated to refurbishments, and will join the likes of schools in my electorate such as the Tate Street Primary School, South Geelong Primary School, Geelong East Primary School, Chilwell Primary School, Herne Hill Primary School, Geelong High School, Hamlyn Banks Primary School, and the list goes on. Another one is the Matthew Flinders Girls Secondary College in my electorate which will receive \$1 million for its refurbishment, and I would like to take this opportunity to congratulate the principal, Helen Fraser, and her team at the school for all the hard work they have put in over many years.

We have the ongoing reconstruction and refurbishment of the Gordon Institute of TAFE. This budget provides a further \$9 million for the next stage of the Gordon institute's redevelopment, and is on top of the \$15.6 million refurbishment of H building in Moorabool Street in 2002 and the multimillion dollar construction of the East Geelong campus that now houses the building industry trade school. The Gordon Institute of TAFE is a magnificent institution in my electorate and I look forward to working with the chief executive officer, Martha Kinsman, and her team in further developing this institute.

The appropriation bill once again highlights the Bracks government's ongoing commitment to rebuilding the health system. This time around there is a \$26 million commitment to rebuilding the accident and emergency unit at Geelong hospital, and only last week the Minister for Health, the Honourable Bronwyn Pike, once again visited the hospital to discuss this rebuild with management and, importantly, the staff who will work in the newly refurbished and rebuilt accident and emergency unit. This expansion will take the accident and emergency unit well into the new decade and will be able to adequately treat something like 50 000 patients each year. It is well recognised that the current accident and emergency ward has served its time and does not fully provide the services needed for the ever-growing population of the greater Geelong area. The upgrade of the unit will include a separate area for children, which as a parent I fully appreciate. The unit will also have a better capacity to deal with mental

health assessment and will have a special area for people who have been sexually assaulted. As I said, it will be a unit that will take Geelong well into this century and beyond.

The accident and emergency unit initiative builds on previous commitments that are being met by the Bracks government within Barwon Health and the wider Geelong community. Earlier this year the minister was again in Geelong turning the first sod for the expanded Andrew Love Cancer Centre, a \$20 million project which is the result of a tremendous partnership between Barwon Health, the state government and community groups like Geelong Cancer Aftercare. The unit will include extra bunkers and state-of-the-art technology to better treat cancer sufferers in Geelong and the greater south-west region.

I regularly talk fondly in this house about the Grace McKellar Centre. For the information of the house, the Grace McKellar Centre was targeted by the previous Kennett government for sale to be flogged off to the highest bidder. It took the election of the Bracks government in 1999 and the support of the Geelong community to save the centre, and through numerous budgets this facility has been just about totally reconstructed. A new rehabilitation unit, palliative care unit and plans to build aged-care accommodation will see Grace McKellar again provide first-class facilities to the community. In total, nearly \$120 million has been spent in upgrading Geelong hospital and the Grace McKellar Centre, a contribution that genuinely highlights the Bracks government commitment to health across Victoria, including of course my electorate of Geelong.

One small item in this year's appropriation bill that pretty much went unnoticed locally in Geelong was the commitment of \$120 000 over the next three years — that is, \$40 000 per year — to Geelong's Pako Festa. Here is an on-the-ground example of the Bracks government listening and then acting for the community. For many years the Pako Festa has really battled to pull the funding together to run this magnificent festival that celebrates multiculturalism in Geelong, as the Minister assisting the Premier on Multicultural Affairs is well aware. The minister has attended the Pako Festa a number of times and he opened the Pako Festa two years ago.

Each year the Geelong Ethnic Community Council (GECC), or Diversitat as it is now known, has had to spend a lot of time and effort getting funds together. Funding has been from sources such as the state government, the council, traders at Pako and other commercial sponsors, and I must say that as a local

member I have also spent much of my time assisting the getting together of these funds. Up until now it was an annual chore which took up much time. Now thanks to people such as Minister Pandazopoulos there is a three-year state government commitment and a similar commitment from the City of Greater Geelong which will ensure that the annual effort of having to raise funds is no longer required. The GECC can now spend time ensuring that the Pako Festa gets even better. It will also ensure that the GECC can strategically plan for the future. I again look forward to working with the GECC, or Diversitat, and local traders in bringing the 2006 Pako Festa together.

It is a festival that, as I said, truly celebrates Geelong's multicultural community. It is with great pride that I represent the people of Geelong in this Parliament and it is with great pride that I represent the Bracks government in Geelong, and I can assure this house that this — —

An honourable member — And the footy club!

Mr TREZISE — And I represent the Geelong Football Club. I assure the house the Appropriation (2005/2006) Bill will ensure that the Bracks government continues to build on its previous achievements for Geelong. I look forward to working with the community in implementing this range of projects.

Mr PLOWMAN (Benambra) — I want to touch on a few of the water issues in the budget because water has been highlighted as one of the most important issues that the Bracks government is looking at influencing, particularly with the green paper and then the white paper. But when you look at the budget, you see there is not very much in it about water. It is really quite extraordinary that the main issue in the budget is this \$227 million of additional money the state government is going to be putting into water issues to be used for all sorts of improvements to the water industry. When you look at this, and look further, you see it is not an additional amount of money at all. The \$227 million is purely the water tax that each water consumer is paying. It is extraordinary that the government is dressing this up in the budget papers as a new expenditure. It is not a new expenditure; it is the income being raked in from all of us paying this water tax over the next four years.

The difficulty with that is that you and I cannot identify the tax in our own water bills, because it is hidden. It is not identified so we cannot see how much we are paying for this tax to this government. It is hidden because the urban water authorities are asked to commit

5 per cent and the rural water authorities 2 per cent of their total expenditure. That is a tax. It is a hidden tax being deducted through our water charges. For the first time in Australia's history we have a tax on water, and we are all paying it. This government is not brave enough to show exactly what that tax is and how much each of us is paying.

I looked a bit further. I thought there may be some relief for these water authorities that are asked to pay the additional 5 per cent or 2 per cent; but no. The increased dividends the water authorities are asked to pay amount to a massive 36.7 per cent in the budget. Now that cannot be clearly identified either because all the authorities are lumped together. The majority of the income comes from the water authorities, so they might even pay slightly more than 36.7 per cent. That is on page 159 of budget paper 4. The dividends were budgeted in 2004–05 for \$478 million and they have gone up to \$512 million, which is a 36.7 per cent increase. Unfortunately, that has led to an increase in the income of water authorities.

If you look at page 180 of budget paper 4, you see the income of public authorities, which is predominantly the water authorities, rises from \$700 million to \$1047 million, a staggering rise of 49.5 per cent. So again the water users of this state are being taxed twice, not only in this tax which is paid through their water charges, but also because of the increased dividends this government is stripping off the water authorities.

I have tried to find details of the much-vaunted Victorian Water Trust. Page 33 of budget paper 3 indicates that:

... the Victorian Water Trust was established to fund major innovative projects.

And that:

An amount of \$320 million was committed over 10 years.

If you read slightly further down, it says:

The first \$160 million —

in other words, half this fund —

of the total commitment of \$320 million was provided in the 2003–04 and 2004–05 budgets.

Which, if it is spread over 10 years, means it leaves only \$16 million a year. Those of us who know anything about water know the enormous cost involved in redeveloping infrastructure and introducing treatment plants, which will certainly be needed for both the eastern and western treatment plants in Melbourne. We are talking in billions of dollars to achieve those sorts of

results. To have \$16 million each year for 10 years will mean that money will go virtually nowhere, so this highly acclaimed Victorian Water Trust really is denied the funds to do the job it is set up to do. When you look at the total budget of about \$30 billion, you see that \$1 in every \$2 million is being expended on water through the water trust. That would hardly indicate that this is the no. 1 item in Victoria's budget. Certainly water might get big raps in the television advertising we see but when it comes to budget expenditure it is the poor relation.

Then I thought I would have a further look at the amount of money committed to the Snowy River, because again this has achieved a lot of publicity on the increased flows to the Snowy. On looking at this, one sees \$243 million committed but in 2001–02 \$150 million has been spent already, which means only \$93 million is left committed to this project.

What is important about this is that a water debt is being built up by way of the Mowamba borrowings account. A letter from the federal minister, Warren Truss, shows that that debt has grown to 64 gigalitres and is still growing. Until that debt of water is paid off, no increase in water flows can go down the Snowy, so again it is likely that the proposed 21 per cent or 28 per cent increase in water flows to the Snowy will never be seen. I cannot see that, with only \$93 million set aside to increase the flows to the Snowy, the 64 gigalitres water debt will be paid off, as it must be before it can be increased. Again, this highlights a real inadequacy in the budget on this issue.

Something I was hoping might be included in the budget was some relief from the requirement as set out in the white paper that all water extraction over 5 megalitres would require a meter. A water meter costs up to about \$4000, and that is an incredible charge to pay on 5 megalitres of water. It was proposed at a meeting a couple of nights ago with the Victorian Farmers Federation that that should apply to a minimum of 20 megalitres, which I wholeheartedly support. Anything above 20 megalitres could be metered. It is very hard to justify the expenditure of up to \$4000 purely for the measurement of anything below that. Water amounts can be deemed and that is the way it should be handled.

The other issue that I looked at was water trading. This is a little bit concerning. Again in budget paper 3, on page 198 it shows the water trading target for 2004–05 — that, water permanently traded, a lot of which is going out of the state — was 20 000 megalitres. The expected outcome is two and a half times that amount, or 50 339 megalitres. The majority of that water is going out

of the state, losing its productive benefit in Victoria. With the setting up of things like stranded assets in the irrigation areas, for 2005–06 there is a target of 30 000 megalitres. If that were to more than double, we would have a disaster on our hands in respect of the amount of water that is going out of the state.

Clearly not all that water is going out of the state but a high proportion of it is, and that is something we should look at in regard to the future of the irrigation industry in Victoria and the future of those districts that rely on that irrigation water. Once that water is traded out of the state, it is going to be much harder to get it back. So again that is of concern to me and the issues in the budget indicate that this is a growing area of concern, or what should be concern, to all Victorians, particularly those who have an interest in the water industry.

One thing I was delighted to see in the budget was the commitment by the state government to a third of the \$501 million, but I did notice that the additional \$48 million was reliant on the federal government matching that commitment. I am quite sure the federal government will match that commitment. The biggest problem with the Wimmera–Mallee pipeline scheme is that, should that total of \$501 million be exceeded, there is no indication as to where those funds will come from and those recipients of the water, particularly the dryland farmers who will be paying a lot to put in the piping, troughing, tanks and so on on their own properties, are very concerned that that blowout in costs will largely come back to them as the consumers of that water. It is something that has to be addressed, and the government needs to clearly take a position on that — maybe not at this stage but certainly at some stage when it is clear what the cost of this project is.

I come back to issues in my electorate. I was delighted to see that there is a new police station going in at Bethanga. I was equally delighted to see that the Wodonga Primary School is receiving about \$3 million for a major modernisation, and that the unique Flying Fruit Fly Circus in Wodonga is getting \$1.3 million to establish it permanently in Wodonga. These are all very good and worthwhile expenditures, and I was delighted to see them.

But when you look at the map of Victoria and the funding throughout the whole of the state, the Hume region is very much the poor relation. There is very little being spent in this area of country Victoria, and again it is indicative that this government, despite its promises, is not spending in country Victoria. Can I give some indications? There are absolutely no funds allocated for the relocation of the railway line out of Wodonga, which has been promised by this

government. Funds were committed in the 2000–01 budget; there is absolutely nothing in this budget. It is the most vital project for Wodonga, but there are no funds at all there for it. There are no funds for the relocation of the Wodonga South Primary School. That school has been waiting for years for land to be allocated to it in the army land that has been sold recently by the federal government. This is the year that the proposed building was to start, but there are no funds allocated for the relocation of that school. That school community is furious that the promises it has had are not going to be met.

One of the things I commented on earlier today was the Elmhurst public housing development project. People have been waiting for six years for the 80 new houses in that project to be built, and again there is absolutely no funding in the budget for that program.

I refer briefly to how this affects families in Wodonga by quoting a story in the *Border Mail* of 18 May under the heading 'Families told to wait longer':

There is no quick relief in sight for the 439 families on Wodonga's public housing waiting list.

Yesterday a spokesman for Victorian housing minister Candy Broad suggested it could be as long as 12 months before the latest funding for public housing was allocated.

This is bad news for Wodonga. This is the sort of budget news we were hoping not to get.

Ms BARKER (Oakleigh) — It is always a pleasure to rise to speak on a Brumby budget and it gives me a great deal of pleasure to speak on the appropriation bill for 2005–06. One of the most important issues for the residents of the Oakleigh electorate is that we as a government ensure a strong and balanced budget. They fully understand that without prudent economic management the ability to improve the services and facilities that we need in our area just cannot be met. I have been able to assure them each year that the Bracks government delivers a strong and balanced budget and, since the last election, its ongoing commitment to the delivery of a surplus of at least \$100 million, with an operating surplus in 2005–06 of \$365 million and surpluses averaging \$394 million for the following three years. The maintenance of Victoria's AAA credit rating as confirmed by the international ratings agencies Standard and Poor's, and Moody's is also very important.

Probably the most important issue for the residents I am proud to represent is access to quality health care, and this budget continues our commitment to rebuilding and improving Victoria's health system. Over the last

five years we have boosted funding for health services by 54 per cent and provided an additional \$2 billion to build, modernise and upgrade hospitals, health services and aged care facilities and, most importantly, we have brought over 5700 nurses back into the system.

The residents in my electorate have a particular focus on the Monash Medical Centre's Clayton and Moorabbin campuses and the Alfred hospital because of their geographic location in the electorate, as they do not have any hospitals physically in the electorate. I was very pleased to attend recently the Monash Medical Centre Moorabbin campus with the Minister for Health and the member for Bentleigh to mark the beginning of the construction of the new \$19 million development at this hospital to expand cancer treatment services for the southern and bayside suburbs of Melbourne. An increase in the number of bunkers at Moorabbin from two to four will enable an extra 1500 patients to be treated and there will be a new outpatient department that will further improve services.

One of the great focuses is the establishment and development of the integrated cancer service, which will comprise a cluster of hospitals throughout the southern and bayside areas along with other associated health services and health professionals who will work together to ensure that patients receive the best and most appropriate treatment and support. There are very few of us who have not had a family member or friend diagnosed with cancer. That time of detection, diagnosis, treatment and support during the treatment and, often, through to palliative care is very distressing, and we need to ensure that there is appropriate support so that progression through those various stages is dealt with in a coordinated and timely manner.

The 2005–06 budget also improves facilities at Monash Medical Centre Clayton campus with funding of \$10 million to redevelop and expand one of the busiest emergency departments in the state, and that is absolutely vital. As I said, residents in my electorate focus on Monash Medical Centre and the Alfred. Work has started on the new \$60 million elective surgery unit at the Alfred hospital and that will be a great facility for people in that area — more than 48 000 patients to be treated each year. It is a very good development and is part of the \$2 billion that we as a government have invested in capital works.

There is no doubt, particularly for many of the older residents whom I represent, that elective surgery waiting lists are an issue. I have frequent requests, particularly from older people in relation to hip and knee replacements. We have been able to treat an extra

200 000 people per year with funding that we have already invested in health, but there is certainly more to do. I am very pleased that the budget commits \$30 million to cut treatment waiting times for elective surgery patients. I am very pleased to note that the Minister for Health has indicated that hip and knee replacement and gall bladder patients will benefit from this commitment.

I will quickly note two other significant capital works projects which are important to my electorate and particularly important to Victoria. These are the \$250 million project to create a new state-of-the-art Royal Women's Hospital and \$38 million to start work on the new Royal Children's Hospital. The children's hospital in particular holds a very special place in all our hearts even if we no longer have children ourselves who attend the children's hospital on an ongoing basis or for emergency care. But the hospital is a very, very special place and there are very special staff not only for the children of Victoria but for many children from other parts of Australia and from other parts of the world. It is a very special place and I am pleased to see that that work is going to start.

As the Treasurer said when delivering this excellent budget, it is about opportunity. There is no better way to provide opportunity than through education. We have boosted education funding by more than \$4 billion and since 1999 we have recruited an additional 5300 teachers and staff back into schools. I am very proud of the fact that we have around 85 per cent of young Victorians completing year 12 or its equivalent. That is the highest level of any Australian state and a great achievement. There is always more to do. We are providing further funding — \$868 million in the 2005–06 budget — to further invest in education.

Of course schools in my electorate are very keen to see the upgrade that will give them access to fibre optic high-speed broadband under that four-year \$89 million program that has been announced. The very high priority for me and the families of my electorate is to try and ensure access to quality secondary education for our young people. Regrettably, there are no government secondary colleges in the Oakleigh electorate —

An honourable member interjected.

Ms BARKER — No, not one.

Mr Pandazopoulos — What happened to them?

Ms BARKER — They were all closed.

It is a very difficult issue. As many families have moved back into the area, there is regeneration in the area, and the issue is now raised with me constantly.

As I said, there will be no easy solution to this issue. McKinnon Secondary College, as many members know, is bursting at the seams, and particularly at the Murrumbeena, Carnegie and Glen Huntly end that is where the focus has been. There is no easy solution, but I will continue my efforts to address this lack of access.

But I do have many fantastic primary schools. We will shortly open the completed upgraded Murrumbeena Primary School, with over \$2 million in the last couple of years being provided to refurbish and upgrade that school. In the last 12 months all primary schools have received substantial maintenance funds to ensure works are undertaken. Hughesdale Primary School received \$150 000 for new toilets; they have not yet been started, but that money has been allocated. Carnegie Primary School, which is a fantastic school, received \$100 000 to upgrade its toilets. That work has been completed. Katandra School and Carnegie Primary School also received their \$5500 Schoolyard Blitz funding. That is a fantastic program which involves the community and is very welcomed by schools. Last week I was pleased to inform all other primary schools — Sussex Heights, Amsleigh Park, Oakleigh, Murrumbeena, Hughesdale and Glen Huntly — that they will receive their \$5500 Schoolyard Blitz funding from 1 July.

I must mention Oakleigh Primary School and place on record my absolute pride in the new Oakleigh kindergarten which was officially opened by the Minister for Children in February this year. It is a wonderful new facility made possible with funding of \$427 400 from the Bracks government and with the enormous effort and contribution by the Oakleigh Primary School staff and school community. The purpose-built stand-alone centre on the primary school site caters for up to 30 children at any one time. It also contains a community room which will be used by parents and will provide health, welfare and parent support services. I have absolutely nothing but praise for Philip Hughes, principal of Oakleigh Primary School, the staff, school council and parent community who took up the challenge with me of making this much-needed facility available in our local community. It is a facility that we had to have because of the increasing demand for kindergarten places in the Oakleigh area.

I am also pleased that this budget allocates further funding to invest in our children — \$2.12 million to provide kindergarten programs in long day care services and \$570 000 to increase the kindergarten fee

subsidy for children from low-income and disadvantaged families and \$1 million to provide minor capital grants for community-based, not-for-profit child-care centres, kindergartens and outside school hours services. I congratulate the Minister for Education and Training on her continued work to ensure investment in our government schools but also in our non-government sectors and, as was highlighted yesterday, the new four-year agreement for the non-government sector to increase its funding.

There are far too many initiatives for me to cover in one speech today. I am sure I will get plenty more opportunities in coming times. I have recently conducted a survey throughout my electorate. I know what the issues are, but it is important to listen to people and hear from them. In responding to those people who have raised issues with me, I have been pleased to say that we are working to ensure that all families can access quality health care, that our schools give all children the best start in life and that our streets stay safe. We are making sensible decisions to secure our water supply, to ensure a healthy environment and sustainable future and we will continue to improve services and make Victoria the best place to live, work and raise a family while keeping a strong balanced state budget.

Mr DELAHUNTY (Lowan) — Here we go again! We are on the road again as another Labor government heads down the same route as previous Labor governments, with record tax income and record expenditure. And this government is going to increase state debt for the first time since the early 1990s. This year's budget total is \$30.3 billion, up from \$19.1 billion in 1998–99, or about a 50 per cent increase. It is disappointing that with all that income this Labor government cannot manage its capital works, its major projects or services such as health, where waiting lists in many areas have increased since 1999. It is disappointing for all Victorians, especially rural and regional Victorians, that Labor cannot manage.

Let us look at the current figures compared to 1998–99. Firstly, on the revenue side, taxes are up by 52.6 per cent to \$13.5 billion, fines and regulation fees are up by 120.2 per cent — that does not sound right, does it? — to \$726.9 million, and total revenue is up by 46.6 per cent to \$30.6 billion.

Let us look at expenditure. Employment benefits are up by 60.4 per cent to \$11.2 billion, and purchases, supplies and services have gone up by 86.9 per cent to nearly \$10 billion. Total expenditure is up by 58.7 per cent. In summary, since 1998–99 total revenue has gone up by 46.6 per cent, but total expenses have gone

up by 58.7 per cent. This cannot continue if Victoria is to stay in the black.

Many people ask me how this government has increased its revenue since 1999. Here is a snapshot. Stamp duty has increased each and every year, and in fact it has increased more than was budgeted for. Since 1999 this government has had a windfall gain of \$2.46 billion in stamp duty. Let us look at land tax: it has increased from \$378 million in 1999 to a budgeted figure this year of \$824 million. That is an enormous increase. Police fines have increased from \$99 million in 1999 to this year's budgeted figure of \$324 million. Labor loves to hit the motorist, and I will say a bit more about that later.

Another great source of income for this government has been the revenue from insurance taxes. They have gone from \$532 million in 1999 to an estimated \$1061 million in this budget. I have been contacted by many people about their property insurance. They go in to pay their insurance and on top of that they have to pay the fire insurance levy, stamp duty and then the GST. That is three taxes, with all the money going to the states.

I want to now focus on my electorate of Lowan, the largest electorate in this state. I highlight again for members that I can fit 76 of the other 87 electorates of the Legislative Assembly inside my area.

Mr Robinson — Yours is bigger than ours, is it?

Mr DELAHUNTY — A little bit bigger in size, but not in population, unfortunately. It was interesting to note that the member for Oakleigh, who has just spoken, has not got a secondary college in her electorate. I have about 50 schools in my electorate, and they are all great schools. It is interesting to note that the Minister for Education and Training is at the table. The government prides itself on having done a lot for schools, and it has in some areas. But I want to highlight that it has closed three schools in my electorate.

Ms Kosky interjected.

Mr DELAHUNTY — The minister says they were asked to close. The government had its hand up their backs, and they were asked to close.

Ms Kosky interjected.

Mr DELAHUNTY — They did not only write to you — they wrote to the former minister for education too, I believe. Those three schools if you really want to know, are at Brim, Pimpinio and Harrow.

In the Lowan electorate we were all hoping for funding for improved infrastructure and services, but we were let down. A lot of promises were made in relation to this budget, but it failed to deliver on what we hoped for with country roads and bridges. The fast rail project, which is going to service my area, is getting slower and more expensive by the day. It is particularly concerning to the Lowan electorate that dental waiting lists are increasing, and it is particularly disappointing that there is not much funding, if any, to increase the staff at birthing centres in country Victoria. I look to the government to provide funds in the same way that New South Wales, another Labor state, does. The New South Wales government is now training obstetricians and midwives in country areas. If we train them in country areas, there is a fair chance that they will stay there.

Pensioner health care card holders and some veterans will find this budget disappointing, as there is little to address the extra \$80-odd they pay each and every year for the registration of their cars. Do not forget that on 1 July licence fees and other charges will increase, because the Bracks government increases them annually without any debate in this house.

There are a couple of goodies in the budget, such as funding for the replacement of hospital and medical equipment. I have spoken to people in many of the hospitals right across rural and regional Victoria. They tell me that they have gone into every little nest egg they have to try to pay for the replacement of medical equipment. Many hospitals are now bereft of funds, and they are going to have to rely on the government to replace medical equipment, and often that is on a one-for-one basis. There is great concern, because even though there is money in the budget for the replacement of this medical equipment, the hospitals do not believe they will have the money to match it.

The broadband connection to schools is of particular benefit to rural and regional schools. One school that has been lobbying me hard, and I have been passing that information on and lobbying the Minister for Education Services, is Lake Bolac, a very up-and-going school. It hopes it can be connected as soon as possible, and it has been looking for that for many years.

There is nothing I can see in the budget to address vocational education and training and the need to make these courses sustainable. A lot of the people doing those courses come from families from lower socioeconomic backgrounds. They have to tip in more money out of their own pockets so they have the opportunity to stay at school and gain not only an education but also a skill. If the government is going to

meet its retention targets, that needs some addressing. I am pleased to see the minister taking note of that.

I also congratulate the government in relation to the money being provided for mental health. It is important that we address that area of concern, which has been getting a fair bit of publicity lately. I have been looking for that for the last 12 months or more. There are some other goodies in relation to updating State Emergency Service equipment and spending on nurses, police officers and teachers. But a lot of people have asked me where the rest of the \$30 billion-odd has gone. This budget will not build any new roads or bridges in the Lowan electorate, and very little money is to be spent on the control of weeds and vermin in our national parks and on Crown land — and there is a lot of that in my electorate.

I want to highlight some of the newspaper articles following the budget. The *Wimmera Mail-Times* of 6 May said:

Nhill, Natimuk, Edenhope and Goroke will have new police stations ...

But Acting Inspector Trish Duke of Horsham said that while she was happy to have funding in place, it was for new stations that had been on the books for some time.

If we go to the summary or budget overview document, which is subtitled 'Delivering opportunity and prosperity', we see that it lists as being in the Grampians region the new police stations at Lake Bolac, Merino, Penshurst and Dartmoor. They are not in the Grampians region at all. The people who put this together do not even know what area of the state they are in.

Mr Robinson interjected.

Mr DELAHUNTY — Penshurst is a good town, but it is in the Barwon South region. Some of these police stations have been on the books for years. In fact the Edenhope police station is being remodelled at the moment. The Goroke station is at the tendering stage; and I know that Nhill and Natimuk have been waiting for theirs for many years. In fact I was involved in discussions with the former Minister for Police and Emergency Services to try to get the station up at Nhill to go ahead. The people at Nhill have been looking for theirs for many years.

Another article in the *Wimmera Mail-Times* of 6 May says that state schools will benefit from the \$89 million to introduce high-tech, fibre optic, broadband Internet connections. We think that is great, and I have spoken about the Lake Bolac school already. Another article is really interesting. The mayor of Hindmarsh shire,

Cr Darryl Argall, is also a member of the Municipal Association of Victoria. An article in *Wimmera Mail-Times*, also of 6 May, says:

A Wimmera local government representative is cynical of a state government promise to direct revenue from speed cameras to Victorian roads.

Hindmarsh shire mayor Darryl Argall said full funding for adequate road building and maintenance needed to be in place, not a scheme where actual funding amounts remained unconfirmed.

There is obviously concern out there that the figures are rubbery and that this government might not be able to deliver on all its promises.

Another interesting article quotes Friends of Little Desert National Park convener, Les Smith. As he says, the friends are pleased to see the allocation of \$121 million:

But he questioned whether the extra funding would be sufficient when divided among Victoria's parks.

'It's a very large area of Victoria we're talking about', he said —

and most of that is in the Lowan electorate. So there are some compliments, but many concerns are also being raised in those newspaper articles.

The people of Lowan are wild with this government. As I said, they are very concerned, particularly about pensioners, health care card holders and some veterans who are now paying the \$80 car registration fee, which will be increased annually, the \$50 extra for motorcycle registrations and the limit on the multipurpose taxi program — and they are irate about that. I know some country Victorians in my electorate who could use up the \$550 cap within three months. Some of these people are living on their own in country areas, and the only way they can get into town to get their groceries and use the services they need is by taxi.

I have spoken about the fire levy and land tax. But the people of Lowan are also wild about the 5 per cent tax on water, which will be hidden in their water bills. Unlike the catchment management authority levies, which were proposed by the previous coalition government and which were going to be itemised, this 5 per cent tax will be hidden in the water bills and will therefore increase water costs.

I refer now to the cost blow-out on major projects. I have already spoken about the fast rail project. People in Lowan are very concerned that this government cannot manage projects, because we are seeing

blow-outs in the fast rail project and also the Spencer Street railway station redevelopment.

There is no money in the budget for the fox bounty. That has been a very successful program, and I want to make sure that the people of Lowan know that we are still lobbying hard for this government to do something in that area.

The other key thing is that there is no money in the budget for an emergency services helicopter, which has been talked about for many years. Most country towns are losing some of their health services. In fact with regard to birthing services, it is over 300 kilometres between Mildura and Horsham, and if someone in Patchewollock has to get to hospital quickly, we have no emergency helicopter service to take them.

There is also discrimination in the water saving grants. If you do not live in a city or if you are not on reticulated water, you are not able to get one. There is also little money in the budget for apprenticeships and traineeships. There are some increases in money for kindergartens and preschools, which we welcome, but the reality is that there is still a lot of concern about funding, particularly in kindergartens in my electorate.

I know the rural learning campuses have funding, and I believe they are getting more support from the government. Those rural learning campuses are important to our country community. I know the government has introduced many initiatives in relation to those, such as the local learning and employment networks. In some areas they are working well, and in some areas they are not. In general we support rural learning campuses, but importantly we need to make sure that we have the infrastructure to support those people.

I shall quickly touch on health. People are waiting up to four years for dental services in my electorate, and there is not enough money to address that concern. The number of birthing units is being reduced. As I said before, we need to do what the New South Wales government has done, which is to provide money to train staff in country areas, particularly obstetricians and midwives.

We are pleased to see some action is being taken in relation to Rochester hospital, but Rural North West Health, in the north-western part of the state, is a concern to us. I believe the administrator has been there too long. However, it seems progress is being made at this stage. Concerns have also been raised in the community, which has been waiting for two years for something to happen. A new chief executive officer has

been appointed, who I know has excellent skills, but the perception among some of the people out there is that she is there for a purpose, perhaps to amalgamate the service with another hospital service. I do not believe that is the case, and I do not think it is the way to go. But the reality is that we need to make sure the concerns of these people are addressed. Unfortunately the perception has been driven by some of the staff, who have been waiting for far too long to get some answers to the questions they have raised.

My other concern is that we need to make sure there is more money for recruiting doctors, nurses and allied health staff to country communities. As I said, we are going down a similar road again. This is a big budget, but there is little in it for the Lowan electorate and particularly for country Victoria.

Mr ROBINSON (Mitcham) — I am pleased to spend a few minutes commenting on the appropriation bill for 2005–06. It is a bill that I support very strongly, because it is about a budget that is using the state's prosperity to create opportunity. The budget simultaneously sets new benchmarks in social policy and improves the business climate for future investment. In my contribution on last year's budget I concluded with an observation that as much as I strongly supported the budget I thought there were some pockets of disadvantage that we as a government had to address, and I made a note of a few of those. I am particularly pleased that this year's budget addresses some of those pockets of disadvantage. I want to just spend a few minutes commenting on some of the initiatives in the budget.

Some of the previous speakers have highlighted some of the big-ticket allocations, but I want to spend a few moments talking about some of the lesser known allocations. I will start with the \$300 000 boost in funding for the State Schools Relief Committee. I have been down and visited the relief committee, which is based in Burwood, and it does a fantastic job. It is actually in the old Burwood Primary School, and Terry Green and his committee do an absolutely outstanding job. When we talk about low-income families, poverty traps and people's dignity, just think about how difficult it is for families if they cannot afford school uniforms for their children. It is an absolutely fundamental part of school education in our state system that the kids are dressed in uniforms, and we take it for granted that it is something that families can readily afford. I know the \$300 000 allocation will go a very long way at the State Schools Relief Committee. It will be gratefully received, and it will allow the committee to continue to do the very valuable work it has been doing for so many years.

Another budget allocation is the \$600 000 for the energy task force program. This is a program which provides a free service for the installation of low-energy devices in households located in neighbourhood renewal areas. This is extremely well-targeted assistance. A number of commentators refer to poverty traps and the difficulties that utility bills create for those low-income households. I attended a launch not so long ago at Reach Out for Kids, an organisation in Nunawading which has been doing outstanding work for many years.

A research paper had been released which talked about poverty traps and how energy bills exacerbated that problem, whereby households seek to defer expenditure on things like food in order not to become defaulters to electricity and gas companies. There has been a weakness in trying to assist low-income households to become less dependent on energy retailers as far as their expenditure patterns are concerned. This will be an extremely valuable initiative that will deliver real value to low-income families.

In my contribution last year I talked about the disability field. I highlighted the situation of autistic children and, more particularly, their families. In my experience child disability has three impacts. Firstly, it has an impact on the child and the opportunities that will be made available to the child. Secondly, it has an impact on the child's siblings. Often parents of disabled children say to me that the impact spills over quite seriously to the brothers and sisters of disabled children because their learning abilities and study patterns at home are greatly disrupted. Thirdly, it impacts on families. It has been my experience that families with one or more disabled children have a much higher-than-average rate of break-up, which is quite tragic. The budget allocates substantial funds to the child disability field. It makes available a large number of respite packages, which is terrific, and does very good work in the field of autism. That is to be greatly welcomed.

Another issue that has received some attention is mental health. Just before the budget the government announced its intention to provide an extra \$180 million in mental health initiatives over the next four years. This is fantastic. It is a sleeper issue, not one that wins a huge number of votes but tends to fall to the bottom of the pile of business before any government. However, this initiative is exceptionally commendable. I want to comment in particular on the government's announced intention to build facilities for 50 new mental health beds at Maroondah Hospital to meet increasing demand in Melbourne's outer eastern suburbs. This is absolutely right. The hospital services

the middle and outer eastern suburbs and carries some of the load for health needs in the Mitcham electorate.

Not so long ago — probably around three years ago — I knew a family that I think was living in Croydon and was having terrible difficulty with the activity of someone suffering from a mental illness who, for no apparent reason, had chosen to target the family's house. The individual would come to the house in the middle of the night and start screaming and yelling things on the veranda. He was not someone the police could define as dangerous but he terrified the family inside to the point where they had to find alternative accommodation. At a number of different stages he had been housed at Maroondah Hospital, but it was probably apparent at the time that the hospital lacked the facilities to deal adequately with someone like that. That is the type of story we hear from time to time. An initiative like the 50 new mental health beds will deliver solutions to those sorts of problems, so I greatly welcome it.

The budget also delivered \$151 million in additional funding for Catholic schools. I greatly welcome this and congratulate the Minister for Education and Training in particular. The Mitcham electorate is serviced by four Catholic primary schools — St Phillip's School in Blackburn North, St James School in Vermont, St John's School in Mitcham and St Thomas the Apostle School in Blackburn. All of them do a terrific job. I have met with school council members and principals — we do that quite regularly in my electorate — and I understand just what a difference this extra funding will make. It has been very gratefully received. Importantly it builds upon the very substantial improvement to the education maintenance allowance that the government announced last year. In combination with that improvement, the additional funding announced in the budget for the Catholic school sector will go very far.

The government has made additional funds available for Taralye, which is an outstanding early intervention centre in Blackburn for children with hearing loss. I have been down there many times. It does outstanding work, a lot of which involves children with cochlear ear implants. Not so recently, due to the personal intervention of the Premier — and I want to note and commend his work — Taralye was granted an additional \$140 000 over the next three years for operating costs and some \$50 000 as a contribution towards its maintenance foundation, which is a recent initiative of the organisation.

I indicated earlier that the great strength of the budget is that it has been able to set new benchmarks in social

policy and balance the needs to create a continuing favourable investment climate. The budget has done this essentially through a healthy forward program of capital works, which probably ranks as the best in Australia, and the introduction of substantial tax reform both in the form of land tax reforms and WorkCover premium reductions.

Whilst we have ongoing debates about different taxes — land tax in particular — WorkCover premiums are undoubtedly the best barometer of the business environment in Victoria. Not all businesses pay payroll tax, even less businesses pay land tax, but all businesses in this state pay WorkCover premiums. Back in 2000 the government reinstated common-law rights, something our predecessors had very unwisely and unfairly removed from the workers compensation system. We did that and we set premium levels and instituted very strong management of the WorkCover scheme, to the point where this year we will see the second consecutive 10 per cent reduction in premiums. That will deliver us an average premium of 1.8 per cent, which I think is the second lowest in Australia. Dollar for dollar, system compared to system, no doubt that is the lowest real premium price in Australia. It goes without saying that hopefully the solid management of the WorkCover Authority will provide the opportunity of further premium reductions in the state.

I note that the WorkCover scheme is fully funded. This is a terrific achievement and something I have spoken about in this house previously. Much as we were given predictions by the opposition back in 2000 that the government's changes would not be sustainable — that they would lead to premium increases and would make the WorkCover scheme unworkable — five years later we are enjoying the best conditions that WorkCover has ever experienced, and indeed we have the best premium structure in the country. All of this has been achieved with debt at sustainable levels. In fact, we are probably the envy — —

Mr Smith interjected.

Mr ROBINSON — I have just been advised by the member for Bass to keep talking. That is probably something he is an expert on. I will not talk in the same vein as he does.

An honourable member — You pinkie unionist!

Mr ROBINSON — You pinkie — yes. I will keep talking. All of this has been achieved when Victoria leads the employment growth — —

Mr Mulder — Tell us about the Scoresby.

Mr ROBINSON — We certainly do not have enough time for that, much as I would like to tell the house about it because work has started. The member for Polwarth ought to come out and see the outstanding progress that has been made.

Ms Beattie — He would get lost.

Mr ROBINSON — The member for Polwarth would get lost. The big headers are on their way out, the tunnel drilling will start shortly — —

An honourable member — Are you talking about the cabinet?

Mr ROBINSON — I do not know what happens in the shadow cabinet; I will leave that to other people's imagination. We are getting on with employment growth and we have the strongest rate in Australia. We are doing very well relative to New South Wales, and that is something that all Victorians, and indeed residents in the Mitcham electorate, will take great joy in. This is a very good budget.

Mr Langdon interjected.

Mr ROBINSON — I take up the comments of the member for Ivanhoe. The work that will go on at Maroondah Hospital and the rebuilding of the Central East community care unit at Box Hill Hospital are part of an outstanding program of hospital refurbishment. Much as the government suffers the barbs, slings and arrows from members of the other side who claim that ours is a do-nothing government, all they have to do is pick up a copy of any health report and look at the enormous and unprecedented investment in refurbishing, extending and expanding health facilities. It is without parallel, and that is something that Victorians far and wide are benefiting from. The benefits from the outlays for the mental health extensions at Maroondah Hospital will be felt readily in the Mitcham electorate and generally in the eastern suburbs.

There are challenges ahead. One I know you, Acting Speaker, would be familiar with is the significant possibility that we are going to go through another drought. That will produce all sorts of problems. It is not something we can shy away from. It is a serious issue and one that the government will be able to address substantially. I support the budget.

Mr SMITH (Bass) — It is nice to be here to speak on the budget. Having sat through a number of speakers from the Labor Party last night, I can say that I have

never heard such a pack of nitwits in my life, who would believe everything that is being put to them by Treasurer Brumby and Premier Bracks. To the people who stood up and said they were proud to be Labor Party people, I can tell them that I am proud to be a Liberal. I am proud that I was part of the Kennett government — I am proud that we got in. We had to sort out the mess that had been left by Cain and Kirner. That lot of nitwits on the other side try to abuse and accuse us of not running a good, tight government ship.

Labor members should look back at the real history of it. They are like the Japanese who are trying to change their history about the atrocities that occurred during the wars. They should think a little about it. Apart from giving members opposite a bit of abuse, I also want to talk about the financial disaster that has been put out, called a budget, and what it is doing for the people of Bass. They are my constituents and the people I am most concerned about, the ones who have been ignored by this government over a period of time now.

Yes, we have been given some money; I am prepared to admit that this government has put in a little bit of money for the Koo Wee Rup Secondary College and a bit for the Pakenham Secondary College, and that is great. That will continue the expansion that those schools have undertaken over the last few years, including under the Kennett years. But what about Inverloch, San Remo and Nar Nar Goon primary schools? Nothing! There is absolutely nothing in the budget for them. They have all had master plans drawn up for years and years which have been allowed to deteriorate. There is no money for an extra primary school in the Pakenham area. The two primary schools there now are overcrowded. Schools that should have about 600 kids have 800 or 900 packed into the one school, yet we have three sites there that could quite easily take primary schools. This government is not giving any consideration whatsoever to putting those schools in.

We have money for the Bass Highway. I see the Minister for Transport has come in and I say, 'Thank you for that'. It is about time, but you stopped a bit soon. You stopped before you got to Anderson. That is a work that should be getting done.

The ACTING SPEAKER (Mr Delahunty) — Order! The member for Bass will address his comments through the Chair.

Mr SMITH — But I was just congratulating the minister for what he gave us. Then I was giving him a bit of a mouthful for what he has not given us. That is the thing that concerns me, Acting Speaker, that we are

supposed to be getting money into our areas. We are supposed to be working to get things done. Things are happening, but it is not enough. The money for the Bass Highway is fine, but the government should be completing it. It is one of the major highways which takes tourists down to Phillip Island, to the penguins, to the motorcycle track and to all of those things. It should be happening, and happening now. Money should be set aside for that highway to be double divided. In fact where the new highway, or the stage 5, is going to be put in place it actually splits a double-divided highway into two single lanes making it the most dangerous piece of road on the Bass Highway. I call it the 'Bass Straight' because it is just one very straight piece of road where people think they can pass but they cannot because there are a few hollows in the road and it is extremely dangerous.

There is no money for the upgrade of the Phillip Island tourist road or the Bass Highway to Wonthaggi from the Anderson intersection, but there should be. There is no money for the Pakenham-Koo Wee Rup road upgrade which should be a double divided highway connecting the South Gippsland Highway to the new Pakenham bypass. Of course for the completion of the Berwick-Clyde Road to Five Ways no money has been set aside, but there is \$7.1 million set aside for Seal Rocks. My God, how much more is that going to cost the people of Victoria?

Seal Rocks is an embarrassment, a monument to this government's stupidity and the former member for that area, Susan Davies. It has already cost \$70 million or \$80 million in compensation to the previous owner, and the government is talking about another \$7.1 million to restore this facility to how the previous developer had it. He wished to extend it to bring more tourists there to complement the penguins and other great tourist facilities. But what has this government done? It ignored it. It let it sit there for four years, and the scaffolding that is holding up the roof is starting to rust. It is ridiculous for them to be doing these things.

I can only say to the people on the other side of the house that this is not a good budget. This is all smoke and mirrors. We heard Robert Clark talking about land tax and saying what the Treasurer said about land tax was just wrong. It was misleading the people of Victoria, misleading those who are paying land tax. We know that land tax will in fact increase next year, yet if you believed the government and what John Brumby said in this house you would think it was the greatest thing that has happened since sliced bread.

The ACTING SPEAKER (Mr Delahunty) — Order! The member should be referring to the member for Box Hill and the Treasurer.

Mr SMITH — Treasurer John Brumby — I just remembered as you were breaking in on my speech, Acting Speaker.

I do worry about it. It should not happen. We should be spreading money out to all areas and not wasting it here in this state. We have money for rail services that the government is planning to introduce. I am pleased the Minister for Transport is in the house because during the 1999 and 2002 elections this government promised that it would reintroduce the line to Leongatha. I can remember during the election campaign in 2002 Susan Davies, who was at the opening of everything, standing at the top of a ladder with a paintbrush in her hand at the Nyora railway station with a great little local volunteer, saying, 'I am painting this railway station for when the trains come through'. But absolutely nothing has been done as far as the railway is concerned.

I was always one who stood up and said it was not viable to bring it back because it would not get the use, and in fact the government's own Department of Infrastructure said in its report that the service was not viable and that it would carry only about 75 per cent of the people who were using it when the train was taken off because of lack of patronage and it was not going to work. But I had the guts to stand up and say that.

Mr Savage interjected.

The ACTING SPEAKER (Mr Delahunty) — Order! The Independent member for Mildura!

Mr SMITH — Just hang on! The local member did not get the train to Mildura, so he should not start talking to me about trains. We know where he is coming from. The member sold his soul to this government!

What about our accident and emergency department at Wonthaggi hospital! The Kennett government funded the building of a magnificent accident and emergency department there. It was opened by the Deputy Premier, who was then the Minister for Health. He did not even have the decency to acknowledge that I was there at the opening. It is a disgrace that he never acknowledged it! I got the Kennett government to put the money in for that. The previous Minister for Health — we know the budgie from the other side — just did not have the courage to do it. There is no extra funding this year to get doctors into that hospital. We have a regional

hospital that does not have the funding to open its accident and emergency department.

No additional funding has been aside for Warley Hospital. That is wrong, because Warley Hospital is a very important and integral part of our health system down there in the Bass Coast area. They have taken away the operating theatre from Koo Wee Rup hospital. They used to do 2500 operations a year there. There is no funding for it, but the government has gone and put money into the Rochester hospital. I can tell government members that we are coming to get them over Koo Wee Rup — we are going to come and get them.

Mr Wells — Every pinko!

Mr SMITH — Every pinko on the other side will suffer from what we are going to do to them over Koo Wee Rup, because it is a disgrace. There is no additional funding for mental health facilities in the Bass Coast shire. We need help down there, and I can tell members, the sooner we get it the better.

There will be no ambulance station going into Grantville. If ever there was a need for an ambulance station in an area, it is in Grantville because of its growing population, the major highway and the fact that there is no proper ambulance service in the surrounding area. But nothing has been set aside for an ambulance station in Grantville. It is wrong that this should happen, because it could service both the Bass Coast area and the Cardinia shire.

There is no real help for business in the recent budget. I mentioned tax relief before; it is just wrong. The shadow Treasurer gave a magnificent run-down on land tax and how little this government is in fact doing after it was pushed into it. But, of course, the government found it quite good to be able to grab money out of the gaming area. For years it has been ripping out funds from gaming. We just saw the Treasurer put on another levy — he doubled the levy on poker machines. What he has done is wrong. There was no warning. It will come off the bottom line of the companies running them. It is money out of the pockets of shareholders. What has happened there is not right. He is already getting in excess of \$1000 billion out of poker machines, but, not satisfied with that, he had to dip his snout into the trough again and take another \$45 million. You wonder what he is going to do with that money. You might think he could do something positive with that, like putting \$45 million into programs assisting problem gamblers. But no, there is not a razoo; there is not a cent for problem gamblers — nothing! It is wrong that he is doing that.

Did he give anything back to the pensioners as a rebate on their car registrations? No, there was nothing for any pensioners. There is no help for the \$80 a year it is costing them. That is wrong, and it is a disaster for people who do not have the money to pay it.

There is no money for the multipurpose taxi program. That was an absolute disaster for the people who need that program. I wrote to the minister at one stage and asked him if he would allow one of my older constituents to get vouchers for the taxi program. I got a letter back. In it he was very apologetic but said the department had decided it would not do that even though a doctor on three separate occasions said in writing that this man could not walk. The minister even suggested that he could catch public transport! The minister had better come down to Wonthaggi and have a look because there is not much public transport down there! He was an old guy who was not able to use public transport, and I must report to the minister that he died about a week ago as a result of his problems. That is a terrible shame, because the minister could have made his life a bit happier. But no, this government is setting out to make everybody's life miserable, and it is making the most of it. The worst part is we have people on the other side of the chamber who believe the lies that have been peddled to them for so long.

There is no money for gas in the Bass Coast area — there is none for Lang Lang and none for Koo Wee Rup. We hear the Treasurer running around the state of Victoria talking about how much gas he has put on. It was taken right up the middle of the electorate but nothing was left for people to offset the cost of liquefied petroleum gas, which is about \$80 a bottle. Hang on, what about doing something for the people down in my area? What about giving them some help? What the government has done to date is not right. It has misled the people of Victoria in what it has said about this budget.

I can only say that we have to get things back to order. We have to get a decent public transport system and safe roads down in my area. We have to get proper hospital services and ambulance services into my area. I want rebuilt the schools that should have been rebuilt when this government came into power. What has it done? There are no promises; there is no nothing in this budget for the people in the Bass Coast electorate. It is disgusting that this government can stand up and peddle the lies it has been peddling in this chamber and outside to the poor, unsuspecting people of Victoria. The truth is going to come out, and that lot is going to be thrown out of government. The sooner it is thrown out and we can get a decent Treasurer, the sooner we can start to

sort out the finances of this state, just as we had to do when the Kennett government came to power. We sorted out this state. We repaid its debts. We left the Labor Party a couple of billion dollars sitting there when it came into government. But all that lot does is stand up here and try to blame Kennett. I am proud to be a Kennett man, and I am proud to be a Doyle man! We are going to sort out this state after the next election!

Debate adjourned on motion of Ms McTAGGART (Evelyn).

Debate adjourned until later this day.

TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 5 May; motion of Mr BATCHELOR (Minister for Transport).

Mr MULDER (Polwarth) — The Transport Legislation (Further Amendment) Bill comes in two parts. It deals with two significant issues.

Mr Batchelor — The first part and the second part!

Mr MULDER — It comes in two parts — the first part and the second part, as the minister has just informed me! It attempts to sort out two monumental disasters created by the Minister for Transport, and it is good to see that he is in the chamber to listen to my contribution on this matter.

The first issue deals with authorised officers — or indeed, as it was found to be the case in the courts, unauthorised officers. In the case of *Arachichi v. Clark*, decided in the Melbourne Magistrates Court on 14 February 2005, it was found that the Minister for Transport had not properly authorised the authorised officers under his control. In actual fact the authorisation was passed on to the officers via title and not by person. Normally the minister responsible for such a mess-up would take it on the chin and come out and say, ‘Yes, it was a failure of mine. Yes, I did get it wrong. Yes, I have put at risk millions of dollars in terms of infringement notice moneys, and yes, I am going to accept full responsibility for it’.

But what did the Minister for Transport do? He got his department to go back over the legislation to try to find what it believed to be other technicalities that may be challenged in court. He has tried to indicate to the Parliament and to the public that this is not his problem

but that this problem was in actual fact created some time ago — the minister is indicating that problems could have existed back to 1983. What this bill does is attempt to muddy the water, apportion blame on others and give the minister a clean slate on the issue when in actual fact it is completely and totally his doing.

An article in the *Age* of 16 February refers to Trevor Dobbyn, secretary of the Rail, Tram and Bus Union, saying:

... the government had assured him the inspectors were properly appointed and had official powers.

If that is the case, what are we doing with this bill before us today? Quite clearly that is not the case and the union was misled, along with the public.

Mr Dobbyn went on to say:

Our members were very concerned with the report that they did not have the power to do their jobs. They were considering calling a stop-work meeting on the issue of whether they should continue to report offences or issue penalty notices.

The minister has been prepared to mislead the union in this matter, and that is the reason we have this particular legislation in Parliament today. It relates also to the pressure that is put on authorised officers. I find in the *Herald Sun* today a proposal by the Minister for Transport to legislate or regulate common decency. If this is not social engineering at its worst I do not know what is. What the minister is proposing is to have his authorised officers in a position where they are going to make a judgment call on the health and wellbeing of someone who is sitting in a seat on public transport, look at a person and say, ‘I think you are healthy enough to get up off your seat and give it to a pregnant woman, to an elderly person or to someone with a disability’.

I am not sure what the minister intends to do in terms of training authorised officers. Are they going to have some GP training? Are they going to have stethoscopes? Are there lie detectors on public transport? How on earth is an authorised officer going to be able to make a determination as to whether someone is healthy enough to give up a seat for somebody else. It is impossible, it will not work. The proposal has been highly criticised throughout the media today and that will continue to be the case.

I do say that authorised officers have in their own right a very difficult job to do, and no-one would deny that. They are always at a point of conflict when they are doing their work and issuing infringement notices, but to have them thrown into a situation of having to make this type of a judgment call on a busy train or tram is

absolute lunacy. If the minister wants to go down this pathway — and I would completely support issues in relation to promoting courtesy and basic decency on the public transport system — the role should be where it has been for many years, and that is through the education system and in the home. I simply cannot understand how you would expect fining someone \$500 for failing to stand up for an older person or for a pregnant lady to be enforced. Where are the authorised officers going to come from in the first place to carry out this work? We know that there are not enough of them on the system at this point in time.

The other issue is that if you did go down that pathway and decided to issue infringement notices for someone that an authorised officer believed was healthy and well enough to stand up and give up a seat, you can imagine what would happen in court. That particular person would turn up with a doctor's certificate to say, 'I had a back strain or a sore back on that particular day, and I was not healthy and well'. There is your defence and the whole system has fallen in a heap. I would suggest to the minister if he wants to go down this pathway, that he should talk to the Minister for Education and Training to take this matter to the schools.

He could also go to Connex, Yarra Trams and the bus companies. Yarra Trams in particular has a host of commercial advertising on its trams. He should ask it to promote further the issue of courtesy and basic decency on the network, because I am sure that what will improve the current situation is going to be strong debate and community awareness. The issue of fining people is absolutely outrageous, and I cannot believe it has been put into the public arena, nor can the Public Transport Users Association. Another issue on the matter of authorised officers and the pressure they operate under is whether they are faced with stupid regulations and idiotic situations. Of course they are going to come under additional pressure and it is going to be harder to recruit them and even more difficult to hold them in their roles.

I also point to the issue of Clarendon Street and the current hook-turn trial that is going on there. That is another great initiative of the Minister for Transport who is also responsible for the fast train fiasco in the state of Victoria — and I will get to that later. The minister is looking at spending something of the order of \$120 000 on that trial. Again, speed seems to have taken over because this \$120 000 in Clarendon Street is going to slash an almighty 25 seconds off a tram trip. Twenty-five seconds for \$120 000 is not quite as bad as the \$750 million for the fast trains to save between 2½ and 4½ minutes, but it is just as stupid.

No consideration was given to, and there was no consultation with, the traders along Clarendon Street whose businesses have been knocked about significantly. I have been over there and had discussions with them. Again, these are the types of issues that authorised officers are faced with — public outrage and dissatisfaction over decisions that are made by the Minister for Transport. The two that we have raised here have occurred in recent times. The Clarendon Street trial and the minister's attempt to legislate common decency are just absolutely outrageous situations.

I will go to the second part of the legislation, which deals with the regime for would-be rail operators who wish to gain access to the lines now leased by Pacific National. Once again I point out that this is an attempt to clean up another mess the Minister for Transport has created. He oversaw and approved the transfer of the lease arrangements from Freight Australia to Pacific National. It was interesting during that process to see how the minister and the Treasurer also claimed that the change in the lease from Freight Australia to Pacific National would deal with all the problems of the past in relation to rail access, including infrastructure owners wishing to access the line to carry out works such as underground cattle transfers or power and gas works. Of course after the transfer had taken place, the first people through my door were farmers who were looking to put in cattle underpasses to transfer cattle from one property to another and who had run into all sorts of problems under this new lease arrangement. Quite clearly the matters that the minister claimed had been addressed simply had not been addressed.

If the matter of access for potential rail operators had been addressed when the lease was transferred from Freight Australia to Pacific National, we would not have a bill in front of us today which attempts to provide an access regime. In terms of commercial negotiations I do not think I have seen a worse attempt to deal with the situation. I believe that what we have in front of us will more than anything else frustrate the process. In saying so I acknowledge that this bill does not do away with the right of a potential access seeker to go directly to Pacific National and negotiate access to the line on commercial terms. I would suggest that that is the most likely outcome, rather than the process that the bill outlines.

There is some interesting history in relation to this. The V/Line freight business was privatised in 1999, when the lease was taken up by Rail America, which operated under the name of Freight Australia. Rail America paid \$163 million for the business and assumed \$27 million in liabilities. At the time the business had a book value

of somewhere of the order of \$47 million. Some might say Rail America paid too much for it. In fact it bought that asset based on the potential it could see here in Victoria under a Kennett government to grow its business and turn the operation around. It is interesting to look at some of the comments made about Freight Australia's operation. The *Australian* of 23 June 2002 reported that:

Freight Australia ... turned around a government-run operation with revenue of \$100 million ... to revenue of \$206 million ...

The *Age* of 10 July 2004 reported that:

Freight Australia has improved the operating and financial performance of the network and invested \$140 million in maintaining it — every dollar of cash generated has gone back into the business.

That is an incredible contribution by the company. Then the government changed, and the attitude of the new government was that it did not want an American company owning and operating a rail business in Victoria. The Minister for Transport then set about, at every opportunity, attempting to frustrate the operations of Freight Australia.

Initially the arrangement between the government and Freight Australia was frustrated by the fact that when other access seekers turned up and wanted access to the line, Freight Australia wanted to use its sunk capital as a base for working out what the cost for them was going to be. The minister himself was working behind the scenes in an attempt to devalue that business and to try and prove that the sunk capital was indeed sunk and should not have been used as a formula to determine what access fees and charges would be.

As I said, the relationship started to turn sour when the Labor government, along with the Minister for Transport, came to power. A number of issues caused that souring. One was an incident at Corio, when a bridge which was being constructed by VicRoads collapsed and fell onto the track. WorkSafe Victoria, as it would, turned up to that particular incident and carried out a thorough investigation. However, the line was closed while this investigation was taking place and while the collapsed structure was on the rails. What did the Minister for Transport instruct his department to do? He instructed it to take action against Freight Australia for having the line closed. This is the type of poisoned relationship the Minister for Transport created between an American investor, the minister's department and himself.

From that point on things continued to deteriorate. The reaction from Freight Australia was to protect itself

from any further litigation. It put in place processes that ensured that anybody who wanted access to the line, whether they be an infrastructure provider or an individual farmer who wanted to put in a cattle underpass, was faced with a massive public liability insurance cover. Subsequently access stopped. You have to go back to the original cause of it — and he is sitting on the other side of the house. The Minister for Transport absolutely and totally poisoned the relationship.

When Freight Australia then realised it could not have a working arrangement with the Victorian government, it set about trying to sell the business. That being the case you would think it would have received all the cooperation under the sun from the minister and from his department to maximise its departure and to make sure it got a return on its investment and could walk away without having anything negative to say about the state of Victoria. In fact behind the scenes the minister directed that an offer of \$2 be made to Freight Australia for the remaining lease. In other words, he was attempting to seize the asset.

So outraged was Rail America about the behaviour of the Minister for Transport that this matter was raised in the American Congress, where Victoria was pointed to as being a state where there was a problem in relation to sovereign risk. This was, purely and simply, because of the actions of the Minister for Transport. This is where we are today, with the minister having claimed, as I said before, that all issues in relation to access under the new company, Pacific National, had been dealt with. As a result, we have this bill in front of us today.

What does the bill attempt to do? It attempts to set in place a separate entity that operates at arm's length from Pacific National, which will deal with all of the access matters and the access applications. Ring fencing is what it is talking about. Pacific National is to have a separate little entity with a ring around it, whereby no information will pass backwards and forwards between the parent company and this entity. The entity will handle everything in a confidential manner and will set up all the fees, costs and charges for the various services it will offer, which will then be put to the Essential Services Commission which will accept them or reject them. Anybody who wishes to then gain access to the line will go through this process of negotiation with the Essential Services Commission, and indeed with Pacific National.

There are some unanswered matters that I would have thought should have been dealt with, particularly with the transfer of business. One of those is, will these access charges set up by this new entity be on a

line-by-line basis, or will they be spread across the entire network? If it is on a line-by-line basis, particularly with some of the rural lines that still require work to be undertaken, it could prove to be very expensive — in fact out of the reach of a potential access seeker. As we know, the government pays significant moneys over to the passenger rail network to ensure it is safe and suitable for passengers, and of course the freight that moves across that network also benefits from that. If the charges were broad-based across the line, then some of the country lines could indeed be cheaper.

Also under this arrangement and under the prohibitions of this bill Pacific National is not allowed to use any of the sunk capital as a means of determining what the access charges are going to be. That was always a contentious issue with the government of the day and with Freight Australia. So let us say we put that aside and we have this new entity sitting here. At the briefing I asked the question, and I think everyone's eyes glazed over when I raised the matter: is this new entity allowed to make money, and if so, how much? No-one knows. It is a private concern; it is a separate entity. Is it allowed to make a profit?

Another issue that I still think is of real concern is that between 1998 and 2005 there was only one application for access. We are setting this entire regime up when in the past there has only been one genuine application for access. What happens if the Essential Services Commission gains and retains all the expertise it needs to deal with this matter when in actual fact only one or perhaps a couple of people apply? As I said before, when I look at the complexity of the legislation and the costs of going to the Essential Services Commission to negotiate, I think what will happen is that most of the negotiations will be by commercial negotiation between the two parties without their going near the Essential Services Commission. It still gets back to the fact that there has only been one application over that period. The Essential Services Commission is going to have to take on board some form of expertise so that it will be able to adjudicate.

Pacific National will have to sit there with the new entity, and it will have to be manned. Its operations will have to be completely and totally separate from its current business, and it is going to come at a cost. As I said, will it be based on cost recovery or can it make a profit, and how do you determine what is a fair and reasonable profit in that case?

Also I note the Australasian Railway Association's August 2004 submission to the Productivity Commission, which said that a vertical separation

model, as proposed for Pacific National, may not be sustainable where volumes are low because of the added costs imposed by the creation of a disconnection between above and below-rail investments and operations. That is exactly the issue I have raised, that when you are dealing with small volumes it seems to me to be almost an approach of taking a sledgehammer to crack an acorn. This matter could have been dealt with in a much simpler manner than what the Minister for Transport has attempted. It is highly complex and it is highly unlikely that anyone will go near it. That is my opinion after looking at it.

Another issue of concern is in relation to access. As we understand it Pacific National will have to provide the access entity with the available capacity on the line. There is nothing that says that Pacific National has to give up any of its existing lines or any of its existing capacity. Given that the most likely entity seeking access is going to be the Australian Wheat Board, let us face it, it runs a business that will operate over a very short period in terms of the grain harvest. It is going to spike, and it will drop away just as quickly. I am sure the intention is that when the grain harvest comes on board, all the lines will be opened up and it will have free movement across the lines. That is not what the bill says. The bill talks about spare capacity, so I wonder how these types of negotiations are going to take place and what the bill does in terms of access for bodies such as the Australian Wheat Board.

I have covered the issues that relate to the fees and charges. I have also looked at issues about the availability on the network. Another issue I would like to cover is the ability for access seekers to run trains on lines such as Ararat–Maryborough and Toolamba–Echuca, on which Pacific National has suspended services. What is going to happen there? What is the arrangement? Once again this does not seem to be covered in terms of lines that are going to be closed down. If Pacific National decides for commercial reasons that it cannot run a service on a line, is it expected to maintain it, to keep it open on the off-chance that an access seeker may knock on the door? If that is the case, is it then going to be forced to open the lines? I do not know. Perhaps the minister in his summing up could touch on that matter, because it is once again one of those very grey areas that does not seem to be covered in the bill.

I understand that the department has searched widely in terms of trying to come up with a model for access, and a lot of this has come out of the Queensland government's model for access. Of course up there a number of entities use those particular lines. In Victoria it is a very low-volume situation and we are setting up what seems to be a very expensive bureaucracy, at a

massive added cost to Pacific National's business, to provide something that may not even be sought by other entities. As I said earlier in my contribution, I think these people will go directly to Pacific National and deal with them rather than attempt to prepare submissions. Some of the industry people we have been talking to say that the preparation of a case and then going through the Essential Services Commission process could run into hundreds of thousands of dollars if they get caught in long, drawn-out negotiations on the matter. I understand the Essential Services Commission will be able to make an order if indeed it is not happy with what is put to them by the access provider — the ring-fence entity.

The bill says a lot, but there is an awful lot it does not say, and there are an awful lot of doubts still about different provisions in this bill and how they will work. It seems to me that a lot of negotiation will take place. I would have thought that the provisions in this legislation would ensure that the legislation is what drives the process and not the negotiations that are going to take place outdoors, but that certainly seems to be the case.

The opposition is not opposed to the bill before the house. I have raised several concerns in relation to the first part of the bill concerning authorised officers — in fact the minister has cleaned up one of his mistakes again. This is an attempt to clean up a further mistake that the minister has made, but I believe the provisions in relation to access have made a greater mess than existed prior to this bill coming into the house. I wish the bill a speedy passage.

Mr WALSH (Swan Hill) — Acting Speaker, I move the following reasoned amendment:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the government consults with all major stakeholders and industry groups about the merits of the establishment of an independent panel to arbitrate on access regime disputes, as an alternative to adjudication by the Essential Services Commission, as proposed by the bill'.

I will come back to the reasoned amendment later. The Transport Legislation (Further Amendment) Bill, we believe, is here as a direct result of a missed opportunity by the Bracks government. When Freight Australia's business was sold by Rail America to Pacific National there was an opportunity for this government to purchase the lease of the track and put it back into government ownership. Then we would not have had this issue of one company having 'above track' and 'below track' businesses combined. Pacific National is effectively a joint venture company owned by Patrick

and Toll, both of which are major freight operators, freight accumulators and rail transport operators in other parts of Australia and also quite significant operators of ports around Australia, particularly the port of Melbourne.

We believe there was an excellent opportunity for the Bracks government to take back the lease of the track to put in place a way of getting true competition into the system. As we know, there has been a lot written in recent times about the fact that the freight tonnage that is moved in Australia will double over the next 20 years, and that is a significant amount of freight that is going to be shifted in the future. The Nationals believe it is absolutely vital that we have an efficient rail system in this state that can compete with the road system. There are some real synergies for the government to get the rail system working well and get trucks off the road wherever possible. We see huge wear and tear, particularly on our local and regional roads where freight that was once shifted by rail is now being shifted by road, with that cost not being distributed to where it should be.

The purpose of the Transport Legislation (Further Amendment) Bill is to reform the rail access regime contained in the Rail Corporation Act 1996. The reforms aim to implement a third-party access regime that is effective and efficient and allows third-party operators access to the track. The bill directs access providers, in this case Pacific National, to provide the Essential Services Commission with an access arrangement which sets out standard terms and conditions of access, including price. The ESC will either accept this arrangement or provide its own access arrangements. The access provider will be required to ring-fence the part of its business that deals with access requirements — that is, below rail — from its above-rail operations, and the ESC will continue to arbitrate and decide access disputes.

Our consultations with industry indicate it does not believe this bill will achieve those outcomes, and The Nationals agree. As I said, we supported the government taking back the lease of the track and making sure that we put in place a true, user-friendly, open-access regime. I would like to quote from one of the responses received when we consulted on this bill. Part of the response states:

In essence the proposal is simply a giant bandaid on what is rapidly becoming a very unhealthy wound. It may prove fatal!

It has become so complex that it goes beyond the comprehension of the 'ordinary man'. This always signals danger. It means that only lawyers can sort it out or understand it!

... Victoria is no longer a place to do rail business. Companies don't like the look of this and are taking decisions to go interstate. It will push up the cost of doing business, it is driving investment away and also will result in a number of current intermodal terminals shutting down.

That is an example of what industry has thought of this bill as we have consulted on it around the state. When Pacific National was bidding for the Freight Australia business we had the freight accumulators and the intermodal operators from all around Victoria coming to us with their concerns that they would be shut out and be put out of business in the future. We had freight accumulators from north-west Victoria, in Mildura and Swan Hill, from Horsham, Warrnambool, a major operation at Tocumwal, and Gippsland. The Shepparton people did not come and talk to us because that is already owned by Patrick Corporation, so this is where this issue of ownership right through the chain is.

Those people particularly came in and were very concerned that when you end up with Pacific National owning what was the Freight Australia business, you have it controlling the ports and in some places controlling the accumulation of freight. In other places where most of these freight accumulators are, they operate on leased land from what was Freight Australia and is now Pacific National. They were very concerned that they would be effectively forced out of business in the future by having a monopoly owner of the whole freight chain, and I do not believe this bill does enough to protect those people in the future.

As the previous speaker said, we have seen the rail system run down over a significant number of years. It is not the fault of any one government, but the cumulative effect is that the rail system is run down and the track is not up to scratch. A concern always raised in my electorate is that we have had \$96 million sitting on the table since the 2001-02 budget to standardise and upgrade the Mildura rail track. It is proposed to convert the existing broad-gauge system to standard gauge.

If you look at a map of Victoria, you can see that there is a lot of work to be done out there, but a key line in the system is the line to Mildura. Considering the amount of freight coming out of Mildura now, particularly with some of the container operations, you realise there are significant line-speed and weight restrictions on that line because of its condition. A lot of that freight business is now going out of Victoria and moving South Australia's way instead of coming to Melbourne and going out through the port of Melbourne.

Several ideas have been floated by the people of Sunraysia. They would actually like to see a line built to the north of Mildura to join up with the Indian Pacific so they could access the port of Darwin and get away from the hassles of trying to get freight down the line to Melbourne or using trucks instead. If that sort of project gets going because we do not invest capital in the tracks in Victoria, Melbourne's port would be the loser again.

One of the other concerns that was raised with us as we consulted on this bill was the future of the Dynon freight terminal. One of the comments made was that Pacific National is hanging in to see if it can shore up Dynon as its terminal and frustrate any would-be competitors. As we know the Dynon terminal is the key to getting into the port of Melbourne. As part of this budget we have heard announcements about moving the Melbourne Markets and the plans to significantly increase the size of the port of Melbourne. If the access arrangements are going to be changed, we have to make sure that whoever wants to get into that port has the opportunity to come through the Dynon terminal. Otherwise anything else you do to the rail tracks around Victoria will effectively be irrelevant. That is the key to it.

The federal government has put some money into that, but it will be very wary, wanting to ensure that we have competition coming into the system. So that we can make sure we get some efficiencies into the system, and I will say it several times, we must get a rail system that can compete with road. Driving down from Swan Hill I never cease to be amazed by the number of grain trucks that are on the road. If we could get the rail system working better, we could get some of those trucks off the road and get rid of some of the cost of maintaining the roads out there.

One of the main users of rail in country Victoria is the grain industry, particular GrainCorp and the Australian Wheat Board, and in the future, ABB Grain. GrainCorp and AWB have set up joint venture logistics to make sure they can match shipments and get efficiencies into the system, because it is ultimately the growers who pay for all the transport and the logistics, because it comes off their costs. GrainCorp spent a number of years with Freight Australia trying to get access to that system, but it was constantly stopped by the moving of the goalposts in legal battles.

One of the challenges for the grains industry, and it includes the whole logistics issue, is the variability in the amount of grain to be shifted. We can move from drought to bountiful seasons very quickly — and we all hope that we move to a bountiful season soon because of the run of dry years we have had in northern

Victoria. It comes down to how many trains you have available in any given year. You could use the first two or three trains all year, given the amount of grain you have. As the amount of grain increases in a good year, you will need additional trains — but you may not need those trains in other years. The opportunity to take those trains to another part of Australia if they are not needed in Victoria would be a huge asset.

The GrainCorp and AWB joint-venture operates right along eastern Australia. As some members of the house would be aware, we have had quite significant rain in Queensland, so there is every chance we will get a winter crop up there. If AWB-GrainCorp could have access to this track and could own some trains, it could move them around Australia, or eastern Australia, to wherever the work was. The joint venture could get full usage from them and get real efficiency into the industry for the benefit of the grain producers of Australia.

As I said, the number of trucks we have on the road never ceases to amaze me. There has to be a way of getting rail back up and making it efficient. That could come about through two things. One is investment in below-track infrastructure, and the other is having an access regime whereby people could get in there and drive some competition into the system.

One of the things that fascinates us about the bill and how it will work is the issue of ring-fencing. That includes how Pacific National is going to ring-fence the above-ground track part of its business from the below-rail part of its business and the accounting methods to be used to justify to the ESC how that is done. At the end of the day I wonder whether how well you reflect the situation depends on how you apportion your capital and your costs and the costs to both Pacific National and the ESC in monitoring the whole thing. The other thing we will find challenging to scrutinise is the issue of deemed demand.

If we go to the minister's second-reading speech, it talks about the fact that:

Rules and guidelines are to be established by the Essential Services Commission to facilitate the new regime. These will include rules to mitigate hoarding of train paths by requiring that the access provider surrender unutilised and underutilised paths, and negotiation guidelines.

It will require a lot of work to make sure that process can work. Pacific National is a major company; it will have the best brains in the world making sure it can make the most money out of the purchase of Freight Australia. I do not believe that it purchased Freight Australia to make sure other people can run on its

tracks. It purchased Freight Australia to make money out of it and probably to make sure it can get into an effectively monopoly-freight situation. If it is the freight accumulator, the freight shipper and the port operator, it has the opportunity to take monopoly rent out of the whole system into the future.

I would like to spend a few minutes on our reasoned amendment. Not only is the ESC going to set up a model access regime effectively but if there is no agreement between the access seeker and the access provider, it will be the adjudicator. The Nationals have a concern with this. It is almost a gamekeeper-poacher situation where the person who makes the rules adjudicates on them. We do not think that is necessarily the best way into the future. We would like to see put in place an independent panel made up of people who have a very good understanding of the transport industry, how the rail system works, how access regimes should work to get true competition and to adjudicate on any disputes. If the ESC is doing all the work — if it decides what should happen after Pacific National decides what should happen and an access seeker decides what should happen — the ESC is effectively adjudicating on its own work. We do not think that is healthy for competition or the best way into the future. We would like to see the bill withdrawn until there is consultation with major stakeholders and industry groups about putting into place an independent panel to adjudicate on any access disputes and then have the bill brought back to the house so we can go forward.

One of the other issues I would like to raise is division 8 of the bill. New section 38ZZZD clarifies that enforcement proceedings will be civil proceedings and not criminal proceedings. Our concerns are that it would be a very costly process to take civil proceedings if an access seeker is thwarted in getting access. Under the current rules GrainCorp has spent a lot of money and got nowhere. If there is to be true competition, there need to be some small operators on the tracks. We want people who are operating Sprinter trains, for argument's sake, shifting small numbers of containers to the port every day. Those sorts of people are not going to have the resources necessary to start civil proceedings if they are denied access.

The other issue is in new section 38ZZZE(2) which provides for payments to the minister if things are not done as they should be. Imposing penalties on the access provider if it does not comply is one thing, but what about actually having damages for the access seeker if it is being locked out? It can take civil proceedings but that goes back to the issue of cost. If we want competition on the tracks, we need to have the

small freight operators. Why can we not have some of the freight forwarders like Wakefields Transport in Mildura and Lake Boga transport out of Swan Hill actually owning small Sprinter trains, accumulating the freight, putting it on the tracks and bringing it to Melbourne, instead of using our highways as much? Then we would not have the current cost of fixing up our roads.

The bill addresses the validity of authorisation of authorised officers who carry out investigations and enforcement activities for passenger rail, tram and bus companies. The previous speaker spoke at length on this. It is about making sure that the actions of those authorised officers carried out over a number of years are validated and arose out of a court case. It is very unfortunate that we have got to this situation but it is something that needed fixing and it will be fixed.

Sitting suspended 1.00 p.m. until 2.02 p.m.

Business interrupted pursuant to standing orders.

ABSENCE OF MINISTERS

The SPEAKER — Order! The Minister for Health is absent today. Questions for the Minister for Health will be taken by the Minister for Community Services. The Minister for Police and Emergency Services is also absent, and his questions will be taken by the Attorney-General.

QUESTIONS WITHOUT NOTICE

Employment: government performance

Ms ASHER (Brighton) — My question is to the Minister for Employment and Youth Affairs. I refer to the 1999 ALP employment policy, which states:

Labor will establish realistic targets to reduce adult and youth unemployment rates to a level consistently below the national average.

Given that Victoria's unemployment rate has been consistently above the national rate for 12 of the last 13 months, will the minister admit that she has failed to honour Labor's promise?

Ms ALLAN (Minister for Employment and Youth Affairs) — It is always a good opportunity to remind the house of the levels of unemployment when we came to office in 1999. We on this side of the house well remember the havoc that the opposition when in government wreaked, particularly on country Victoria, and the lack of jobs created during that period. This

government has worked very hard to generate jobs right across Victoria. We have seen the creation of over 60 000 jobs in country Victoria. We have seen continued job growth for the rest of the state. This is a record that we are proud of, and it comes from things like the record infrastructure investment. The recent state budget confirmed an additional \$3 billion in infrastructure investment that this government will be providing in the next financial year, and we know that infrastructure investment is a key driver for employment.

We also know that the participation rate for Victoria is higher than the national average. We have high participation rates. So we have seen the Bracks government create more jobs, create increased economic activity and increase our infrastructure spend to record levels. That has all been a key driver in generating more jobs in Victoria. But we are not just about generating more jobs. We are also about helping those people who are unemployed back into the labour market. This is in stark contrast to the opposition, which in 2002, if we are talking about election commitments — and for the information of the honourable member for Benambra we are talking about election commitments, which was in the question —

Mr Plowman — On a point of order, Speaker, I ask the minister to come back to government business.

The SPEAKER — Order! I uphold the point of order and ask the minister to return to relating her answer to Victorian government business.

Honourable members interjecting.

Ms ALLAN — We know there is only one job that the member for Brighton is interested in. But what we have introduced here in Victoria is the Jobs for Victoria program. This is a \$155 million package to help Victorians find employment. It continues our suite of employment programs, including the Community Jobs program, which has helped thousands of people throughout the state to get into the labour market. We have introduced a new program in this term, the Jobs for Young People program, which is aimed to help young people find employment in partnership with local government, so these are people finding employment in their own communities. This is in stark contrast to the pathetic \$1 million that the opposition committed to at the last election.

We are a government that will continue to provide employment support to those who cannot find a job. We will continue also to increase our efforts in growing the state, in driving economic development —

Mr Perton — On a point of order, Speaker, the question did not ask the minister what she does. The question asked why the government has failed to meet its pledge that the unemployment rate will be under the national average. The minister has not addressed that question at all. All she is doing is reciting her press releases. She needs to address herself to the question asked by the member for Brighton.

Honourable members interjecting.

The SPEAKER — Order! I remind members that when raising points of order they must raise them in the proper form. It is not appropriate to repeat the question or in fact attempt to debate the answer. I do not uphold the point of order. I ask the minister to continue.

Ms ALLAN — The opposition does not like to be reminded.

The SPEAKER — Order! Relating to Victorian government business!

Ms ALLAN — Certainly, Speaker. They do not like to be reminded that more jobs were created in the state of Victoria in the last year than in any other state in Australia. That is a record we are proud of. It is a record that we will continue to build on. We will continue to support people finding work, but the one thing you can do to help people find work is to create those jobs, and that is exactly what the Bracks government is doing.

Commonwealth Games: infrastructure

Ms GILLETT (Tarneit) — My question is to the Premier and I ask: with only 300 days before the 2006 Commonwealth Games, can the Premier inform the house about the latest progress on the provision of important infrastructure that will make the Commonwealth Games a great success for Victoria?

Mr BRACKS (Premier) — I thank the member for Tarneit for her question. Could I also thank the many members who were present at Room K in Parliament House to acknowledge and recognise that it is only 300 days before the Commonwealth Games starts here on 15 March 2006. Of course that is not a very long amount of time, and I thought it would be useful for this house, in response to the question raised with me, to indicate some of the progress that has been made in the preparations for the Commonwealth Games, particularly with some of the large venues and the stage of completion they are up to.

We are building new venues, upgrading and developing some of our existing world-class sporting infrastructure, and they are all on time and on budget. The

redevelopment of the northern stand of the Melbourne Cricket Ground (MCG) has met all the set milestones which we established when we first announced that project with the Melbourne Cricket Club. They will meet the next deadline as well for a 90 000-seat capacity for the AFL Grand Final, which was the next benchmark along the way to the preparation for the opening ceremony of the Commonwealth Games. This unique project has allowed for the continuation of a regular fixture for international cricket and Australian Football League football while the upgrade for the Commonwealth Games has been under way.

I should report to the house that the athletics track is already in place, hidden under the grass playing surface and ready to be unveiled for the games. That work was also done at the end of last year. A test run of uncovering the track, testing the surface and replacing the grass has been conducted with great success as well. The redeveloped MCG will be a magnificent spectacle when we see it in its full glory, unveiled and ready for the opening ceremony on 15 March in 2006.

The other big venue that is being upgraded is the Melbourne Sports and Aquatic Centre. Work continues on the 50-metre main outdoor competition pool and the grandstand. The pool is almost ready to be filled, and the spectacular permanent roof has the structural steel in place. When completed MSAC will be the largest integrated sports complex of its type in Australia, and I think we can all be proud of the expansion we are undertaking.

At Parkville the construction of the athletics village has advanced, with 9 houses completely finished, 59 houses at the lockup stage, 101 frames completed and 169 slabs poured. At this stage there are 38 confirmed house sales for people to move on when the games are over. The majority of roads have been sealed, earthworks have been completed for the athletics services area and the transport wall and the main dining tent are ready to go. The village will have a legacy of 100 social housing units and homes and a 100-bed aged care facility on site. That is a great legacy — a \$35 million social housing investment — to leave on that site.

I am sure many members have noticed that the Yarra precinct pedestrian link — the bridge at the end of Birrarung Marr into our sporting precinct — is taking shape, and it will be completed on time as well. The bridge links the MCG to Birrarung Marr and creates a smooth connection between the sporting precinct and the central business district proper. It is one of the many projects that will change the face of Melbourne and leave a lasting legacy.

I am very pleased that we now have recognition in Parliament of the countdown to the Commonwealth Games. There are 300 days to go, and each day we MPs or people visiting this house will be able to see how many days there are to go to the Commonwealth Games. The preparation is on schedule, and the venues are on schedule. We have an oversubscription of volunteers — more people have subscribed than we can cater for — and there will be a selection process for that. We are oversubscribed for the major, peak events; other events will be filled with further offers in the future. Everything is on schedule for what we believe is going to be the best Commonwealth Games ever.

Food: labelling

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the proposal by Food Standards Australia New Zealand to change current food labelling laws to remove the requirement for supermarkets to label unpackaged fish, fruit and vegetables with their country of origin, and I ask: does the Premier support the Victorian seafood and horticultural industries by opposing any changes to the existing country-of-origin labelling laws?

Mr BRACKS (Premier) — Speaker, I — —

An honourable member interjected.

Mr BRACKS — I was taking advice from the agriculture minister. The advice he has given me is that there is no proposal before the government and that we would want to keep the current regime in place, which has a full disclosure of those matters.

Ports: federal proposal

Mr MILDENHALL (Footscray) — My question is to the Minister for Transport. Given that the port of Melbourne is the leading container port in Australia, what are the implications for Victoria of the commonwealth government's taking responsibility for the port?

Mr BATCHELOR (Minister for Transport) — I thank the member for Footscray for his question. He is one member of this house who has a great deal of interest in what happens at the port and how we can make access to and from the port easier for the freight industry and for the people who live in the surrounding neighbourhoods.

The federal Minister for Transport and Regional Services has never expressed any concern to me about capacity constraints at the port of Melbourne. Interestingly he did not mention any concerns about or

criticisms of the port of Melbourne in his recent speech, his announcement or his press release. When the Bracks government was elected it recognised the importance of the port of Melbourne to the Victorian economy and indeed the Australian economy. We arranged for the Russell review of the port of Melbourne, and we have developed the port strategic framework. We are getting on with a series of infrastructure projects to ensure that the port of Melbourne continues its standing in the Victorian and national economies. We have been working cooperatively with the commonwealth in relation to the port and surrounding infrastructure, and it is our desire to continue this cooperative approach.

We have been working cooperatively, but Mr Anderson's announcement is the first we have heard of any policy by the federal government to take over the control of state ports. Quite frankly, it is disappointing for the Deputy Prime Minister to conduct a national dialogue first through the media. We have tried contacting his department today, and no-one in his department seems to know anything about it either. With no details to back it up, this sort of policy development by media is unhelpful and merely creates uncertainty for businesses and investors down at the port. The businesspeople there — the investors — want certainty. They want a strategic framework, they want cooperation and partnership, and that is what they get from the Bracks government.

In terms of private investment taking place at the port of Melbourne, Mr Anderson's announcement could not have come at a worse time. The port of Melbourne is an important piece of the national infrastructure. The port has recorded 13 consecutive years of total growth in trade, and it is currently increasing its trade by in excess of 8 per cent per annum. It has achieved an Australian record for the total number of containers handled in a year. In the most recent annual — —

Mr Plowman — On a point of order, Speaker, it would appear the minister is reading from a document. I wonder whether he would be prepared to table that document.

The SPEAKER — Order! Is the minister reading from a document or using notes?

Mr BATCHELOR — I am referring to my notes, Speaker.

The SPEAKER — Order! The minister is referring to his notes. There is no point of order.

Mr BATCHELOR — These are very impressive figures, and I want to get them right. In 2003–04 an

Australian record was created of 1.72 million TEU (20-foot equivalent units) — or containers. Currently the port of Melbourne is handling closer to 2 million TEU in a particular year. Non-containerised trade is also growing by 9.6 per cent. Motor vehicle trade is growing; it makes up 20 per cent of the port's total non-containerised cargo.

Honourable members interjecting.

The SPEAKER — Order! The level of interjections is too high.

Mr BATCHELOR — Motor vehicle trade has increased by 4.8 per cent. Overseas exports, the main contributor to motor vehicle trade, increased by nearly 13 per cent.

This pre-emptive proposal by the commonwealth minister is just an attempt to deflect attention from the commonwealth government's lack of national leadership in the infrastructure debate. We would welcome a genuine contribution from the commonwealth on port infrastructure. But before taking on new areas of responsibility the commonwealth would serve Australians better by fulfilling its current responsibilities. It can start that by giving Victoria its fair share of money — the money it deserves under the AusLink proposals. It is money that we are waiting to receive.

Together with the private sector we are investing in state infrastructure, we are creating jobs and we are making Victoria a better place to live and raise a family.

Mr Plowman — On a further point of order, Speaker, the minister has been speaking for some time now. I ask you to ask him to conclude his answer.

The SPEAKER — Order! The minister has been speaking for some time. I ask the minister if he has concluded his answer?

Mr BATCHELOR — No, Speaker.

The SPEAKER — Order! The minister has been speaking for a long time, so I ask him to conclude his answer now.

Mr BATCHELOR — I am happy to do that, Speaker. Our management of the port of Melbourne has been a great success. We want to continue that, particularly in cooperation with the federal government. If you need any further proof of that, just go to the business sections of today's *Age* where on the front page it details P & O's intermodal terminal out at Somerton. This is the sort of thing that we are

delivering — actual improvements in infrastructure, improvements to the port — whilst the commonwealth minister is talking about increasing regulation.

Police: mobile data network

Mr WELLS (Scoresby) — My question is to the Premier. I refer the Premier to the Victoria Police trialling of the new mobile data network that uses out-of-date technology and is \$70 million over budget. Does the Premier stand by his police minister's claims at the Public Accounts and Estimates Committee hearing that the proposed system will allow police access to photographic images in their cars and that this will be within the current contract price?

Mr BRACKS (Premier) — Yes.

Geelong bypass: funding

Mr CRUTCHFIELD (South Barwon) — My question is to the Treasurer. Can the Treasurer assure the house that the government is fully committed to building the Geelong bypass despite suggestions — —

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth will not interject while another member is asking a question.

Mr CRUTCHFIELD — I will start again, Speaker.

The SPEAKER — Order! I think we got the first part of it. The member can continue.

Mr CRUTCHFIELD — Can the Treasurer assure the house that the government is fully committed to building the Geelong bypass despite suggestions to the contrary from certain commentators?

Mr BRUMBY (Treasurer) — I thank the member for South Barwon for his question. At the outset, I want to congratulate all of the government members in the Geelong region for their extraordinary support for this great project. I am happy to say to the member for South Barwon that we have committed \$190 million to develop this great piece of infrastructure for the people of Geelong. As the honourable member asked in his question, I have heard suggestions from a member in this place that this project has not been funded. As extraordinary as that sounds, I have heard that suggestion!

In fact on Tuesday this member said in relation to the Geelong ring-road:

It does not rate a mention in the budget; it is not in the forward estimates.

And:

I challenge the Geelong members in this house and the upper house to put on the record where the money is for the Geelong ring-road.

Mr Wells interjected.

Mr BRUMBY — I am about to do it.

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby! I warn the member for Scoresby about the use of such language in the house.

Mr BRUMBY — Perhaps the honourable member needs a lesson on how to read budget papers, because the road is fully funded. If he looks at budget paper 3 from last year when we announced it, he will see on page 47:

Geelong western bypass — \$190 million.

And the amount in budget paper 3 on page 287 brings the total for the Geelong western bypass to \$190 million. So it is in the budget papers.

Here is last year's budget press release from the Office of the Treasurer, titled 'Delivering for provincial Victoria'. Under a subtitle of 'Investing in infrastructure in the regions' the first dot point is:

A \$186 million allocation to the Geelong bypass ...

Here is budget paper 1 from last year that was released in August. In the *Public Sector Asset Investment Program 2004–05* on page 52 it states:

Geelong bypass — New road/bypass (Geelong) \$190 million.

Honourable members interjecting.

Mr BRUMBY — On page 54 of budget paper 1 again, on joint commonwealth-linked projects:

Geelong bypass — Bypass/new road (Geelong) \$186 million.

Honourable members interjecting.

Mr Plowman — What did you say about Scoresby?

The SPEAKER — Order! I ask members, particularly the member for Benambra, to cease interjecting in that manner.

Mr BRUMBY — The honourable member concerned cannot read budget papers and he cannot

read a press release, but it appears he cannot read the newspapers either. Here in the *Geelong Advertiser* under the headline 'Ring road, health top the list' it says:

In the words of state Treasurer John Brumby, it was Geelong's turn in this year's budget.

It goes on:

Mr Brumby allocated \$185.9 million ...

Right? There it is — \$185.9 million. Here is the summary on page 7:

The promises:

Geelong's budget promises at a glance.

The first one is

Geelong bypass construction — \$185.9 million.

Speaker, who is this person here? Who is this member? It is the member for Polwarth!

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby!

Mr BRUMBY — So this is the member for Polwarth, who cannot read a budget paper, cannot read a press release and cannot read a newspaper. It is no wonder the opposition has a \$7 billion hole in its costing of its road construction projects.

Mr Perton — On a point of order, Speaker, the minister is debating the question. What the Parliament wants to know is: where is the road?

Honourable members interjecting.

The SPEAKER — Order! There is no opportunity for a supplementary question. I ask the Treasurer to return to answering the question, relating his comments to Victorian government business.

Mr BRUMBY — Speaker, you head west about 65 kilometres and you hit Geelong — it is called Geelong!

Honourable members interjecting.

The SPEAKER — Order! I ask the Treasurer to return to answering the question, and I ask members of the opposition to be quiet to allow him to do so.

Honourable members interjecting.

The SPEAKER — Order! That includes the members for Polwarth and for Doncaster.

Mr BRUMBY — It is in the budget papers, it is in all the press releases, it is in the newspapers, and the funding is allocated. We have all heard of the *X Files*, where there is that agent Fox Mulder, and he goes out exposing scandals within government. Well, now we have his nemesis — Goose Mulder! Goose Mulder cannot read a budget paper, cannot read a press release and cannot read the newspapers. This road is fully funded; it is a great initiative by the Bracks government. It was funded in last year's budget. We set the lead, we put the money aside, and we are looking to start work as soon as the federal government signs up with us on the AusLink agreement.

Timber industry: East Gippsland

Mr INGRAM (Gippsland East) — My question without notice is for the Minister for Agriculture. In response to its 22.4 per cent royalty increase, VicForests regional manager for East Gippsland said on East Gippsland radio this week:

VicForests are not into people-type policies.

I ask: as VicForests has not taken into consideration the impact on timber industry jobs, businesses and local communities, will the government intervene to guarantee that local communities and jobs are protected?

Mr CAMERON (Minister for Agriculture) — I thank the honourable member for Gippsland East for his question. I take it that his question relates essentially to Hallmark Oakes, a business based at Cann River, as well as other businesses in the East Gippsland area.

What VicForests is about is getting an appropriate commercial price for wood from our native forests. They are a valuable resource and that is an appropriate thing to do. In 2002, the government's Our Forests Our Future policy flagged that this was what we were going to do, that this was the path we would go down, but there was an opportunity, because of overcutting and the old arrangements which were then in place, for people to take packages, and certainly that was taken up. As for the business that remained, the VicForests arrangements were put into place.

Over the years people have seen enormous change in the milling industry. Thirty years ago there were nearly 300 mills in the VicForests area and today that number is down to under 40. There has been enormous change and no doubt there will continue to be enormous change. Part of the change we have to seek, particularly

so that we can be fair to people on private plantations, is a fair price, which is very much what this is about.

The honourable member for Gippsland East will appreciate that when it comes to East Gippsland, there is wood in the area, and when it comes to the pricing — —

Mr Doyle interjected.

Mr CAMERON — There is; there is wood there. What planet is this mob on? As for the Leader of the Opposition: I think we've lost contact!

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. I ask the Minister for Agriculture to answer the question.

Mr CAMERON — In East Gippsland there is a substantial amount of wood, and obviously the businesses that are in that area and close to the resource will be in a very strong position in the future to compete. Certainly the honourable member for Gippsland East will know that that is the view of Mr Humphries at Cann River. I met with Mr Humphries a couple of months ago, and the honourable member for Gippsland East was there, and that was exactly the position that he put. With the new VicForest arrangements we are going to see a competitive system, an industry that is going to advance itself and take itself forward, and that is precisely what is occurring.

Manufacturing: investment

Mr HOWARD (Ballarat East) — My question is to the Minister for Manufacturing and Export. Can the minister outline to the house recent evidence that demonstrates that Victoria is the place to do business?

Mr HAERMEYER (Minister for Manufacturing and Export) — I thank the member for Ballarat East for his question. Melbourne as Victoria's capital has repeatedly been awarded the title of the world's most livable city by the *Economist* magazine. That reflects our great lifestyle, good schools, good hospitals and a safe community. It also reflects the availability of good, rewarding, challenging and well-paid jobs. It is quite clear if you have a look at the statistics that Victoria is the place to do business. We have very low taxes compared to other states, and they are even lower following the tax cuts announced by the Treasurer in the budget just recently. We have great infrastructure, and that will improve even further with the record spending on infrastructure by this government. We also have a very strong focus on technology transfer,

innovation and continued workplace improvement. So Victoria is the place — —

Honourable members interjecting.

Mr HAERMEYER — Members opposite put their mouths into gear, but at the end of the day business is showing its confidence in Victoria. It is voting with its money, and it is voting with its jobs. Victoria is the heartland of Australia's manufacturing. We account for nearly 34 per cent of manufacturing activity in this country. Manufacturing is the heartbeat of our economy in Victoria. It is not, as some people have suggested, a relic of an outdated, rust-bucket past. Quite the contrary, manufacturing is the key to a shining, gold-plated, high-tech future.

Manufacturing contributes \$26.7 billion to the Victorian economy. It accounts for 60 per cent of business expenditure on research and development, and it continues to thrive under this government. Since October 1999 this government has facilitated more than \$6.4 billion in new investment in manufacturing, leading to some 15 000 new jobs directly created from that investment.

The latest Australian Bureau of Statistics figures show that Victoria continues to lead the way in manufacturing jobs growth. ABS data from August 1999 to February this year show that 339 400 people were employed in manufacturing, and that represents an increase of 10 700 more jobs, or 3.7 per cent. When we compare that to manufacturing in another advanced economy like the United States of America, it shows how well we are actually doing. In the United States over that same period, from August 1999 to February 2005, manufacturing employment fell by 18 per cent, from 17.3 million jobs to 14.2 million. Since 1999 our export of advanced manufactures has increased by over 25 per cent — —

Honourable members interjecting.

The SPEAKER — Order! The member for South-West Coast and the member for Doncaster!

Honourable members interjecting.

The SPEAKER — Order! I ask members of the opposition to stop interjecting in that way.

Mr HAERMEYER — We know how interested they are in manufacturing. I invite anybody to look up the web site of the Hyphen in the other house who is their spokesman on manufacturing.

The SPEAKER — Order! The minister will answer the question.

Mr HAERMEYER — Since 1999 our advanced manufactures have increased by 25 per cent. Export income on advanced manufactures in 2003–04 was \$7.3 billion. International business wants to invest in Victoria because we have a business-friendly environment.

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby! The minister has been speaking for some time now. I ask him to conclude his answer.

Mr HAERMEYER — That investment is evident across virtually all sectors of the Victorian economy. Just recently the Premier opened Toyota's technical centre in Clayton, a \$50 million investment and one of only five in the world — 120 jobs! Last night the Premier opened Holden's new headquarters at the Fishermans Bend precinct, which is part of a \$200 million redevelopment of that precinct. This morning at Toyota in Altona I participated in the launch of the second phase of its new press facility. That is again nearly a \$50 million investment — —

Mr Cooper — André, go on another overseas trip!

Mr HAERMEYER — You do not like the news, do you? You hate it!

The SPEAKER — Order! I have asked the minister to conclude, and I expect him to do so now.

Mr HAERMEYER — In concluding I point out that it is not just about large business but small businesses and regional businesses as well. I particularly want to highlight a company in the electorate of the member for Ballarat East, Ceramet Technologies, which is — —

Honourable members interjecting.

The SPEAKER — Order! I have asked the minister twice to conclude his answer — now.

Mr HAERMEYER — I am concluding. This company has invested \$13.5 million in 90 jobs in manufacturing light metal components. This is a story that is reflected across the industry in Victoria. I know that the opposition does not like it.

Hazardous waste: Nowingi

Ms ASHER (Brighton) — My question is to the Premier: I refer to the statement by the Minister for

Major Projects in the other place on ABC's *Stateline* program concerning the proposed toxic waste site at Nowingi, and I quote:

If one of these trucks overturns, you simply scoop it back onto the truck. You don't have to be worried about it running into your water system.

Does the Premier support the minister's emergency procedures of simply scooping toxic waste back onto a truck?

Mr BRACKS (Premier) — I thank the member for her question. The Minister for Major Projects was referring to the type of waste which would be carried to a long-term containment facility. As the member is probably aware, this is going through a rigorous environment effects statement for examination on that site, and the statement will examine all the aspects related to the long —

Honourable members interjecting.

The SPEAKER — Order! The member for Brighton has asked a question. I suggest that she listen to the answer.

Mr BRACKS — This statement will examine all aspects related to the long-term containment facility. The Minister for Major Projects was highlighting the solid nature of the waste involved. That is a matter which is on the record. It is also important to note that this is a very rigorous, independent exercise to examine the appropriateness of the Nowingi site and that is exactly what the environment effects statement will do and what is happening now as part of that statement.

Pests: European house borers

Ms DUNCAN (Macedon) — My question is to the Minister for Planning. Can the minister advise the house on the steps the government is taking to eliminate European house borers from the state of Victoria?

The SPEAKER — Order! It is a little difficult to understand from the question what that would have to do with the Minister for Planning.

Mr Brumby interjected.

The SPEAKER — Order! I was not asking for advice from the Treasurer. In answering his question I ask that the minister relate to those areas within his portfolio.

Mr HULLS (Minister for Planning) — I thank the honourable member for her question. I have recently received a brief on this matter from the Building

Commission, which is in my portfolio, alerting me to the emergence of European house borers particularly in Perth, Western Australia, earlier this year. They are a very serious problem and they require decisive action on the part of all state governments to stop the widespread infestation that we did experience in Victoria some years ago.

According to the report these borers have a propensity to establish themselves in the eastern metropolitan suburbs, where they dig themselves in, and they can be very difficult to eradicate from such areas. I am pleased to say that the Bracks government has done some good work in eradicating these borers from our eastern metropolitan area, but of course a lot more is yet to be done. The report goes on to note that these borers will affect the basic integrity of houses, and even worse, the evidence is that borers will stay buried in a house for many, many years, making it difficult for the public to detect their existence. I suggest that the members for Mornington and Bass should take particular notice of this.

Mr Perton — On a point of order, Speaker, you queried the member for Macedon when she asked her question, and I ask you to ask the minister to restrict himself to government business. He has obviously had his scriptwriter write some fairly limp jokes, and I ask you to draw him back to restricting himself to government business and the question of the report, rather than trying to tell jokes and waste the time of this house.

The SPEAKER — Order! I am not sure the Speaker is always successful in asking members to not waste the time of this house, but I ask the Minister for Planning to return to his question. I cannot interpret what the member for Doncaster might think he is talking about; I can only go on what is said by the Minister for Planning.

Mr HULLS — It is important to do what we can to stop these borers destroying the integrity of houses, whether they be houses up high or indeed lower houses. The question is what we do about this pest in Victoria. The expert advice I have from the Building Commission is that to have any chance of eradicating these borers you must remove the deadwood from the house. My advice to those opposite is to take note of the advice from the Victorian Building Commission, and to eradicate borers get rid of the dead wood. They have tried to dig themselves in, but according to the Building Commission they must be eradicated.

The SPEAKER — Order! On that happy note we should finish question time.

TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL

Second reading

Debate resumed.

Mr CARLI (Brunswick) — I rise to speak in support of the Transport Legislation (Further Amendment) Bill. This is a bill, as has been explained by previous speakers, in two parts. The first part involves the issue of authorised officers. Some doubt was raised about the powers of authorised officers in *Arachichi v. Clarke*, a recent case in the Magistrates Court. The government decided not to appeal the decision in that case but to introduce legislation to ensure that any doubt about public transport fines and the powers of authorised officers are cleared up. That is essentially the importance of this part of the bill.

It amends the Transport Act to validate the appointment of authorised officers and, more importantly, to ensure that all fines, infringement notices, prosecutions, requests for names and addresses, arrests and detentions — all the aspects of the work of the authorised officers — are covered. The legislation backdates all of that to 1 July 1983 and ensures that it has all been done properly and that there is no doubt about it. The reason the date is 1 July 1983 is that that was the day on which the Transport Act was enacted.

The legislation deals with all the doubts that may have arisen out of the Magistrates Court decision. As I said earlier, the government decided not to appeal that decision but to ensure that the legislation was strengthened and all doubts were taken out. The member for Polwarth suggested that somehow this relates to issues involving the current Minister for Transport. Clearly it does not. These issues backdate essentially to the commencement of the Transport Act. The government is doing something that has happened in the past in terms of ensuring that where doubts have arisen it has protected the interests of public transport users and safeguarded the integrity of the public transport compliance regime by ensuring that any possible loopholes that could have been exploited or any legal attacks that could have been made against it have been closed off. This is a very important piece of amending legislation which takes away any doubt and ensures that the penalty regime which exists in this state is enforceable and cannot be challenged.

The other part of this bill is about fixing up the mess left by the previous government. Part of the reason why there is a mess was raised by the member for Swan Hill. It involved the previous government's rather rapid

selling-off and privatisation in this area. In the case of the rail freight system the government basically put it on a long-term lease, making it into a private monopoly. Essentially this was part of the government's abandonment of regional Victoria. It was really good to hear the member for Swan Hill admit the mistakes and call for a very different regime of access, demonstrating that that period of the previous government, when it refused to invest in rail and farmed out regional rail to a monopoly, is over and was a mistake.

I appreciate the desire of the member for Swan Hill that the system be re-nationalised, but that is not the view of the government. What the government did was ensure in the transition from Freight Australia to Pacific National that the access regime was protected. Conditions were placed on the sale. All the things that failed in the initial sale were changed, including the inability to have a decent access regime because all the power rested in Freight Australia's hands.

This government recognises the importance of providing for access on our rail system. It is installing a regime that allows for third-party operators and ensures that the people who control the lines do not monopolise them and do not exact a monopoly rent. As I said, when Freight Australia was sold to Pacific National the Bracks government ensured that conditions were placed on the sale of that system. They included protecting the terminal space in the Dynon precinct to allow other operators into the Victorian market to service the port of Melbourne, and a clear commitment to an open rail access regime. As the member for Swan Hill pointed out, given the importance of the Dynon terminal and the access to the ports, it was something that was protected to ensure that other operators could use it. That is the key to our whole freight system, and if you lose that you lose the ability to have competition in the system.

The other thing is that there was a commitment by the government, when it allowed the sale from Freight Australia to Pacific National, to set up a reform model to allow for an access regime — and that is what this bill does. It provides a model to determine access to our infrastructure. That is something that this government believes is fundamental to competition and to future investment in freight rail in this state.

I compliment the government on this bill, which does two things. Firstly, it eliminates the use of any loopholes that could undermine our regime of applying penalties to people who use the public transport incorrectly; and secondly, it provides an access regime to ensure that there is future investment and

competition within our freight rail system. I wish this bill a speedy passage.

Mr CLARK (Box Hill) — This is another of those pieces of legislation whereby over recent years the Labor Party has been dragged kicking and screaming towards a more realistic view of the commercial world and, in large part, towards support for the principles that it fought against so vigorously when they were being introduced by the Kennett government.

Despite the vehement opposition of the current minister to the 1998 legislation that gave effect to the current commercial structure for rail freight in Victoria, we now have the minister in his second-reading speech on this bill boasting that the bill is going to facilitate on-rail competition and promote the growth of rail and increased investment in the network for Victoria. Not a word about re-nationalising the regime or going back to the bad old days prior to the reforms of the Kennett government. Of course the government still wants to have its cake as well as eat it, so we have had the member for Brunswick claiming that this legislation is necessary to fix up the mess of the previous government.

The problem with this line of argument is that when the legislation was debated back in 1998, the current minister passionately condemned the regime that the then government was introducing. The Treasurer at the time made it clear that the bill sought to establish a regime such that third parties, including competitors, would have a legally enforceable right to gain fair and reasonable access to declared intrastate track and other infrastructure on commercial terms and that in line with national competition policies the regime would encourage commercial negotiation between the infrastructure provider and the third party seeking access, would provide for dispute resolution and would give the Office of the Regulator-General power to determine terms and conditions of access in such instance.

In conceptual terms there is now agreement between both sides of the house as to what should be achieved — namely, an affordable, practicable and economically efficient access regime. But at the time the then shadow minister condemned the regime unmercifully. So the question that flows from that is: given that he thought the previous regime was such a big problem, what did he do upon coming to government to fix it? The answer, of course, is absolutely nothing. He sat on his hands over this issue for years, and it has been on his watch that the issues relating to the operation of the scheme have emerged.

If he believed what he told the house when he was in opposition, he would have changed the regime very early on — but no, he was content to let it run. It was not until well after the establishment of the current government's Essential Services Commission (ESC), which we on this side of the house feared was going to be bureaucratic and cumbersome and add very little value to the previous Office of the Regulator-General regime, that we had the first of the cases of attempted access coming through.

On 18 March 2002 GrainCorp applied to the Essential Services Commission for access to Freight Australia track, and it went through a convoluted process thereafter. I quote from a document from GrainCorp of August 2004 which is GrainCorp's response to the options for reform of the Victorian rail access regime:

On 23 December 2003 we received the ESC draft determination. This provided an uncommercial access rate which was five times more than the ARTC's effective access rate of \$6 per '000' GTK. Furthermore the arrangement for implementing access in this draft determination was ineffective. This became apparent when we tried to obtain an access contract with Freight Australia.

So GrainCorp, which was the test case for supporting the conclusion that there were problems with the previous regime, was effectively saying that the problems were about how the ESC was implementing it. There are also questions as to whether the government, even without further legislation, should have exercised the powers it already had under section 38M of the Rail Corporations Act 1996 to act upon the problems or whether it could have intervened in proceedings before the ESC to try to implement its policy. However, we do not particularly want to spend all our time arguing about responsibility for the past situation. What we want to try to achieve is an access regime that gives effect to what we are now, after quite a few years, in bipartisan agreement about in terms of the conceptual objectives of the legislation.

Here the key question is whether the legislation is going to work. I have to say that we are going to a far more elaborate regime under this bill than has existed to date. We have about 85 pages worth of fairly tightly specified regime arrangements, as set out in the bill. The questions we have to ask ourselves include: are people going to try to use it, and if they try to use it, is it going to be effective? We certainly hope it will be. As I say, we have bipartisan agreement now on the objectives.

I will express a couple of concerns, though. First of all, in the document that I referred to previously GrainCorp expressed strong objections to the model that is

contained in the bill before the house — that is, the hybrid access model:

GrainCorp's experience is that a hybrid model is problematic.

It goes on to outline concerns about the potential minimal compliance of the access provider, the reluctance of the regulator to risk any form of bias, which is subject to appeal, and regulatory uncertainty. So we have GrainCorp, which is presumably intended to be one of the prime beneficiaries of the legislation, expressing concern about it.

If you go back to GrainCorp's key point, that the Essential Services Commission's determination under the previous regime was the thing that ultimately led it to abandon its attempt to get access, we again have the Essential Services Commission being given the power to specify the access regime if the access regime submitted by the operator of the track system is considered by the ESC to be unacceptable. So again we are making the effectiveness of this regime dependent upon what the ESC comes up with. We hope it will now be able to come up with a regime that proves workable.

It may well be that in practice a large part of whether or not greater access is provided in future will depend not on the black-letter law or on what the ESC does with the black-letter law but on the commercial approach of the new operator of the system, Pacific National. It has been on the other side of the table trying to get access in the past. It may well adopt a commercial, realistically open approach which will help overcome the problems. That is certainly what we all hope for.

Now that the minister and his colleagues have seen the light and have accepted large parts of what we on this side of the house have been arguing for all along, and now that we have an agreement on the conceptual principles of what we are looking for, we hope that we can achieve what we would all like to achieve — namely, a workable, fair and affordable access regime that will encourage the infrastructure to be used to its maximum and most efficient extent for the productive benefit of the Victorian economy as a whole and of individual users and potential users of the system.

The SPEAKER — Order! Before I call the next speaker I remind the member for Benambra and the member for Swan Hill of standing order 122.

Mr TREZISE (Geelong) — I am very pleased to be speaking very briefly in support of the Transport Legislation (Further Amendment) Bill and not only as a proud member of the Bracks government but also a proud ex-railway employee and ex-employee of the

former port of Geelong. This bill may relate directly to the rail industry but in turn also relates to other transport modes, including ports such as Toll GeelongPort. This bill, in effect, rectifies the issues created by the former Kennett government when it privatised our freight rail services to Freight Australia, a move that effectively left all other operators out in the cold. It provided a monopoly situation for Freight Australia to its absolute benefit, with no other operator able to compete at all.

With regard specifically to the bill before us today, the Bracks government took a window of opportunity to provide third-party access to our rail system when Freight Australia was sold off to Pacific National in 2004. As part of the sale agreement the government has ensured that other transport or rail operators have the right and the ability to enter the Victorian market as competition and to secure the future of regional freight terminal operators. In providing access to the freight rail system this bill will provide certainty for access seekers — for example, with regard to pricing of access, the access provider will document and present to the Essential Services Commission an access arrangement document or contract which will set out basic conditions, including costs for standard access services.

When approved by the ESC access seekers will be able to confidently access the rail system without having to continually negotiate a price with the provider, a negotiation that, without the approved pricing regime, would be a very one-sided affair to the detriment of the access seeker. Mindful of the time, I will conclude by saying this is important legislation. It is important for the economy of Victoria, and it has my full support.

Mr PLOWMAN (Benambra) — Speaker, I will be brief, but I want to take this opportunity to say that the access regime and its replacement is a very important issue, particularly for my electorate and particularly for Wodonga. If we needed any explanation or proof of that, the minister might like to see the headlines in the local newspaper about how the Victorian Minister for Transport ruined everyone's day. 'From hero to zero' is the heading, and I promise you that is the way it turned out. It was really rather sad, because when the minister visited the locals in Wodonga the other day we were very pleased to have him with us, but he took exception when they put to him the fact of this rail relocation going nowhere and proceeded to blame almost everyone, including —

Mr Batchelor — You!

Mr PLOWMAN — Including me, including the federal government, including the past Liberal government, including Pacific National — —

Mr Batchelor — No, but you especially.

Mr PLOWMAN — No. By the look on your face, you are actually quite happy to see me — —

The SPEAKER — Order! I am delighted to see the member for Benambra, but perhaps if he could address his comments through the Chair, not to the Minister for Transport.

Mr PLOWMAN — My apologies, Speaker. I was responding to an interjection that was disorderly. Last Friday in Wodonga was a classic. The minister blamed Pacific National, National Rail Track Corporation, the federal government and the former state government, and then said the removal of the railway line from the central business district was the council's responsibility. I hope this legislation clears up in his mind that it is his responsibility. Can I just briefly read a couple of news items from the *Border Mail*. The first, headed 'Delays "not our worry"', states:

The Victorian transport minister wiped his hands of the Wodonga rail bypass yesterday morning ...

...

He pointed the finger at Wodonga council, freight rail operators, the Australian Rail Track Corporation, the federal government and the previous Liberal government for the delays.

'This is a council project, we have no control over the rail operators', he said.

'We can't tell them what to do.

If the council believe they have agreement between Pacific National and Australian Rail Track Corporation then they should get on with the project'.

I would suggest the minister had the responsibility to get on with the project.

I will give just a little bit of history on this proposal. The Bolte government first proposed moving the line in 1959. That went on to 1989, when the Wodonga chamber of commerce advocated the relocation of the railway line, probably along the flood plain, but the state government — then a Labor government — refused to fund the study. That then went on to 1998, when the Kennett government pledged the first \$18.5 million for this relocation project. On 1 December 2000 the federal government chipped in \$20 million. A media release from the current Minister for Transport on the same day says:

A \$57 million project to relocate the Wodonga rail line would provide a massive boost to jobs and investment in Victoria's northeast ...

Mr Batchelor said the Bracks government had made an in-principle decision to jointly fund the Wodonga rail bypass project with the commonwealth government —

clearly accepting responsibility.

There was a question on notice in the Legislative Council from a member for Monash Province, the Honourable Andrea Coote, about the minister's plan to develop intermodal terminals in West Wodonga and Morwell. The answer was:

Construction of the West Wodonga freight terminal is expected to commence in the second quarter of 2002 and be completed by 2004.

This was in conjunction with the rail bypass. A further press release from the Minister for Transport on 15 May 2001 says:

The Bracks government has —

committed —

to build the Albury-Wodonga rail bypass with a \$30 million budget allocation ...

The Minister for Transport, Peter Batchelor, said the rail bypass and related infrastructure would provide a massive boost to jobs and investment ...

I was very grateful for that press release, but it would seem that the minister had a little bit of amnesia when trying to remember his commitment last Friday, because he said it was not his responsibility at all. I could go on, but I will desist in order to give other members the chance to speak on this bill and on the budget.

Mr ROBINSON (Mitcham) — I want to make some brief comments on the bill, which I strongly support. It is evidence of the minister and the government doing an excellent job in a complex field. One of the legacies of the privatisation of our transport system in recent years is the enshrinement of the legal rights of the various parties. They operate on a commercial basis, and we well understand that. This amendment seeks to give greater clarity to those rights — they are now effectively commercial rights — and seeks to put them on a more contemporary basis. That is to be welcomed.

I have a concern about one of the side effects, which is the complex numbering system required by the amendments. Within the bill we have a number of divisions enacting new provisions, to the extent where we have new section 38ZZZI(3), the effect of which is

to clarify the scope of new section 38ZZZI(2). It is starting to get very complicated. I did a little time on the Scrutiny of Acts and Regulations Committee, and I understand how confusing these things can sometimes get. I also appreciate that in this day and age the commercial rights of parties that are providing transport services in Victoria are often negotiated with lawyers. That seems to be a precondition of the way these things are negotiated now. It seems to me that in the longer term it might be a good thing if we were to try and simplify the numbering of sections in the relevant legislation. Having said that, I support the legislation.

Mr BATCHELOR (Minister for Transport) — I would like to thank the members for Polwarth, Swan Hill, Brunswick, Box Hill, Geelong, Benambra and Mitcham for their contributions to the debate. As I think all members have pointed out in their contributions, this bill has two functions. The primary purpose of the bill is to reform the access regime which is contained in the Rail Corporations Act. The other purpose of the bill is to amend the Transport Act to validate any authorisations, delegations and accreditations given under the act in relation to authorised officers and transport companies.

I will make a few comments in relation to rail access. In reforming Victoria's rail access regime this bill provides the framework under which third-party rail operators will be able to use that part of Victoria's rail infrastructure that is owned or controlled by others. In essence it is designed to promote competition. The government's commitment is to provide a workable third-party access regime which promotes its use by a variety of rail operators or at the very least provides the real prospect of competitors entering the market. That is what we are setting out to achieve — one or the other.

This is part of a broader strategy by this government to revitalise rail right across the whole state. It is a strategy that includes the regional fast rail project, the upgrade of Spencer Street station, the reopening of closed country passenger lines, the renegotiation of public transport contracts in the form of new partnership arrangements, the rehabilitation of the Flinders Street concourse, the upgrading of the Dynon Road rail link, the electrification of the metropolitan line out to Craigieburn and the building of the Marshall station, just to name a few. We have a large agenda for improving and revitalising rail here in Victoria. Establishing a workable rail access regime is just as important as those other infrastructure projects that I mentioned.

In essence this bill gives effect to our commitment to reform the rail access regime, because it now provides a

model for determining the terms of access to the infrastructure. This will provide far greater certainty for prospective access seekers in their dealings with the access provider. If you want to get access to the track as a seeker, this bill will enable you to understand what the requirements are on you and the access provider without you having to go off and negotiate that with the access provider. The bill provides that prices, which are all important in making commercial decisions, will be required to be consistent with the requirements of pricing orders the government will set out in an order in council.

The bill provides for new rules and guidelines by the Essential Services Commission that will cover account keeping, ring fencing, capacity use, network management rules and negotiation guidelines — the sorts of things the member for Box Hill spoke about. They are very important and go to the core of a workable — and the emphasis here is on workable — access regime.

The bill provides for interconnection provisions that set out new rights and obligations intended to facilitate the interconnection of railway sidings and this has been particularly demonstrated today with Pacific National's announcement about its intermodal terminal in Somerton. The problem that existed there in the past was it had trouble getting its track out on the intermodal terminal connected to the main line. Whilst in this instance we have been able to do that by agreement with Pacific National this new bill will make that a much easier task to achieve in the future.

The bill provides dispute resolution procedures which provide the framework for resolution of access regime disputes. We cannot mandate that there will not be disputes, but what we can provide is a procedure, a framework to have those disputes resolved much more quickly so the commercial operators are able to establish what will happen in a much more certain and quicker framework.

The bill provides a really important element — that is, the confidential information obligations that will apply to the access provider in relation to information provided by an access seeker. An access seeker is required to provide the sort of information that goes to the heart of its commercial arrangements and the core of its prospective business arrangements. We are creating under this bill an important obligation on the access provider to respect the privacy of that and make sure it does not cause that information to go elsewhere where it should not and to create commercial damage on the access seeker.

There will also be important enforcement provisions that will provide that the ESC may bring civil proceedings in respect of a penalty provision. At the end of the day we need an enforcement regime that has a bit of teeth and will act as a deterrent to those who seek to breach any aspects of this.

The access regime changes that are set out in this bill are designed to implement a workable third-party access regime. It has been done in consultation with the industry and in that context we are not able to accept the reasoned amendment that has been moved by the member for Swan Hill. Consultation has already been undertaken and it is our belief the arrangements that are set up using the Essential Services Commission are a much better way to go.

The other part of this bill relates to authorised officers. As I indicated, it amends the Transport Act 1983 to validate authorisations, delegations and accreditations in relation to authorised officers and transport companies. The bill amends the Transport Act to validate the appointment of authorised officers and actions taken by them for the purpose of enforcing transport and ticketing laws. It does that in some instances all the way back to the commencement of the act in 1983.

The bill also validates the accreditations of passenger transport companies and bus companies and the actions taken by them in the period it might be arguably stated as not being validly accredited under the act. That covers those amendments back to 24 August 1999.

We are taking these steps in relation to authorised officers and transport companies to ensure that the government and Parliament — and we thank the other parties for their support in relation to this matter in particular — do the sensible, rational thing so that Parliament does everything in its power to protect the public interest and the interests of all those who are using our public transport, and importantly to safeguard the integrity of the public transport compliance regime. In conclusion I thank all the members who have contributed to this debate and I support the members of this house and the parties who have given it support.

The SPEAKER — Order! The minister has moved that the bill be now read a second time, and the honourable member for Swan Hill has moved a reasoned amendment. The question is that the words proposed to be omitted stand part of the bill. Those who support the honourable member's amendment should vote no.

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

Ayes, 57

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

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

Amendment defeated.

Motion agreed to.

Read second time; by leave proceeded to third reading.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

APPROPRIATION (2005/2006) BILL

Second reading

Debate resumed from earlier this day; motion of Mr BRUMBY (Treasurer).

Ms MARSHALL (Forest Hill) — It is with great pleasure that I rise in the house this afternoon to speak on the Appropriation (2005/2006) Bill. This budget continues to build on the government's work to make Victoria the best state in which to live, run a business and raise a family.

Since being elected in 1999 the government has kept the budget in surplus and the economy strong. This has enabled the Bracks government to rebuild the health system while still contributing more funding to education and community services, improving community safety, and investing in infrastructure to create more jobs for Victorians. This budget continues on this well-established path. The Bracks government is improving services while keeping a strong and balanced budget.

Once again there are substantial benefits for my electorate of Forest Hill. The budget provides recurrent funding of \$2.6 million and capital funding of \$0.8 million. This funding will be used to establish a new 24-hour ambulance station in Vermont South/Burwood East.

An honourable member — Another one?

Ms MARSHALL — Another one. This will not only benefit Forest Hill but obviously support the maintenance of ambulance performance in the broader metropolitan area to meet the increasing community demand. The funds are actually available from 1 July, although a permanent site is yet to be determined by the Metropolitan Ambulance Service. However, from 1 July, as the ambulance service will have access to the money, it will be able to run the service from a temporary site until that station is built on the permanent site and is up and running.

The ambulance station is only one aspect of improvements made to the health system, as \$30 million will also be contributed to establish a new 60-bed Knox health care facility, which will be of great benefit to families living throughout the eastern suburbs.

This budget also demonstrates the government's willingness to listen. Victorian businesses told the government about the burden of land tax and targeted relief is now being provided. The middle land tax rates

applied to property holdings valued at between \$750 000 and \$2.7 million will be reduced, and the tax-free threshold will be increased from \$175 000 to \$200 000. All aged care facilities, other supported residential services and rooming houses will be exempt from land tax, backdated to January 2004. This is indeed great news for many of the facilities of this type in Forest Hill.

These reforms complement the continued good work by the government in other areas such as education and community safety. Since being elected in 1999 the government has invested \$4 billion in education and the current budget continues to build on these achievements. This budget has \$89 million of funding to be provided to connect every government school in Victoria to the SmartONE fibre optic broadband network. This will give Victorian government schools the best bandwidth infrastructure in Australia and some of the best infrastructure in the world.

The budget also continues the Bracks government's work in improving community safety. This government has delivered the largest police budget in Victoria's history. Victoria now has the largest number of police officers ever. This concentration on community safety has meant that Victoria has the lowest crime rate in Australia — 23 per cent below the national average. This budget continues to build and improve on this impressive record, with \$78 million committed to being provided to build or complete 54 metropolitan and country police stations and provide 12 new mobile police stations.

The Treasurer has brought down another great budget. Through his attention to detail he continues to provide immense benefits to all Victorians. Once again I congratulate the Treasurer on this fabulous result and on all his hard work. I commend this bill to the house.

Mr MAUGHAN (Rodney) — There is very little in this budget for country Victoria, as previous members have already indicated. I guess we can all point to individual projects that are being funded in our respective electorates, including schools and hospitals, but that is because of the hard work of local communities. I would be the last to say that there have not been some benefits for country Victoria, but given the state of the economy, and given the fact that this government has money flowing out of its ears, country Victoria has done very badly under this government. This is a city-centric government that has been looking after its metropolitan interests and ignoring country Victoria time and time again. The emphasis is very clearly on Melbourne, Bendigo, Ballarat and Geelong.

Victoria is awash with cash, and much of that is not because of the efforts of the government but because of the windfall revenue it has received from land tax, the gambling taxes and the GST. As other members have pointed out in their contributions, in the six years this government has been in power revenue has gone up from \$20 billion to \$30 billion — a 50 per cent increase. Most of that has happened not because of anything the government has done but simply because of the change in economic circumstances and the property boom — and much of that is due to the very good management of the commonwealth government. It has meant that Australia has been going well, people have been investing, property values have gone up and therefore land tax revenue has increased, and revenue from the GST has gone through the roof and is now flowing through to the Victorian government — as it is to the other state governments — giving it an enormous amount of cash.

The problem for members representing country areas is that not enough of that money is getting out into the country in terms of investment in important infrastructure projects. I say that not because we are parochial about it or because we simply want to advance our own electorates but because the logic is compelling. If you invest in infrastructure projects involving gas, electricity, roads, dams, irrigation and railway lines and increase the productive capacity of the state, then we all benefit — and that includes the people in the metropolitan area and regional cities and the people in country Victoria.

The difference between members on this side of the house — certainly those of us in The Nationals — and the government is that we believe in investing in those infrastructure projects so that we can grow the size of the cake and then provide those human services which we all acknowledge are important, such as health, education, disability services and certainly services for children. I will speak a little more about that in a minute.

As I said revenue has gone up by 50 per cent. In spite of all the government's rhetoric about reducing land tax, if you look at the forward estimates in the budget you will see that the expected increase is about \$800 million — yes, there has been some tinkering — and that it will continue to be of the order of \$800 million — —

Mr Baillieu interjected.

Mr MAUGHAN — It is \$850 million, as the member for Hawthorn points out, but I am talking in general terms. It is estimated to be \$800 million to \$900 million for every year in the forward estimates of

the budget. The rhetoric about reducing land tax really is a sham. Yes, the government has tinkered with it and some people will be paying less than they otherwise would, but year after year revenue from land tax will increase.

This is the government that in opposition railed against the revenue that was coming to the previous government from gambling taxes and talked about all the wonderful things it was going to do to reduce gambling revenue. What is the reality of the situation? This year the Victorian government will reap \$1.5 billion from gaming taxes. Again, if you look at the forward estimates, you will see that the government does not have a deliberate policy — which it could well have — to reduce gaming taxes. On the contrary gaming tax revenue will continue to escalate over the years. And as recently indicated, the government is not averse to whacking new taxes onto the gaming industry, as it did with the new \$45 million tax on machines without any announcement or discussion. Is this the government that consults? Is this the government that goes out and talks with people? With no consultation at all, another \$45 million charge has been whacked onto the gaming industry.

Stamp duty on land transfers earns the government \$2 billion per year. Again I would argue that it is because of the very good economic environment created by the good financial management of the commonwealth government that land values have gone up and people have seen fit to invest, and so the government is reaping the benefit through stamp duty on land transfers. The difficulty of course is that once the heat comes off the economy, as it inevitably will, this government will be vulnerable because it will have built its whole budgetary process around these revenues continuing.

I say that because instead of investing in permanent infrastructure, the government has chosen to put on another 10 000 public servants over and above the nurses, teachers, and police officers — which we all support, but that recurrent expenditure goes on and on forever, irrespective of what the revenue is. As revenue starts to come down governments are going to have problems maintaining that expenditure.

Commonwealth funding provides 46 per cent of the revenue for the state of Victoria — some \$14.2 billion! As recently as nine months ago a government backbencher was arguing that he believed this government was getting nothing in terms of GST revenue.

Mr Baillieu — Name names!

Mr MAUGHAN — I will not name names to embarrass them, but more than one government member has that view. If you read the debates in this house over the years you can see that they deny that a lot of the prosperity of this state at the moment is coming from the GST, which is coming in in ever-larger streams. Currently of the order of \$700 million each and every month of the year is flowing into the coffers of the Victorian government. The Treasurer must just laugh, seeing that cheque come in month after month so that he can go out and spend it on a whole range of government pet projects.

But what has the government done with it? Has the government spent money on infrastructure such as the gas pipelines? It certainly has not in my area or around country Victoria. Lakes Entrance is probably the only country area that has been hooked up to the natural gas grid since this government came to power. In the electorate of Rodney people in a whole range of towns were looking forward to being connected to the natural gas pipeline. It would make an enormous difference to towns like Heathcote and Rushworth — —

Mr Walsh — How much money were you going to donate?

Mr MAUGHAN — The member for Swan Hill asks how much money I was going to donate. I will come to that in a minute. The Nationals went to the last election with a policy of putting up \$150 million to subsidise the extension of the natural gas pipeline. This government came in with \$75 million. Ours was all for country Victoria. What has this government done? It has been spending it on the outer metropolitan area and, as one would expect, the gas pipeline is creeping out from the metropolis and ultimately will get to country Victoria. Our policy was the other way around: we were going to provide that subsidy so that those towns in country Victoria would be hooked up to the natural gas pipeline and that would create investment, and hence employment, and grow the economy of not just country Victoria but the whole of the state.

The member for Swan Hill asked me what my promise was. I was a bit cynical about the government's program or the government's promises about what it was going to do to extend the natural gas pipeline to towns like Heathcote and Rushworth — —

Mr Baillieu interjected.

Mr MAUGHAN — The member for Hawthorn might well ask, because I have seen enough of this government and previous governments, having been here in the Cain and Kirner years, to know that the

rhetoric does not quite match the delivery of services. I put my neck out and said that if this government connected to natural gas six known towns in my electorate — namely, Heathcote, Rushworth, Nathalia, Cohuna, Leitchville and Lockington — I would willingly give \$1000 to each of those towns preschools. But my money is very, very safe. I would love to be able to give that donation to each one of those preschools — —

Mr Baillieu — Would you like us to hold the money?

Mr MAUGHAN — There is no need to hold the money; it is not at risk. I wish it were. If the government was prepared to prove me wrong — and it was a challenge — it might just have called my bluff and hooked up the towns to natural gas. I would have been more than happy to pay out that money, but, as I said, my money is very safe.

Because time is limited, I come back to the debate. Day after day in this house we hear members talk about the seven dark years of the Kennett government. Like others who have stood up in this debate, I am proud to have been a member of the Kennett-McNamara government that did great things for this state.

Mr Delahunty — It turned the state around!

Mr MAUGHAN — It did turn the state around. It reduced the massive debt that it had inherited from the Cain and Kirner governments, which was something of the order of \$70 billion. If you translate that into today's terms and look at the interest that was being paid, about 16 per cent of all the revenue that came in was simply paid in interest, and that was unsustainable. The government at that time had to take unpopular measures to turn that around, and this government has certainly benefited from it. In today's terms simply the interest that the Kennett-McNamara government was faced with would be somewhere about \$3.5 billion.

Because this government has benefited from the previous coalition government's paying off so much of the debt, the amount that has to be applied to interest payment has certainly been drastically reduced. That gives this government the opportunity to have that additional \$2 billion to \$3 billion per annum to use on either programs or infrastructure. We would argue that a great proportion of it should have gone into infrastructure, as opposed to putting people onto the payroll. Once there is a turnaround those people are going to lose their jobs — otherwise the state is going to rack up more and more debt or is going to be unable to provide the services it needs to provide.

This government cannot manage money. It cannot deliver on major projects. I do not need to go through all the details of the fast rail project, et cetera. There is a real problem there. Perhaps I should get on to some of the highlights for the Rodney electorate in an otherwise lacklustre budget. The electorate has received funding for four new police stations — and that is certainly welcome — at Kyabram, Nathalia, Gunbower and Stanhope as a result of the vigorous representations of the people in those areas, and of the local member as well who has been arguing very much for that. We have worked hard for that outcome.

Secondary education in Echuca has received funding. The high school and the secondary college have agreed now to have common governance and to move onto the one site. There is funding available to bring that about and to plan facilities. Kyabram Secondary College again has received funding. Kyabram is a very innovative community, working together with a very exciting program to essentially merge the two primary schools and the secondary college to provide a better educational environment for all of the children, not just for those who live in Kyabram but for all who attend those Kyabram schools.

Echuca hospital currently under construction is a \$25 million project that is badly needed and hopefully will be finished during the term of this government. I also refer to Rochester hospital — and I certainly welcome the initiatives of the Minister for Health recently regarding the Rochester hospital. Time is running out so I will conclude by saying that this is a disappointing budget for country Victoria from a government awash with cash but which has missed opportunities. There is a lot of spin; it lacks substance; it is a city-centric budget by which we miss out on infrastructure programs such as natural gas, roads and assistance for agriculture — and I have not time to touch on the lack of this government's commitment to agriculture in country Victoria. Labor cannot manage money; it cannot manage major projects and it has failed to deliver on its promises.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support of the Appropriation (2005/2006) Bill. This is a fantastic state budget. It is a budget that delivers on the government's commitment to rebuild services and infrastructure, to continue that process which was so badly neglected in the Kennett years. It is a budget which highlights the real difference between the opposition and the Labor government. It is a budget that continues to deliver on the key outcomes that we have promised to the people of Victoria and my electorate.

It is fascinating to hear the responses from opposition members to the good news in this budget. They tell us it is a high-taxing and high-spending budget, but then they all complain that there is not enough spending for their individual electorates. We have just heard that again from the member for Rodney, who told us this was a disappointing budget for country Victoria. He suggested that it was a high-taxing, high-spending budget but at the same time he said it does not deliver.

The shadow Treasurer, too, bemoans the fact that the government is spending 58 per cent more on services than when it came to office. Then he says the government's social expenditure is not sufficient to reduce waiting lists in key areas such as hospitals and public housing. How do the opposition and the shadow Treasurer get themselves out of this conundrum? How do they explain the fact that there is a significant increase in expenditure in these areas yet no improvement in services? They claim that we are wasting money — that is what they say. But how are our hospitals funded? Let us have a look.

Our hospitals are funded under the Kennett government casemix formula which allocates the amount of money that will be applied for every medical procedure that is undertaken in every single hospital around Victoria. It is true that the Bracks government, when it came to office, significantly improved the level of payment for each of those hospital procedures. The reason it did that was that the bottom lines of hospitals at the end of every financial year were full of red ink because the hospitals and the casemix formula were significantly underfunded.

What is the shadow Treasurer suggesting here? Is he suggesting that we go back to the old casemix funding and do away with the current casemix formula that is widely recognised not only in Australia but also around the world as being the most efficient way in which to deliver the funding of public hospital services? Is he suggesting that we should reduce the amount? What is he suggesting? The fact of the matter is that it is widely recognised that the way in which public hospitals are funded in Victoria is the most efficient in Australia and that is shown by all the known and available measures. Is he suggesting that we are treating less patients with more money under the Bracks government?

Mr Baillieu — Fewer.

Mr HUDSON — Is he suggesting we treat fewer patients? Of course he is not. In fact if he were to look at the record he would see that we are treating a record number of patients and that we are treating more each year. The records show that we are treating 35 000 to

45 000 extra patients every year. We are treating more patients than were treated under the Kennett government, so the way the shadow Treasurer talks about it is an absolute furphy. It does not exist, it is a figment of his imagination and it is the only way he can make a negative comment about the state budget.

What about the funding of new hospitals? Everyone knows that our public hospitals are put out to competitive tender to the private sector. Everyone knows that there is a competitive industry for the building of hospitals in this state. Everyone knows that when you call for tenders the terms and descriptions of the requirements of the tender are going to get you the most competitive value-for-money tender that can be delivered for a public hospital in this state.

Is the shadow Treasurer suggesting that somehow hospitals can be built for less than the competitive tender that is put up by the private sector in this state? Is he suggesting that is where the waste is — that somehow the private sector is fooling the government into giving it far more money in a competitive market tendering process for building hospitals than it needs to?

The truth of the matter is that the opposition wants to do hospitals on the cheap. It wants to skimp where it can on the price for hospitals. We only have to look at what was happening with the Austin and repatriation hospital when it was proposed for privatisation by the Kennett government. Why was it being proposed for privatisation? Because the Kennett government wanted to get a discount on that casemix amount. It wanted to get a reduction in the amount actually paid to hospitals for every patient.

What happened when it actually achieved that in relation to the Latrobe Regional Hospital and the Berwick Hospital, where it entered into contracts with the private sector to deliver something of the order of a 7 per cent discount on the casemix price for those particular hospitals? What happened when the Labor Party got back into government? We had those very same operators coming back to the government and saying, 'We cannot afford to deliver on a sustainable basis the medical services that you require of us with this discounted casemix price. If you will not give us more money to run these privatised hospitals, if you will not lift the discounted rate back up to the ordinary casemix rate, the hospitals should be handed back to the public'. And that is exactly what happened, because it was demonstrated that you could not run the hospitals for less and with the discounted rate that was being proposed by the Kennett government through the privatisation process. They asked 'What is this

Treasurer all about?'. What he was really all about was cutting money from hospitals.

The opposition has got form on that. The member for Rodney said he is proud of the achievements of the Kennett government. One of the things he should not be proud of is the cut of \$500 million in real terms from the hospital budget over the term of the Kennett government. It was a disgrace. It led to huge problems in our hospitals — problems which we have been required to fix — and we have been fixing them by putting real money back into those hospitals.

Let us talk about public housing. We had the shadow Treasurer in here deriding the additional money we are putting into public housing as being insignificant. At least we are putting more money into public housing. If you have a look at the situation when the Kennett government left office, you see it had not put a single extra dollar into public housing over and above what it was required to do under the commonwealth-state housing agreement. We know what has been happening to the commonwealth-state housing agreement — over the last 10 years the funding has been declining in real terms. The commonwealth has been taking out funding, and the states have been taking out a corresponding amount of matching funding.

If you have a look at the record of the Howard federal government, you see it has cut \$760 million from the public commonwealth-state housing agreement over its term. Let us have a look at what that left us with. It left the state government with a massive backlog in terms of the maintenance requirements for public housing. The Kennett government spent more on doing up the heritage buildings at Treasury Place than it spent on the public housing towers during its term of office. What has the state government done in relation to public housing? It has reinvested in it. Since coming to office it has spent \$283 million in public housing over and above what is required under the commonwealth-state housing agreement.

Is the shadow Treasurer suggesting that we are wasting money in that area? Is the shadow Treasurer suggesting that through a competitive bidding process with the housing industry in this state — which is regarded as one of the most efficient in Australia, and the Australian housing industry is regarded as one of the most efficient in the world — that we are not getting value for money from private contractors, building new public housing or doing maintenance works? Of course it is not claiming that. The point here is that the opposition is living with an old paradigm about how these projects are funded. It uses a lot of rhetoric to claim that there is waste going on with these projects,

but unfortunately it cannot demonstrate where this waste is occurring in terms of capital works and recurrent spending. The opposition does not have any policies, and it has no alternatives. All it can do is whinge and complain about the budget. I commend the budget to the house.

Ms OVERINGTON (Ballarat West) — It gives me great pleasure to speak on the Appropriation (2005/2006) Bill. I would like to congratulate the Treasurer on another fantastic budget that not only continues to promote economic growth in Victoria but also makes Victoria the best place to raise a family.

Whilst there are many great initiatives in this budget, I would like to talk about the fantastic announcements made on education and early childhood development. Some \$89.3 million will be spent on connecting all Victorian state schools to the high-speed fibre optic broadband system, SmartONE. Every school, regardless of its size, will be upgraded to the same standard, which will close the gap between the regional and metropolitan schools. The connection will be 4 megabytes, which is the best possible broadband available in terms of speed and capacity. Another \$7 million has been allocated to assist schools to buy computers and other high-tech learning equipment.

This budget also continues to focus on low prep-to-grade 2 class sizes, the education basis of literacy and numeracy and ensuring that every student is given every opportunity to learn to their full potential. Disadvantaged students in non-government schools will also benefit from \$151 million over four years to lift numeracy, literacy and retention rates and help meet the rising education costs in non-government schools. As a government we are committed to ensuring high-quality results for all Victorian students, whether they are in government, Catholic or independent schools.

Families who have children of kindergarten age will benefit from the 25 per cent increase in the kindergarten fee subsidy. This increase from \$255 to \$320 per child makes kindergarten more accessible to low-income families. We will also provide \$4.2 million in minor capital grants for community-based, not-for-profit child-care centres, kindergartens and outside-school-hours care. Funds will be used to upgrade facilities and create safer, more pleasant environments in which children can play, learn and develop.

This is a great budget for Victorian families. All Victorians will benefit from the \$1 billion boost for health and hospitals. Ballarat hospital will continue to provide high-quality, efficient elective surgery under

part of a special \$30 million funding allocation over two years to blitz elective surgery waiting times. Victorian families will also benefit from the redevelopment of the Royal Children's Hospital. Whilst it is currently recognised that this hospital gives children access to the best paediatric treatment in the world, the new hospital will house modern wards and equipment and will be the benchmark of children's hospitals statewide. I actually know first-hand about this because one of my grandchildren unfortunately has the need to go to the Royal Children's Hospital every month, so I know the great service that it provides. It is an excellent hospital.

In Ballarat West the government continues to provide infrastructure funding with a further \$3.1 million towards the relocation of the Ballarat freight centre and \$1.4 million towards the service cost of a new industrial park. The announcement that Wendouree West Neighbourhood Renewal will have its funding extended for another four years is great. My constituents in Ballarat West have benefited greatly under this government since 1999 and will continue to do so now and into the future. I commend the bill to the house.

Debate adjourned on motion of Mr INGRAM (Gippsland East)

Debate adjourned until later this day.

Business interrupted pursuant to standing orders.

LOCAL GOVERNMENT (AMENDMENT) BILL

Second reading

Debate resumed from 17 May; motion of Mr CAMERON (Minister for Agriculture).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr THWAITES (Minister for Environment) — I move:

That this bill be now read a second time.

The Environment and Water Legislation (Miscellaneous Amendments) Bill is divided into six parts. Part 1 sets out the purpose of the bill and provides for commencement of the bill to occur on the day after the day on which it receives royal assent. The remaining Parts 2 to 6 deal with miscellaneous amendments to the Sustainable Forests (Timber) Act 2004, the Safety on Public Land Act 2004, the Victorian Conservation Trust Act 1972, the Water Act 1989 and the Melbourne and Metropolitan Board of Works Act 1958. I will now address the specific amendments to each of those Acts.

Sustainable Forests (Timber) Act 2004

The proposed amendments to section 20(3) of the Sustainable Forests (Timber) Act 2004 will improve the security of supply of timber resources to VicForests, the timber industry, and the regional communities dependant on the timber industry.

As members will be aware, the government established VicForests to manage the commercial timber harvesting functions in state forests. VicForests is given the right to access timber resources through an allocation order made under the Sustainable Forests (Timber) Act 2004.

The act provides for review of the allocation of timber resources in a number of instances and specifies what may happen following such review.

Section 18(1) of the act provides that a review must occur every five years. Section 18(2) provides that additional reviews may be undertaken if the minister considers that there has been —

- (a) a significant variation in timber resources due to fire disease or other natural causes;
- (b) a significant increase or reduction in the land base which is zoned as available for timber harvesting; or
- (c) any other event or matter which has a significant impact on timber resources.

In the case of a five-year review under section 18(1) or a review in response to a significant impact on timber resources under section 18(2)(c), any decision to reduce the timber resources allocated to VicForests can currently be phased in over the 10 years following the review. To improve security of supply to VicForests, the proposed amendment will require that any reduction following such a review may only occur 10 years after the review.

This amendment will provide greater commercial certainty to VicForests in entering into longer term supply arrangements with its customers of up to 10 years. This in turn will increase the industry's capacity to invest in improved technologies and value-adding and support regional communities.

In proposing these amendments, the government remains committed to maintaining sustainable timber harvesting levels. Thus, a reduction in timber resources can occur before the 10 years has elapsed with the agreement of VicForests.

We also retain the capacity to reduce timber resources more immediately in the event of a review triggered by fire, disease or other natural causes or because of a change in the land base zoned as available for timber harvesting, for example, as a result of the government accepting a recommendation by the Victorian Environmental Assessment Council to this effect.

There is also a minor amendment to provide more flexible arrangements for the resolution of suspension notices relating to the rectification of damage in timber harvesting operations.

Safety on Public Land Act 2004

The Safety on Public Land Act 2004 improves public safety in state forests by establishing and enforcing public safety zones. The act enables the Secretary of the Department of Sustainability and Environment to declare public safety zones for a variety of purposes. In making the first declarations under the act, it became clear that there was a need to streamline the process to achieve administrative efficiency.

Rather than require the whole declaration to be published in statewide and local newspapers, those newspapers will carry notice of the making of the declaration and details of where the declaration may be viewed. The full declaration will continue to be published in the *Government Gazette* and on the Internet. It will also be available for inspection at the department's head office and relevant regional offices.

There is also an amendment to enable documents to be incorporated by reference into a public safety zone declaration. This will, for example, enable media such as maps to be used to assist the public in identifying and locating public safety zones.

Victorian Conservation Trust Act 1972

Trust for Nature (Victoria) is a non-profit organisation that has worked to protect remnant bushland for over 30 years. The trust is a body corporate established by the Victorian Conservation Trust Act 1972 and managed by trustees. The trust has done an outstanding job in purchasing land for conservation purposes, entering into covenants with landowners in order to protect important conservation values and, through a revolving fund, providing a basis for future land purchases. Many of the areas acquired have been transferred to the state and included in parks and reserves.

The act currently requires the trust to comprise 10 trustees, with 6 forming a quorum at any meeting. The bill amends the act so that the trust comprises a maximum of 10 and a minimum of 6 trustees, with the majority of trustees from time to time forming a quorum. These amendments will assist the efficient execution of the trust's responsibilities when, for various reasons, there are vacancies on the trust or trustees are absent because of illness or other reasons.

The bill also repeals several spent provisions relating to the Victorian Conservation Trust Act 1972.

Water Act 1989 and Melbourne and Metropolitan Board of Works Act 1958

Part 5 of the bill amends the provisions of the Water Act 1989 to improve the management of water supply protection areas. The change will allow management plans to impose restrictions on taking ground water to prevent a maximum or average ground water level or potentiometric level being exceeded. Other improvements will also be made to the process by which management plans are drafted, amended, and approved by the Minister for Water.

Parts 5 and 6 of the bill amend the Water Act 1989 and the Melbourne and Metropolitan Board of Works Act 1958 to address particular issues relating to the declaration of districts and areas. They provide that subordinate instruments made under certain provisions of these acts may incorporate by reference matters contained in documents such as plans and maps. They also amend those acts to validate past subordinate instruments made since 1 July 1984 that have

incorporated by reference maps, plans or other documents. Referring to the maps and plans in a subordinate instrument or piece of legislation is often the most convenient and effective means of describing an area of land.

I commend the bill to the house.

Debate adjourned on motion of Mr PLOWMAN (Benambra).

Debate adjourned until Thursday, 2 June.

COURTS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Courts Legislation (Miscellaneous Amendments) Bill 2005 will improve the operational efficiency of Victoria's courts and tribunals by making necessary technical amendments to various pieces of courts legislation consistent with the government's commitment to the delivery of a fair, efficient and accessible justice system.

Repeal of sunseting Koori court provisions

By repealing sunseting provisions relating to the Koori court in the Magistrates' Court (Koori Court) Act 2002, the bill forms part of this government's continuing commitment to the Victorian Aboriginal Justice Agreement with objectives:

to address the ongoing issue of indigenous (Koori) overrepresentation in the criminal justice system;

to increase the indigenous (Koori) community's participation in the administration of justice; and

to deliver fair and equitable justice services to the indigenous (Koori) community.

The bill also illustrates the government's continuing commitment to reconciliation and developing a strong partnership with the Victorian indigenous (Koori) community. In addition the bill is consistent with the 2004 justice statement commitment to establish problem-solving courts to address the causes of crime.

The adult Koori court, which was a pilot program, has been independently evaluated over two years by La Trobe University, which found that in virtually all of

the stated aims of the Koori court pilot it has been a 'resounding success', including reducing the levels of recidivism, reducing the breach rates for community corrections orders and increasing the level of Koori community participation in and ownership of the administration of law.

Repeal of sunseting drug court provisions

The bill will amend the Sentencing (Amendment) Act 2002 to repeal the sunseting provisions relating to the drug court and also amend the Sentencing Act 1991 to provide the drug court with the power to suspend the treatment and supervision part of a drug treatment order where the offender has absconded.

The drug court pilot program was established pursuant to the Sentencing (Amendment) Act 2002. A division of the Magistrates Court, the drug court is currently being trialled over a three-year period, due to be completed in June 2005.

The drug court pilot is aimed at individuals who are drug or alcohol dependent and whose dependency contributed to their offending (excluding sexual offences and offences involving actual bodily harm). The drug court utilises the coercive powers of the criminal justice system to achieve the therapeutic goals of reducing drug use and offending through the imposition of a drug treatment order which is an alternative to incarceration.

The drug court pilot program was the focus of a series of evaluations completed in December 2004. The Turning Point Alcohol and Drug Centre, Health Outcomes International and Acumen Alliance were engaged to evaluate the initiative. The evaluations clearly demonstrate that the benefits of the drug court approach far exceed its costs and that it is more cost effective than imprisonment in reducing reoffending.

The program has a strongly positive net benefit, and the benefits will increase in the future as more participants graduate and are reintegrated into the community. The vast majority of participants have shown considerable improvement in welfare and social functioning, and the drug court is having a greater effect on reducing reoffending rates compared to the alternative of incarceration.

Amendment to the Public Administration Act 2004

The bill includes provisions to amend the Public Administration Act 2004.

These amendments arise out of the early commencement of a section of the Public

Administration Act 2004, which substituted the legal services commissioner for the legal ombudsman as a person with the functions of a public service body head. This section should have commenced at the same time as the Legal Profession Act 2004 under which the office of the legal ombudsman will be abolished and the legal services commissioner established.

It has always been intended that, until the Legal Profession Act 2004 commences, the legal ombudsman is a person with the functions of a public service body head for the purposes of the Public Administration Act 2004. The amendments therefore included in this bill will reinstate the legal ombudsman as a person with the functions of a public service body head until the Legal Profession Act 2004 comes into operation.

Hand-up briefs

Schedule 5 of the Magistrates' Court Act 1989 requires that a statement to be tendered by the informant at committal proceedings must be signed by the person making the statement in the presence of a person authorised under clause 8(b)(i) to (vii). Members of Victoria Police and the Australian Federal Police are authorised to take statements for hand-up briefs, as are officers of certain commonwealth and Victorian agencies. These include the Australian Customs Service, the Australian Taxation Office, the Health Insurance Commission and authorised officers within the meaning of the Environment Protection Act 1970 and the Fisheries Act 1995.

The Department of Education, Science and Training (DEST) has requested that authority be given to officers of the national investigations unit to take statements for hand-up briefs. Similarly, Australia Post has sought authorisation for corporate investigators within the corporate security group. A third commonwealth agency, Insolvency and Trustee Service Australia (ITSA), seeks similar authorisation for its authorised investigators. ITSA is a commonwealth government executive agency and is responsible for the administration of the Bankruptcy Act 1966 (Cth).

The duties and workload of these officers are comparable to those of officers of other commonwealth agencies which are already so authorised. It is therefore considered appropriate for investigations officers of Australia Post, DEST and ITSA to be authorised to take statements for hand-up briefs.

The Courts Legislation (Miscellaneous Amendments) Bill 2005 also makes minor technical amendments to the Constitution Act 1975, the County Court Act 1958 and the Judicial Remuneration Tribunal Act 1995 to

provide recognition of prior service for pension purposes for the Director of Public Prosecutions, the Chief Crown Prosecutor and senior crown prosecutors in certain circumstances, to allow the Attorney-General to issue certificates in relation to judicial conditions of service and to allow the Judicial Remuneration Tribunal to consider additional leave arrangements.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 2 June.

LAND (MISCELLANEOUS MATTERS) BILL

Second reading

Mr HULLS (Minister for Planning) — I move:

That this bill be now read a second time.

This bill will provide for the change in land status of Crown land at Ballarat and East Melbourne.

Sovereign Hill at Ballarat

The bill will enable the addition of approximately 6360 square metres of Crown land to the Sovereign Hill tourist reserve at Ballarat.

Sovereign Hill, which is located on Crown land, is one of Victoria's major award winning tourist attractions, providing visitors to the site with an authentic re-creation of life on the Victorian goldfields during the 1850s.

The Sovereign Hill Museums Association is responsible for the management of this unique area under a lease arrangement issued under the Ballarat (Sovereign Hill) Land Act 1970.

The City of Ballarat and the association identified two government roads, being part of Robertson Street and Wainwright Street, that abut the reserve that would complement and consolidate the boundaries of Sovereign Hill.

The council subsequently discontinued the roads under the provisions of the Local Government Act 1989, and both the council and the association have sought their addition to the reserve and the lease area occupied by the association.

The Bracks government is pleased to be able to introduce legislation that will further enhance the Sovereign Hill reservation.

Anglicare site

The bill will amend the land status of Crown land at East Melbourne that is currently vested by restricted Crown grant in Anglicare Victoria by revoking the permanent reservation of the land and the Crown grant.

The status of this land has been amended on a number of occasions since it was first reserved back in 1865 for purposes such as 'a site for a servants training asylum', 'a place of accommodation for girls undergoing any domestic or technical training' and in more recent times for welfare purposes.

Anglicare Victoria is one of the state's largest providers of care and support to children, young people and families in crisis. Its range of programs include; foster care, food and material aid, care for children with disabilities, family and financial counselling, assistance for victims of child abuse and neglect, parenting advice and support, residential and crisis accommodation for young people and parish partnerships.

Prior to 1999 Anglicare's Berry Street property was used to facilitate its intensive support program for young women and their children who have been sexually or physically assaulted.

Since 2000 the Berry Street property has been let to Bayside Health as a facility for extended care for people living with HIV/AIDS and underlying illnesses such as mental health issues, drug and alcohol dependency or physical disabilities. Respite is also offered, which at times may include women who are HIV positive and their children.

Anglicare Victoria has agreed to surrender to the Crown its interest in the restricted Crown grant comprising approximately 1871 square metres to enable approximately 40 per cent of the land to be sold at public auction. Anglicare Victoria will receive an unconditional Crown grant for the balance of the site that it currently leases to Bayside Health.

The bill will preserve the existing lease between Anglicare Victoria and Bayside Health.

Berry Street child-care centre

The bill will also amend the land status of Crown land that is permanently reserved as a 'site for infant asylum' and also subject to a restricted Crown grant issued in

the name of Berry Street Incorporated as the registered trustees.

Berry Street Incorporated trading as Berry Street Victoria has for nearly 130 years played a vital role in providing programs that support and protect children and young people who have suffered severe abuse and/or neglect. At any one time, Berry Street Victoria is directly caring for approximately 700 of the most disadvantaged and vulnerable children and young people in Victoria, as well as providing a range of other services to families, counselling, family violence, education and employment programs.

Berry Street Victoria's existing site at East Melbourne provides support for this extensive range of programs — human resources functions, training, information management and IT support, program support and financial management.

The passing of this legislation will enable Berry Street Victoria to strengthen its capacity to provide high-quality services to Victoria's most vulnerable children, young people and families.

The Crown land at East Melbourne which is subject to the restricted Crown grant issued in Berry Street Victoria is used part by Berry Street Victoria and part by the East Melbourne child-care centre.

Berry Street Victoria has agreed to surrender its interests in the entire site comprising approximately 1479 square metres to enable approximately 979 square metres to be temporarily reserved under the Crown Land (Reserves) Act 1978 for public purposes (child care). An unrestricted Crown grant for the balance of the site being 609 square metres will be issued to Berry Street Victoria.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 2 June.

ACCIDENT COMPENSATION (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The provisions in this bill will:

protect the WorkCover scheme from the impacts of employers exiting to the commonwealth's Comcare scheme;

make retrospective amendments to ameliorate the immediate risks to the WorkCover scheme consequent on the Court of Appeal's decision in Balogh;

bind the Crown to the criminal liability provisions of the Accident Compensation Act 1985;

remove an inconsistency between the cross-border treatment of claims and the liability for premium; and

make other technical amendments to allow for the efficient administration of the WorkCover scheme.

The risks to the VWA from exits to Comcare

Two of the main objectives of the Victorian WorkCover Authority are to:

manage the accident compensation scheme as effectively, efficiently and economically as possible; and

secure the health, safety and welfare of employees in the workplace.

The VWA's ability to meet these objectives in the future has been threatened by recent actions of the commonwealth in declaring certain employers eligible to apply for self-insurance under the Comcare scheme.

These moves threaten both the long-term viability of the Victorian workers compensation and occupational health and safety regime. There are three major threats that the bill is designed to address.

First, if the commonwealth's moves go unchecked, the VWA would be left to cover any increase in the cost of long-tail liabilities that an employer incurred prior to moving to Comcare. As that employer would no longer be paying the VWA premium, the employer has no incentive to manage their return to work obligations effectively. This in turn may mean that the cost of the claim is greater than it should have been and that additional cost is borne by the VWA, and ultimately by Victorian employers through increases in premium.

More importantly, it may mean that the injured worker is disadvantaged in any efforts to return to work. The proposed bill will focus employers on complying with their return-to-work obligations under the WorkCover scheme and ensures that injured workers are returned to work where possible.

Second, regardless of the VWA still being required to regulate those employers who exit to Comcare under the Victorian Occupational Health and Safety Act, the VWA's WorkSafe compliance activities continue to be funded by its premium system. Given that those exiting employers will no longer pay premium, the VWA and the employers who remain insured with the VWA would be subsidising the occupational health and safety regulation of those exiting employers.

Third, the VWA would no longer have access to the data from those exiting employers that underpins its OHS regulation. Without this data it becomes difficult for the VWA to effectively regulate those exiting employers. This in turn may jeopardise the safety of Victorian workers.

Given these risks, the government is acting to protect the Victorian workers compensation scheme. This will enable it to focus on what is important: the health and safety of Victorian workers.

This bill is therefore based on three principles:

the VWA, and Victorian employers generally, should be protected from the financial burden of pre-exit claims from exiting employers;

employers who remain with the VWA should be protected from having to subsidise the regulation and prosecution of health and safety in the workplaces of those that exit; and

the VWA's comprehensive OHS agenda to eliminate workplace death and disease should not be compromised by any movement of employers to Comcare.

Balogh amendments

The bill includes provisions intended to address issues raised by the Victorian Court of Appeal's decision in the matter of *Balogh v. Shire of Yarra Ranges*. In that case the court determined that in the absence of a formal 104-week notice, it had no jurisdiction to consider a worker's entitlements and therefore the worker was entitled to continuing weekly payments.

This decision overturned what was the common practice and understanding of the provision in both the plaintiff and defendant communities. The amendments come with their support, given the court decision's far-reaching administrative and financial consequences that could undermine the VWA's viability. The amendments therefore return to the position as it was understood prior to the Balogh decision.

The provisions operate to clarify Parliament's intention with respect to the termination of weekly payments in the absence of a formal notice.

Crown immunity

Given current expectations that government should be an exemplar in its role as an employer, this amendment provides that the Accident Compensation Act 1985 applies equally to both the public and private sectors. It ensures that the criminal liability provisions in the act are equally enforceable with respect to public sector and private sector employers.

Premium and the cross-border treatment of claims

This amendment has the effect of bringing into line the cross-border treatment of claims and the liability for premium.

The proposed amendments will simplify compliance with the premium system for employers who have workers who periodically work in other states and territories. In particular, employers located in regions near Victoria's borders will benefit in that they will no longer be liable for multiple premiums to cover these workers.

Section 85 statement

Clause 25 of the bill states that it is the intention of section 175 of the act, as proposed to be inserted by clause 6 of the bill, to alter or vary section 85 of the Constitution Act 1975: that is, to vary the jurisdiction of the Supreme Court.

Proposed new section 175 of the Accident Compensation Act provides that there is no recourse to the courts in relation to assessments made under the new part VIA. Other sections in this proposed new part of the act provide for actuarial assessments of exiting employers' liabilities, as they were immediately prior to their exit to Comcare and annually thereafter for six years, and depending on the outcome of those assessments to require payment of certain amounts to be made by either the exiting employer or by WorkCover at certain times. The bill provides only a limited right of review of these assessments and related matters.

These restrictions are necessary to ensure that:

an incentive remains for employers to effectively manage their liabilities incurred prior to their exit to Comcare. Currently, the main incentive is via the premium system. As they will no longer have to pay premium, the incentive will instead be to limit the

additional costs that they may have to pay for the liabilities incurred prior to their exit to Comcare. If the employer could dispute this liability, it may decrease the incentive to effectively manage these claims;

the amounts that will be recovered are unlikely to be greater than those that would be recovered by the premium system if the employer remained insured with the VWA. VWA-insured employers have a limited right to recover premium and do not have recourse to the courts except in limited circumstances. As such, the proposal is consistent with the treatment of VWA-insured employers;

the cost of any litigation would be largely borne by the VWA. Given that one of the bases for this proposal is to ensure the equitable treatment between VWA-insured employers and those that exit to Comcare, the costs for recovery of past liabilities has been minimised; and

this limit applies equally to the VWA. If the assessment at the end of the six-year liability period finds that the employer has managed their claims so effectively that there has been a reduction in their pre-exit liabilities, the VWA is bound by the actuarial assessment and may in fact owe the employer a refund.

Conclusion

This bill ensures that Victorian workers, employers and businesses are protected from moves by the commonwealth to expand their own workers compensation scheme. Given that Victoria's workers compensation scheme is the best managed and best positioned in Australia, we need to ensure that it remains that way so that Victorian businesses retain their competitive advantage and to ensure that injured Victorian workers are fairly and adequately compensated. This bill allows the VWA to do that. It ensures that VWA-insured employers do not bear the liabilities of those that exit to Comcare and it supports the VWA's role in regulating the health and safety in Victorian workplaces to ensure our workers remain safe.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 2 June.

ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (OMBUDSMAN) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The bill implements this government's commitment to establish a specialised Office of the Ombudsman to deal with complaints in relation to the administration of WorkCover and TAC. It is consistent with the government's objective to ensure that Victoria continues to lead Australia in the provision of soundly administered and fully funded compensation schemes for workplace and transport accidents and will ensure that compensation claims by persons injured in our workplaces and on our roads are managed efficiently and fairly. The bill also complements the ongoing reform agenda of both the VWA and the TAC, and in particular their recent adoption of the model litigant guidelines and the TAC's new dispute resolution protocols.

The provisions in this bill clarify the jurisdiction and enhance the role of the Ombudsman in a number of respects and provide a mechanism for funding these new responsibilities.

Specifically, in respect of WorkCover the bill ensures that, from 1 October 2005, the Ombudsman will not need to rely on administrative arrangements to establish his jurisdiction to inquire into or investigate the conduct of the VWA's claims agents or self-insurers, because the jurisdiction will now be clearly spelt out legislatively. The VWA retains primary responsibility for regulating its claims agents and Victorian self-insurers but, where required, the Ombudsman will clearly have exactly the same statutory authority to investigate their conduct as he currently has in respect of complaints about the conduct of the VWA itself. This will ensure that all injured workers receive the same high standards of efficiency and fairness in compensation claims management, irrespective of their employer's insurance arrangements.

The ability for the Ombudsman to review the conduct and procedures of claims agents and self-insurers reflects some existing situations, for example contractors providing prison and prison-related services. The bill does not give the Ombudsman jurisdiction to consider the substance of compensation claims, which will continue to be determined as they are currently. However, by ensuring there is a clear mechanism for independent and impartial review of

compensation claims management and handling, the bill provides an incentive for the VWA and its claims agents, self-insurers, and the TAC, to make sure compensation claims are managed efficiently and fairly.

Secondly, to complement the changes made by the bill, the Ombudsman has agreed to place an increased emphasis on the WorkCover and transport accident schemes. This is expected to include:

data collection;

review of complaint handling processes within the VWA and the TAC;

identification of systemic issues arising from the administration of both schemes;

recommendation of solutions to enhance the administration of both schemes;

undertaking a broader educative role to improve public awareness; and

outreach, including the development of complaint handling literature and resources for the agencies concerned.

Thirdly, the bill addresses how the costs associated with the changes are to be met. The Ombudsman reports to Parliament and receives appropriation funding to enable him to carry out his existing statutory functions, including investigating complaints about the administrative actions of VWA and TAC, and this will not change. However, the expanded role of the Ombudsman will be funded from the WorkCover Authority Fund and the Transport Accident Fund. Managing and resolving complaints about claims handling is a fundamental aspect of compensation claims administration, and forms part of the VWA and the TAC's normal claims management expenses. The changes will not be funded through premium increases.

Improved complaints handling systems within WorkCover and the TAC should result in longer term efficiencies being generated from systemic improvements across both schemes, and in the administration of the statutory authorities, their claims agents, and self-insurers generally. I hope that this in turn will lead towards improved relationships between all agencies and complainants, decreased disputation and, ultimately, reduced overall costs of the schemes to employers and motorists respectively.

Since coming to government, we have restored common law rights for seriously injured workers, delivered successive boosts to worker's entitlements,

and introduced reforms to make it easier for injured workers to return to work. Following these initiatives, this bill provides a simple, cost-effective and efficient means of delivering the government's commitment to establish a specialised office of the Ombudsman to deal with complaints in relation to the administration of the WorkCover and TAC schemes, and one which is fully supported by stakeholders. The establishment of this specialised office, and the emphasis on independent review, complements and supports a number of the reforms to workplace and transport accident compensation already introduced by this government in order to ensure Victoria leads the way in this vitally important area.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 2 June.

DANGEROUS GOODS AND EQUIPMENT (PUBLIC SAFETY) ACTS (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Last year, the government implemented the Occupational Health and Safety Act 2004 — the most important reform to occupational health and safety legislation in Victoria in almost 20 years.

The reforms followed an independent review of the existing Occupational Health and Safety Act 1985 by Chris Maxwell, QC, and an extensive public consultation process about the best way to minimise the risk of death and injury in the modern workplace.

The reforms were welcomed by the community as were the administrative changes to the way that the Victorian WorkCover Authority (VWA), through its WorkSafe division, and its inspectors, will promote and enforce the new arrangements.

The new act enables VWA inspectors to better perform their role and help workplace parties find safety solutions.

A new coherent framework comes into place on 1 July 2005 that clearly defines powers of inspectors, the

rights of persons who are subject to those powers and the safeguards to protect the integrity of the system.

The framework recognises that inspectors have a wider role to educate, support and advise employers, employees and other people at work to make it easier and less costly for businesses to get the information they need to make workplaces safer.

The Maxwell report also recommended that the powers of inspectors be made uniform across the other principal acts that promote public safety in Victoria, which are also administered by the VWA, including:

The Dangerous Goods Act 1985, which promotes the safety of persons and property in relation to dangerous goods, including explosives; and

The Equipment (Public Safety) Act 1994, which provides for public safety in relation to prescribed equipment and sites, like lifts and boiler rooms in private buildings, where the Occupational Health and Safety Act is not relevant.

The bill

The main purpose of the bill is to facilitate a more consistent approach to enforcement across Victoria's principal health and safety acts.

To achieve this, the bill amends the Dangerous Goods Act 1985 and the Equipment (Public Safety) Act 1994 to align inspectors powers with those under the Occupational Health and Safety Act 2004, as far as is practicable.

I will now outline the key provisions of the bill.

Inspectors powers

In addition to making inspectors powers under the Dangerous Goods Act and the Equipment (Public Safety) Act more consistent with the powers in the Occupational Health and Safety Act, the bill recasts the provisions conferring powers on inspectors. Powers to enter are dealt with separately to powers to inspect and gather evidence upon entry, such as powers to take samples and require the production of documents. This layout mirrors that in the new Occupational Health and Safety Act.

The bill makes it clear that inspectors are subject to the VWA's directions in the performance of their functions or exercise of their powers under the Dangerous Goods Act or the Equipment (Public Safety) Act.

The Dangerous Goods Act includes several specific inspector powers that are important from a public safety

perspective, powers that, for example, enable inspectors to inspect vehicles used to transport dangerous goods; deal with emergency situations or prevent an emergency situation developing; or investigate dangerous goods incidents. The bill maintains specific powers important for enforcing dangerous goods legislation.

Search warrants

The bill provides that in specific circumstances VWA inspectors can apply to a magistrate for a search warrant, in accordance with the Magistrates' Court Act 1989. This may include where there is a need to search for evidence of a serious breach of health and safety laws.

The provisions replicate not only the Occupational Health and Safety Act, but are similar to those that have been in place for some time under the Gas Safety Act 1997, the Electricity Safety Act 1998, the Building Control Act 1993 and a range of other acts that enable regulation of safety within specific industries.

WorkSafe will develop a policy and procedures covering applications for warrants to ensure they are executed fairly and in accordance with the law.

Power to issue notices and directions

The bill makes the range of enforcement tools under the three acts consistent. The bill allows inspectors to issue non-disturbance notices, improvement notices and prohibition notices. In the event of an immediate risk to health or safety, inspectors will be able to give binding directions, either orally or in writing. Under the Dangerous Goods Act, a direction can also be given where there is an immediate risk to property.

Entry to premises

Inspectors will have a limited power to enter places that are used for residential purposes, but only with the consent of its occupier or the authority of a search warrant. Given the public safety focus of the two acts, a modification has been made to enable inspectors to conduct inspections in common areas, where things like a lift or a boiler may be located in an apartment building.

Review of decisions

The bill provides for a speedy, authoritative and transparent mechanism for internal review of inspectors decisions under both of these acts. This will provide a cost-effective method for parties aggrieved by an inspector's decision to get speedy review. The bill does

not limit the rights of any person to seek review at the Victorian Civil and Administrative Tribunal (VCAT), should they remain aggrieved after an internal review.

Legal proceedings

The bill provides that inspectors require the written authorisation of the VWA to initiate legal proceedings for an offence, and maintains the existing right for a member of the police force to bring a proceeding for an offence under the Dangerous Goods Act.

Under the bill, other people can request that the VWA bring a prosecution, details of which must be published in VWA's annual report, and on its web site.

The bill imposes a two-year limitation period on the commencement of prosecutions for indictable offences, but enables the VWA to seek written authorisation of the Director of Public Prosecutions to commence a prosecution outside this timeframe.

Constructive compliance

The bill provides the VWA and its inspectors with a range of measures to assist duty holders to comply with the acts, and constructive alternatives to prosecution.

The VWA will be able to accept agreed undertakings from a duty holder to carry out a specified program of health and safety improvements in place of a prosecution. While these undertakings are in place and are being appropriately implemented, prosecution proceedings for the offence cannot be brought by VWA.

The bill also provides for VWA and inspectors to provide advice to duty holders on how to comply with the acts to ensure that every opportunity is taken to ensure public safety is assured as far as practical.

The bill does not amend the general penalties regime in either of the acts, which would be an issue for any wider review to more comprehensively align the acts. The bill does however replicate penalties from the Occupational Health and Safety Act that relate to the performance of an inspector's role. For example, penalties for impersonating an inspector or not complying with a prohibition notice will now be uniform.

Technical amendments

The bill makes a range of technical amendments including changes to the Dangerous Goods Act to re-enact, with some modification, provisions relating to delegation of some powers and functions to the

Department of Primary Industries. The bill confers on the VWA clear authority to delegate to DPI any or all of its powers or functions under the Dangerous Goods Act, to the extent they relate to dangerous goods in mines, quarries and petroleum sites. The bill also includes some modifications or refinements that have been necessary to ensure that the different focuses of the two acts are preserved.

Commencement

Given the close relationship between these three acts it is sensible that the bill provides for the revised framework for inspectors to commence operation on 1 July 2005, the same day as the Occupational Health and Safety Act comes into effect.

Conclusion

Victoria already has some of the best health and safety laws in Australia.

Replicating provisions of the Occupational Health and Safety Act across the other related safety acts administered by the VWA is an efficient way to deliver a higher degree of certainty for duty holders about what they can reasonably be expected to do and what inspectors are authorised to do, enhancing the safety of the Victorian community.

The bill represents another step towards VWA becoming a more constructive, transparent and effective regulator, by providing a more consistent approach to enforcement across these areas.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 2 June.

ENERGY SAFE VICTORIA BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

The Energy Safe Victoria Bill provides for the merger of the Office of the Chief Electrical Inspector and the Office of Gas Safety into a new streamlined regulator, operating as Energy Safe Victoria.

Establishment of a single energy safety regulator for Victoria was a key recommendation arising from

government's recent review of energy safety regulators in Victoria.

The merger will improve efficiency and economies of scale, without compromising the high-quality safety outcomes already being achieved by Victoria's energy regulators.

Energy Safe Victoria will provide an increasingly efficient and cost-effective operating environment. Alongside reduced on-site costs, the implementation of common systems, procedures and standards will provide greater consistency for industry and will streamline operational activities undertaken by the new regulator. Increased efficiencies will also occur through increased integration with government planning, management and reporting requirements.

At the same time, the proposed organisational structure of the new regulator supports the retention of specialist expertise at appropriate levels.

This bill establishes the new regulator, Energy Safe Victoria, and provides for the transfer of the existing functions and powers of the Office of Chief Electrical Inspector and Office of Gas Safety to that body.

Part 1 of the bill sets out the purpose of the act and provides for its commencement. Part 2 provides for the establishment of the new regulator as a statutory body corporate, with objectives and functions as provided in the Electricity Safety Act 1998, the Gas Safety Act 1997 and other relevant acts.

Part 2 also provides that Energy Safe Victoria will comprise a director of energy safety, to be appointed by the Governor in Council, and provides for other appointments to the new body, delegation of powers, the establishment of committees, borrowing powers and corporate planning requirements.

Part 3 of the bill provides Energy Safe Victoria with an additional power to undertake and conduct inquiries by its own initiation or by ministerial direction. This power is consistent with the powers currently held by the Essential Services Commission.

The bill also provides for consequential amendments, including the abolition of the Office of Chief Electrical Inspector and the Office of Gas Safety.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 2 June.

HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Ms PIKE (Minister for Health) — I move:

That this bill be now read a second time.

This bill contains a series of amendments to the following acts —

the Mental Health Act 1986;
the Health Services Act 1988;
the Cemeteries and Crematoria Act 2003;
part 5C of the Building Act 1993 —

and the legislation regulating the registration of health practitioners, namely —

the Chinese Medicine Registration Act 2000;
the Chiropractors Registration Act 1996;
the Dental Practice Act 1999;
the Nurses Act 1993;
the Medical Practice Act 1994;
the Optometrists Registration Act 1976;
the Osteopaths Registration Act 1996;
the Physiotherapists Registration Act 1998;
the Podiatrists Registration Act 1997; and
the Psychologists Registration Act 2000.

The Veterinary Practice Act 1997 is also amended along with the other registration acts.

The key provisions in the bill are intended to ensure the efficacy of recent legislative changes to the Mental Health Act and to the regulation of cemeteries and crematoria under new legislation due to come into effect on 1 July 2005.

The amendments to the Health Services Act and to the health practitioner registration legislation will improve the administration of those acts and enhance the functionality of health practitioner registration boards. They will thus contribute to the provision of high-quality, efficient and accessible health services.

Part 1 of the bill contains the purpose and commencement provisions.

Part 2 of the bill amends the Cemeteries and Crematoria Act 2003.

That 2003 act contains provisions regarding cemetery trust fees. 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. This will allow more flexibility in the administration of cemetery trust fees and will allow fees to be adjusted over a period of time, should that be considered appropriate in some cases.

The bill amends the requirement for the payment of a prescribed fee on application for approval for interment outside a public cemetery to allow for the situation if no fee is prescribed.

The bill also amends the provisions in the act allowing for the interment or cremation free of charge by a cemetery trust of a deceased person whose relatives or friends are unable to provide for the interment or cremation. The amendment clarifies that a coroner can make orders for such interments or cremations. The current wording would require the coroner to sit as a Magistrates Court in order to make such an order. As this is not considered appropriate, the amendment removes this restriction.

The bill adds a requirement that an application for an exhumation licence must be accompanied by specified documentation identical to the documentation already required when making an application to inter bodily remains. The intention is to enable the Secretary of the Department of Human Services to have before her sufficient information to consider the interests of all affected parties before issuing such a licence.

In addition, the bill creates an offence for knowingly making a false statement for the purpose of obtaining an exhumation licence, to reflect the seriousness of inappropriately disturbing bodily remains.

Part 3 of the bill makes some housekeeping amendments to the Health Services Act 1988, to improve the administration of that act.

In particular, the bill will amend the Health Services Act as it relates to the composition of Health Purchasing Victoria.

The current statutory provisions reflect the recommendations of the final report of the procurement reference group. That group was established in 2000 to advise the government on the best way of implementing joint purchasing arrangements in public health services and hospitals.

That group recommended that HPV should:

mainly comprise current public hospital staff, to ensure that HPV has up-to-date knowledge of issues in health purchasing and clinical knowledge;

include public hospital chief executive officers, to ensure appropriate communication with, and feedback from, senior hospital administrators;

have an appropriate mix of members from rural and metropolitan hospitals, to ensure the purchasing needs and perspectives of both rural and metropolitan hospitals are properly taken into account; and

include nominees of the secretaries of the departments of Human Services and Treasury and Finance to ensure that HPV has knowledge and understanding of hospital financing and wider government procurement policies and processes.

However, experience with the operation of the current statutory provisions has shown that they are somewhat inflexible. By establishing very specific criteria for appointments, the act may operate to preclude the appointment of applicants or retention of members with impressive credentials and valuable skills and knowledge. For example, at present, when hospital appointees change their jobs, the act may make them ineligible to retain their positions on HPV, even if they have proven to be highly effective contributors.

The proposed amendments in this bill are designed to ensure that the government of the day has the capacity to appoint and retain the best available candidates.

The bill will enable the Governor in Council to appoint between 8 and 12 people with skills, knowledge or experience relevant to the functions of HPV. For the reasons outlined by the procurement reference group, it is considered vital to have a current metropolitan and a regional or rural hospital chief executive officer on HPV. It is also considered important to retain nominees of the secretaries of the departments of Treasury and Finance and Human Services on HPV. Therefore, these requirements will be retained in the act. The bill will potentially enable an increase in the maximum number of members of HPV from 10 to 12 people. This will enable the appointment of up to two additional people if there is a particularly strong field of candidates and this is considered desirable.

The bill will also amend the Health Services Act 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

on that board (the equivalent of three consecutive three-year terms);

resolve a current problem for public hospitals and health services relating to the timing of their annual meetings under the Health Services Act 1988. Under that act, a public hospital or health service is required to submit its annual report at its annual meeting, which must be held on or before 31 October each year. It is appropriate that public hospital annual reports be tabled in Parliament before they are publicly released at public hospital annual meetings. However, under the Financial Management Act 1994, annual reports may be tabled in Parliament after 31 October —

to remedy this problem, the bill amends the Health Services Act to extend the date by which public hospitals and health services must hold their annual meetings from 31 October to 31 December each year, unless the secretary, in writing, approves a later date. This amendment is designed to allow sufficient time for public hospitals and health services to hold their annual meetings after their annual reports have been tabled in Parliament as required under the Financial Management Act — and

avoid unnecessary duplication in the preparation of accountability instruments under the act, by clarifying that where matters are to be covered in an annual statement of priorities for a public health service, any health service agreement that may also apply to that service need not address those same matters.

Part 4 of the bill amends the Mental Health Act 1986.

The intention of the amendments is to remove undesirable restrictions on the location at which a registered medical practitioner, or a mental health practitioner, can make an involuntary treatment order. The amended act will allow both types of practitioner to make an order in the community and the hospital setting. It will also enable practitioners, in consultation with the authorised psychiatrist, to release persons subject to involuntary treatment orders into the community pending their statutory review.

The bill amends the act to allow for members of a multidisciplinary treating team other than the authorised psychiatrist to discuss a patient's treatment plan with the patient.

These amendments will allow for flexibility and a better use of resources.

The bill also amends the act to allow security patients to be granted up to a maximum of seven days special leave for medical treatment.

Currently the act provides that security patients (who have been transferred from prison requiring mental health treatment or are found guilty of an offence and ordered to be detained in a mental health service) can only be granted special leave from a mental health service for a maximum of 24 hours. The amendment will bring security patients in line with forensic patients under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 which allows a maximum of seven days special leave for medical treatment.

Special leave is often used to provide specialised medical treatment that is not available at the mental health service. Difficulties arise when the medical treatment cannot be completed within 24 hours, and multiple leave applications must be made to cover the period of treatment. This is considered onerous and unnecessary. This amendment will streamline paperwork by reducing the number of applications required to be made.

Part 5 of the bill contains amendments to the health practitioner registration acts referred to earlier.

There are currently 11 health practitioner registration acts regulating 15 health professions in Victoria. Only the Pharmacy Practice Act 2004 contains the up-to-date model provisions.

Broad structural reform to the current scheme of regulation for health practitioners is currently under consideration. A discussion paper has been released and 116 submissions received, including comments from registration boards operating under the existing legislation. The department has released an options paper and is conducting further consultation with stakeholders before proposals for reform are finalised.

Stakeholders have indicated through the consultation process that there is strong support for introducing these reforms as soon as practicable. These amendments will provide consistency in health practitioner legislation without compromising the broader structural reforms under consideration.

The bill makes identical amendments to 10 health practitioner registration acts to provide consistent powers across the acts in relation to the identified areas.

The amendments in the bill allow 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.

They allow that, with ministerial consent, board members (including the president and deputy president) may continue to hold office, if required, for a period not exceeding three months beyond the date of expiration of their term of appointment.

The amendments allow the boards to grant specific registration to an applicant to meet an identified need for a practitioner.

The amendments allow boards to lift, vary or revoke the conditions on a practitioner's registration with agreement from the practitioner without returning to a hearing.

The bill contains amendments allowing boards to issue guidelines about minimum terms and conditions of professional indemnity insurance for registered practitioners, and require that insurance as a condition of the grant or renewal of registration, and other consequential amendments. As registered practitioners who are employees of public sector health care agencies are covered by state insurance provided by the Victorian Managed Insurance Authority, it is anticipated that any guidelines will focus on appropriate insurance cover for private practitioners to ensure that their patients or clients are protected in the event of a claim.

The bill contains amendments to the Chinese Medicine Practice Act 2000 to reflect amendments to health practitioner registration acts referred to in that act.

In part 6 of the bill two of these amendments are made also to the Veterinary Practice Act 1997, which is modelled on health practitioner registration acts. The first is the amendment allowing a board to lift, vary or revoke the conditions on a practitioner's registration with agreement from the practitioner without returning to a hearing. The other is the amendment allowing that, with ministerial consent, board members (including the president and deputy president) may continue to hold office for a period not exceeding three months beyond the date of expiration of their term of appointment.

Part 6 of the bill also makes some miscellaneous amendments to other legislation.

Section 75JB(b) of the Building Act contains a cross-reference to section 229 of the Building Act. An amendment to section 229 was passed in 2004, but the cross-reference in section 75JB(b) was not amended, and it retains wording that is no longer used in section 229.

The amendment in this bill corrects the reference in section 75JB(b) and provides for powers under section 75JB(b) that are more consistent with the general powers that were inserted into section 229 of the Building Act in 2004.

This bill also updates a department name used in the Health Act 1958 from 'Natural Resources' to 'Sustainability'.

I commend the bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until Thursday, 2 June.

MELBOURNE COLLEGE OF DIVINITY (AMENDMENT) BILL

Second reading

Ms KOSKY (Minister for Education and Training) — I move:

That this bill be now read a second time.

This bill amends the enabling legislation for the Melbourne College of Divinity to make the legislative changes necessary for the college to comply with the new national governance protocols for higher education providers and to improve the college's operational efficiency.

The Melbourne College of Divinity Act 1910 contains provisions which reflect the individual history and character of this long-established institution. Apart from the mandatory governance amendments required for compliance with the protocols, changes are being made to simplify, modernise and generally improve the effectiveness of the college's operation.

Honourable members will be aware that recent changes to commonwealth funding arrangements for higher education institutions included a component of funding which is contingent on the adoption of a set of governance arrangements referred to as the 'national governance protocols'.

The Higher Education Acts (Amendment) Bill, which amends the enabling legislation for Victoria's public universities in order to implement these protocols, has previously been introduced into this Parliament.

In summary, the 11 national governance protocols applicable to the Melbourne College of Divinity (as a

table B provider under the commonwealth's Higher Education Support Act) are as follows:

1. the higher education provider must have its objectives specified in the document that establishes the provider as a legal entity;
2. the governing body must adopt a statement of its primary responsibilities (including those which are listed);
3. the duties of the members of the governing body and sanctions for the breach of those duties must be specified in the document that establishes the provider;
4. each governing body must make available a program of induction and professional development for its members;
5. the size of the governing body must not exceed 22 members and must include members with certain expertise;
6. the higher education provider must adopt systematic procedures for the nomination of prospective non-elected members;
7. the higher education provider is to codify and publish its internal grievance procedures;
8. the annual report must be used for reporting on high level outcomes;
9. the annual report must include a report on risk management;
10. the governing body is required to oversee controlled entities; and
11. the higher education provider and its associated entities shall be audited by an external auditor.

Higher education providers other than universities are also eligible to receive the additional commonwealth funds provided they comply with the protocols. The Melbourne College of Divinity, operating under the Melbourne College of Divinity Act 1910, therefore requested that its act be amended to enable compliance.

As distinctive changes are required to enable the college to comply with the protocols and in order to accommodate its unique structure, amendments to the Melbourne College of Divinity Act 1910 are being introduced separately in this bill.

The Melbourne College of Divinity was constituted by the Melbourne College of Divinity Act 1910 and currently includes representatives of the churches of Christ and the Anglican, Baptist, Presbyterian, Roman Catholic and Uniting churches. The Salvation Army is also involved in its teaching program.

The college is affiliated with the University of Melbourne and is listed as a schedule 1 higher education institution by the commonwealth Department of Education, Science and Training.

Research has been part of the college's life since the beginning but the coming of commonwealth research training funds from 2001, and then participation in the PELS and now FEE-HELP schemes, brought the college into the wider tertiary education sector. Research funding has seen a steady growth in the number of students completing higher degrees by research — 8 doctorates and 16 research masters in three categories in 2004.

As a consequence, the college has become accountable to the commonwealth for the funds and loans provided, and as a higher education provider it must now accord with the national governance protocols.

Meeting these requirements has transformed the central administration and tightened quality assurance procedures across the college generally, with considerable restructuring as the college plans to the future. The opportunity to have its act thoroughly revised and so reshape the college is welcomed by the institution as it moves towards its centenary and a new phase in its history.

The college is a complex structure. Like a university, it has a central administration and academic boards responsible for the maintenance of educational standards across the institution. Its seven colleges, like the faculties of a university, engage in teaching and learning activities with students. Yet the college is unlike most universities in that these seven colleges are autonomous, employing teaching staff and providing teaching and library facilities but do not have the power to grant degrees.

The college thus functions as a network of diverse communities working cooperatively. This network embraces the Kew office; the teaching colleges which make up the registered teaching institutions; boards and committees which oversee academic programs; the graduates and fellows; and above all those who teach and learn — the faculty and students who constitute the college as a varied community of scholarship.

The amendments contained in the bill will enable the college to be defined as a much broader entity, with its affairs managed by a council which meets the requirements of the national governance protocols. The teaching of college programs has for the past three decades been largely carried out in teaching organisations with close links to the churches, but subject to quality controls and program details established by the college. Under the proposed new arrangement, the quality of programs will be the responsibility of the council rather than the college as a whole.

The council will consist of the dean of the college, the chairperson of the academic board and members appointed by the churches and the council. Some flexibility will be provided for the council to increase or decrease the number of members if the need arises. It seemed cumbersome to require parliamentary approval to add or subtract members and this bill will allow new members to join the college without further amendments to the act being required.

Consistent with the changes to the university legislation, at least two members must have financial expertise and at least one must have commercial expertise at a senior level. A majority of members must also be independent — that is, neither enrolled as a student nor employed by the council or a teaching institution recognised by the council.

In order to promote the introduction of new members to the council, a member's tenure is limited to 12 years, unless the permission of the council is given. Provisions will also be inserted to ensure the overlap of members' terms where possible.

The office of a council member will automatically become vacant if the member is or becomes disqualified from managing corporations under the Corporations Act or has failed to attend three consecutive ordinary council meetings without the council's prior approval.

The council will have the power (by a two-thirds majority) to remove any council member for failing to comply with his or her duties. The bill outlines a process — in line with the principles of natural justice — that must be followed before such a removal can occur.

Provisions will be inserted regarding conflicts of interests and the responsibilities of council members which are consistent with the university acts.

The bill will enable the establishment of an academic board and will also allow the council to create and administer trust funds.

The vision and mission of the college is impressive. The following values, formally adopted by the college in 2004, express this vision. The college seeks to promote:

critical inquiry and open dialogue in the exploration of truth;

active engagement with local, national and global social contexts;

recognition and respect for the traditions of the member churches in an atmosphere of mutuality and ecumenical cooperation;

interdependence in the development of all learning activities;

honest professional relationships between students and staff;

freedom from all forms of discrimination;

a climate of respect and openness; and

enthusiasm, flexibility and innovation.

This bill has the full support of the Melbourne College of Divinity which has been consulted throughout all stages of the preparation of the bill. I thank the college for its input and on behalf of the Bracks government. I look forward to continuing to strengthen our important relationship with them.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 2 June.

RACING AND GAMING ACTS (POLICE POWERS) BILL

Second reading

Mr PANDAZOPOULOS (Minister for Gaming) — I move:

That this bill be now read a second time.

The purposes of the bill are:

to amend the Racing Act 1958 to enable the Chief Commissioner of Police to issue exclusion orders with respect to licensed racecourses; and

to amend the Casino Control Act 1991 to expand the scope of exclusion orders issued by the Chief Commissioner of Police so that they apply to the casino complex.

During the 2004 Spring Racing Carnival, the government became aware of some anomalies in the power of the Chief Commissioner of Police to issue exclusion orders that help ensure the integrity of gaming in Victoria and reduce opportunities for certain criminal activities such as money laundering.

While the Casino Control Act 1991 currently enables the Chief Commissioner of Police to issue exclusion orders preventing a person from entering or remaining in the gaming area of a casino, the chief commissioner cannot also exclude persons from the remainder of the casino complex or from racecourses. This means that a person who has been the subject of a casino exclusion order can still attend race meetings and any parts of the casino that are outside the gaming area.

The government proposes to address these anomalies as part of its law and order policy.

Accordingly, the bill amends the Racing Act 1958 and the Casino Control Act 1991 to extend the current power of the Chief Commissioner of Police to issue exclusion orders. These amendments are particularly important as they will assist Victoria Police to implement its organised crime strategy and serve to protect the Victorian racing industry.

The Victorian racing industry is the envy of the racing world. Victorian racing is widely recognised as the national leader and the state is generally ranked in the top 4 racing industries worldwide.

This government recognises the importance of the racing industry in terms of the tourism that it generates and the broader economic and employment benefits derived by the state.

The racing industry also delivers to Victoria the biggest annual event in Australia, the Spring Racing Carnival comprising that much-loved premier tourism event on the Australian racing calendar — the Melbourne Cup carnival.

These events and the entire racing industry rely on the integrity of the Victorian racing industry, a reputation

that we cannot afford to see undermined. That is why this bill seeks to protect and preserve our racing industry.

I will now consider the amendments the bill makes to the Racing Act 1958 and the Casino Control Act 1991 in turn.

The bill amends the Racing Act 1958 to provide the Chief Commissioner of Police with power to exclude persons from race meetings held at specified racecourses.

Currently, alleged crime figures, excluded from the casino by an order of the Chief Commissioner of Police, remain free to attend race meetings. This provides the opportunity for such persons to undermine the integrity of racing and engage in corrupt practices such as coercing individuals in the industry or potentially in money laundering.

The proposal to extend the power to issue exclusion orders to encompass race meetings protects against behaviours that may damage the integrity of the racing industry.

The bill makes provision for the issuing of exclusion orders for racecourses for the duration of race meetings. Racecourses can be used at other times for non-racing purposes and it is inappropriate and unnecessary for the exclusion order provisions to apply at such times.

Orders can be made for any of the racecourses specified in the bill and any that are prescribed by regulation.

Importantly, the Chief Commissioner of Police can only issue an exclusion order if he or she considers it necessary in the public interest.

The bill excludes persons who hold a bookmaking licence or an occupational racing licence under the Racing Act 1958 from the exclusion order provisions as they are already subject to licensing requirements, including disciplinary procedures, under the act and the relevant rules of racing.

Under the Casino Control Act 1991, the Chief Commissioner of Police may currently issue an exclusion order that prevents a person from entering or remaining in the gaming area of the casino. There is no power however to exclude persons from the remainder of the casino complex. The casino complex includes hotels, shops, restaurants, other entertainment facilities such as a cinema and car parking facilities. The casino complex will be defined by means of a map lodged in the central plan office of the Department of

Sustainability and Environment. Copies of the plan are available from the Clerk of the Assembly.

Persons present in the broader casino complex may intend to enter the gaming area and there is a risk that an excluded person, present in the broader casino complex, might enter into the gaming area undetected.

Extending the power to issue exclusion orders to encompass the whole casino complex will assist Victoria Police in its efforts to combat organised crime.

The proposal also provides a more uniform approach with other jurisdictions, such as New South Wales, where the relevant provisions can apply, by the making of regulations, to the entire casino precinct, including restaurants and bars.

The bill amends the Casino Control Act 1991 to extend the power of the Chief Commissioner of Police to issue exclusion orders. It will enable the Chief Commissioner of Police to issue exclusion orders for the entire casino complex. As with the provisions for racecourses, the Chief Commissioner of Police can only issue an exclusion order when he or she considers it necessary in the public interest.

The measures contained in this bill are an important part of the government's law and order policy and its commitment to reducing the influence of organised crime in Victoria.

I commend the bill to the house.

Debate adjourned on motion of Mr SMITH (Bass).

Debate adjourned until Thursday, 2 June.

Remaining business postponed on motion of Mr PANDAZOPOULOS (Minister for Gaming).

ADJOURNMENT

The ACTING SPEAKER (Mr Kotsiras) —
Order! The question is:

That the house do now adjourn.

Children: sporting code

Mr McINTOSH (Kew) — I have an issue for the Attorney-General. The issue I wish to raise with the Attorney-General is this government's commitment to working with children. The action I seek from the Attorney-General is for the government to form a partnership with the Victorian sporting associations and

other organisations to implement a regime of voluntary codes of practice involving working with children.

A voluntary code of conduct could be developed by each sporting club and individually tailored to the sport's needs and the best way to protect children who participate or become involved in that sport.

It may sound trite but it is important to restate that every right-minded Victorian sees the protection of Victorian children from sexual or physical abuse or other predatory behaviour as paramount for all of us. This is also probably trite but we should repeat that all Victorian kids should be encouraged to safely engage and participate in as wide a variety of sports and recreational activities as possible. These two trite principles should not necessarily be inconsistent, but we in the Liberal Party believe that an effort to properly protect kids by overregulating sporting associations with a one-size-fits-all approach could easily lead to overkill and eliminate the first problem of child abuse at the clear expense of having our kids provided with the opportunity of participating in as many sports as possible. Overregulation might simply crush some sports.

Given that nearly 40 per cent of voluntary sporting associations in Victoria have an annual turnover of less than \$40 000, we are not dealing with wealthy entities — wealthy entities might be quite capable of dealing with regulation imposed by government. It may well be that if they are overregulated many of these sporting associations will simply cease to exist. Most of them are administered by volunteers. In some cases these people are former sporting heroes who give back to their sport by training and encouraging kids to enjoy the thrill of participation. In some cases they are people like myself — old has-beens who reminisce with neighbours and friends while watching their sons and daughters enjoy their sports, help out with the car pool, serve in the canteen or act as a wheezing umpire on the boundary line occasionally. I am concerned that overregulation in order to protect children may become too hard an impost to bear and mean many of these sporting associations will simply cease to exist.

The Honourable Bruce Atkinson, a member for Koonung Province in another place, and I recently met with representatives of different sporting associations from around Victoria who are interested and involved in a variety of different sporting activities. They are all resolved to meet the community's expectations to protect children because they themselves are parents, love their children and want them to safely participate in those sports. They are in the best place to produce the

most flexible outcomes, therefore voluntary codes of practice would be the best outcome.

Police: Warrandyte station

Ms GREEN (Yan Yean) — The matter I wish to raise is for the Minister for Police and Emergency Services. The action I seek is for the minister to do all in his power to reassure the communities of Warrandyte and North Warrandyte that funding has been allocated for a new police station in Warrandyte as part of the \$78 million police station upgrade program announced in the budget. Prior to the last state election the Bracks government committed to building further on the work of its first term by promising new police stations serving my electorate at Hurstbridge and Warrandyte. This government has an enviable record on community safety in serving my electorate. New stations have been built at Eltham, Kinglake and Mill Park, and significant extensions have been made at Epping and the emergency services complex in Diamond Creek, of which we are very proud. I would like to thank the previous Minister for Police and Emergency Services, who is sitting at the table, for his work and efforts for the community.

Police numbers are significantly up in Diamond Creek — in fact, they have trebled. Crimes rates are down — they are 23 per cent below the national average. I contrast this with the performance of the previous government which sacked police, closed police stations and threatened the very existence of the Hurstbridge station. I took great pleasure in announcing that we were going to replace the Hurstbridge police station. The announcement was made out the front of the police station with my predecessor, the former member for Yan Yean, and we cut up his bumper sticker which said ‘Save Hurstbridge police station’.

What is the dark cloud on the horizon? The member for Warrandyte. At last week’s Warrandyte community association meeting the member for Warrandyte misled the association by claiming — —

Mr Perton — On a point of order, Acting Speaker, the member is not allowed to cast aspersions on another member save by notice of motion and motion.

The ACTING SPEAKER (Mr Kotsiras) — Order! There is no point of order.

Ms GREEN — The member for Warrandyte told the Warrandyte Community Association meeting that there was no funding in the budget for this police station. Either he is being loose with the truth again or he cannot read the budget papers or media releases. He

is not the only one in the opposition saying it. We heard the member for Polwarth today and earlier this week claiming that there was no money in the budget for the Geelong bypass. We know that there is. The Treasurer pointed that out very well in question time today and made it quite clear.

So we have Phil the Fibber again misleading the community. I urge the minister to reassure the Warrandyte community because the opposition hates good news. We have a great record on community safety. We are going to build these new police stations at Warrandyte and Hurstbridge and I will be standing with the community making sure that happens. I urge the minister to again publicly state his commitment to this so that the Warrandyte community can be reassured and know who tells the truth.

Weeds: control

Dr SYKES (Benalla) — I ask the Minister for Environment to get fair dinkum about weed control and provide adequate funding for Department of Primary Industries (DPI) field staff and the Keith Turnbull Institute’s weed research projects. Weeds cost Victorian land-holders hundreds of millions of dollars a year. Lack of Victorian government commitment to weed control is a topic which is raised with me constantly by concerned land-holders, Landcare groups and the community in general.

Recently I had letters from three organisations expressing their grave concerns about the lack of funding for DPI field activity and weed research activity. Prior to discussing the contents of these letters I would like to emphasise that successful weed control programs are by nature long term. Successful weed control programs also involve joint ownership by the land-holders, the community and government agencies, and these agencies provide particularly valuable input, which is coordination, technical advice and enforcement when necessary, and research to identify alternate strategies, especially biological control.

Given the vital role of government in weed control it is extremely disappointing that the north-east region of DPI has a \$300 000 budget deficit resulting in failure to refill at least four key staff vacancies, and the current funding for research is grossly inadequate.

The Warby Range Landcare group which initiated the highly successful Upper Boosey Mokoan weed action group advises me that Anthony Wilson, from DPI Wangaratta, and Kylie Woods, from DPI Benalla, have not been replaced. I know from attending several meetings of the weed action group that it has been

highly successful in controlling weeds in the area, and DPI staff such as Anthony Wilson and Kylie Wood have made significant contributions. It is crazy that such a successful community-initiated program is at risk and that the good work of the last two to three years will be wasted because weeds will completely take over again unless the program continues.

The Bonnie Doon community group is also concerned about the non-replacement of two DPI staff at Mansfield. This has resulted in the interruption to the blackberry control program in the area and, I believe, the termination of the Paterson's curse control program. Again many years and a lot of goodwill is at risk.

The Warrenbayne Boho land protection group is extremely concerned about the inadequate funding for research into weed control agents such as the flea beetle and the pollen beetle. New biological control agents are essential for the successful control of weeds like Paterson's curse and blackberries in much of the north-east, which can be very difficult to access.

I therefore ask that the minister investigate the funding of DPI field weed control activities and weed research activity and inject significant additional funds so that the government can be an important partner in weed control.

Racing: horse transport

Mr ROBINSON (Mitcham) — I want to raise an issue for attention of the Minister for Racing. It concerns a perplexing and ongoing problem — the availability of air transport of Victorian racehorses whose owners wish to have them compete interstate. I am seeking the minister's agreement to continue raising this in relevant forums in order that we might get a solution to what is a serious problem. The issue certainly raised its head and came to prominence in November last year when a number of well-performed Melbourne horses were unable to find air transportation across to compete in the Perth carnival. I think Peter Moody, who trained Sky Cuddle, which had won the Emirate Stakes, the last group 1 event at the Flemington carnival, was unable to get transportation to get over to Perth.

I cite an article from the *Age* of 15 November 2004. It was written by Tony Bourke and was about Chris Calthorpe, whose company Air Horse Transport moves more than 90 per cent of horses around Australia. Mr Calthorpe is reported as claiming:

... the horse transport business has 'regressed 10 years' and was only going to get worse.

Part of this regression is due to the demise of Ansett Airlines and the withdrawal, as a consequence of that, of a certain number of freight movements, but it is a problem. We had an issue last weekend when the well-credentialled Melbourne galloper Roman Arch, a former Toorak Handicap winner, looked as if he would not be able to make the connections to get up to the Gold Coast for the very prestigious racing that was on there.

It is not an easy problem to solve and it is not one that I have personal familiarity with, Acting Speaker. Indeed along with a number of members in this place — and I am thinking very much of the member for South Barwon — I think the only way the horses we have an interest in would ever run interstate would be if we entered them at the Edenhope races, they drew a wide barrier, ran off the course and crossed the border down the road. It is not a problem that I have personal familiarity with but it is a very serious problem.

The race program is cutting the lead times for horses being entered in major carnivals. Travel time and travel connections are becoming more critically important. It should be possible through the combined efforts of racing authorities around the country and individual race clubs that wish to promote their carnivals to organise a program of airfreight movements so that we can have the best horses in Australia running at the best race meetings. I ask that the minister continue with endeavours to see that we solve this problem.

Birrallee Primary School: upgrade

Mr PERTON (Doncaster) — The matter I wish to raise is for the Minister for Education and Training, and I ask for a capital upgrade for the Birrallee Primary School. I have raised the matter of this school on a number of occasions, as have other Liberal members: on 5 May and 14 September 2004, and on 26 August 2003. The member for Bulleen, who was responsible for this school, raised it during his 2002 budget speech, and it has also been raised by the Honourable Bruce Atkinson in the other place. I can find no reference to the Labor member for that province in the Upper House raising this issue.

I have a letter from the school council president, Carol Pizzey, dated 7 May wherein the issue is put best by the parents. Carol writes:

Dear Victor

I was bitterly disappointed ... to learn that Birrallee Primary School did not receive any funding in the recent budget handed down by the state government.

We have recently [had] ... the Upper House Labor MP Lidia Argondizzo visit our school, and she has agreed that we are almost at bursting point — with very small classrooms, a tiny staffroom that is not nearly big enough to accommodate all of the teachers, along with a large number of integration aides that our school has at this stage (around eight). There is nowhere that we can hold meetings such as subcommittees, fundraising, speech therapy or reading recovery — everybody seems to be fighting for the smallest bit of space to do any work ...

I am finding it incredibly difficult to keep up the positive attitude and assure parents that we are trying our very best to better the local school. Having had another burst water pipe this week, we are holding our breath as to how much longer we need to exist in the primal facilities of the 70s.

Another parent, Daniel Cuturilo, sent me a copy of a letter he sent to Ms Argondizzo, in which he said:

Undoubtedly you are aware of this issue and the requests for funding made by Mr Ashley Ryan for a refurbishment that is crucial to the future of this wonderful school.

... It is an absolute disgrace that no funding has been allocated to Birralee for capital works. There are several conclusions of a sinister nature that can be reached from this fact.

My feeling is that the state budget is in reality an exercise in propaganda and not practical assistance to the people of Victoria ...

Mr Ryan has often lamented in the school newsletter that Birralee Primary School has received virtually no funding for the upgrade of facilities. In fact, by the government's own standard the facilities at Birralee are inferior. Your attention is drawn to the fact that the children attending this school are not second-class waifs, they very much an integral part of Victoria's future.

Academically the students of this school are achieving results well above state averages; furthermore the school is offering students diverse programs in the areas of physical education, performing arts and social values.

...

In many ways I am not surprised that Birralee has received no funding to improve facilities, it is very much a hallmark of the current government. Billions of dollars are squandered towards projects that surpass their originally stated budgets by many multiples, the creation of futile ministries and bureaucracies.

... Taxpayer funds are flowing with the force of a tsunami where the government's whim is concerned, yet a crucial and essential financial accommodation cannot be made for the Birralee Primary School ...

... This government is an incompetent disgrace, and all its members should hang their heads in shame!

A letter from Kristen Harvey states:

I am writing to you as a concerned parent of Birralee Primary School.

The school is in desperate need of refurbishment. It is tired, the classrooms are small and the staffroom is tiny.

I have a child attending now and will have another attending in 2007. It is a beautiful small school that offers a family atmosphere. However, the surroundings are in no way nurturing and warm.

A letter from Alexia Azzato states:

I was surprised with Birralee Primary School being the only school in the area — —

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

Schools: life skills program

Ms MARSHALL (Forest Hill) — I rise this evening to raise a matter with the Minister for Education and Training regarding the provision of life skills programs in schools. The action I seek from the minister is that she ensure that schools that already run successful programs can share their good ideas with other schools. Now, more than ever, it is essential that the education curriculum is broadened to encompass skills such as environmental protection, healthy cooking and other domestic tasks. There is a real need to produce children who are more adequately able to deal with what life throws at them in the real world.

Last week I had the privilege of observing the life skills program in action at Burwood Heights Primary School. Being a category 9 school, Burwood Heights assists many children with high social welfare needs. I was impressed by the commitment and organisation of staff members and the outstanding programs they were providing under the guidance of integration welfare coordinator, Ann Masters. Upon visiting the school staffroom last week, I was met by a small, vibrant group of children learning how to make meatballs and salad. A part of that program teaches the kids to cook healthy meals for themselves. The children are taken food shopping once a week, and they learn about the purchasing of ingredients, giving them necessary skills for a healthier life. Another program involves teaching children to wash and dry their clothes using a washing machine and dryer kindly donated to the school by the Lioness Club of Vermont. Also, the school's numerous garden beds are planted with vegetables and herbs which, once grown, are often used in the healthy cooking program.

All these initiatives provide necessary and lasting skills to ensure that all the children are better able to lead healthy, happy lives. Almost all the equipment and produce used by the programs is donated. Everything from washing powder to plant seeds has been

contributed free of charge by local businesses. This, I believe, is testimony to the importance that society places on schools taking a holistic approach to learning that includes the teaching of basic life skills.

I have had a great deal of involvement with this school, and the staff there work incredibly hard to ensure that all the students are looked after not just in an academic sense but in terms of the much broader picture of their duty of care. I commend the school and its staff members for the work they do and the results they see. As, every year, a new group of children moves into the school, so the staff's work increases. I cannot get over the personal attention the teachers are providing in cases where we would presume these children would be receiving that attention in their home lives but obviously are not. I commend the Bracks government for committing an additional \$868 million to education in the current budget. It is essential, however, that the government ensures that life skills programs are not only adequately supported but adequately encouraged.

Rail: Frankston and Sandringham lines

Mr THOMPSON (Sandringham) — I wish to raise a matter this evening for the attention of the Minister for Transport. In recent years the service levels on train lines have deteriorated to a degree where oftentimes on both the Sandringham and Frankston lines trains are cancelled, leaving commuters stranded on railway station platforms. This has the effect of students being late for school, people being late for medical and other appointments in the city and city workers being late for work. This is often compounded, too, when people have other connections to meet in their travel arrangements. Parents might be picking their children up at railway stations, and at the other end travellers may miss other transport connections that are important to them.

More specifically tonight I ask the minister to investigate the reason why the 10.27 a.m. train departing Cheltenham station on 4 May led to a number of passengers being unable to alight from the train when it pulled into Parliament station. There were a number of women visiting Parliament that day. The group included a couple of ladies in their early 80s as well as another lady in her 90s. At a time when the government is endeavouring to attract people onto public transport, it is most unfortunate that this particular incident arose.

What happened when the train arrived at Parliament station was that whilst some commuters were able to alight from the train, a number of other passengers who had sought another door on the train owing to the

crowd going out of one of the doors ended up not being able to alight. The emergency buzzer was pressed and a bell rang, but unfortunately the train did not stop and a number of alarmed passengers ended up being transported to the next station, that being Melbourne Central, where they were forced to disembark.

In asking the minister to examine very carefully this particular matter, I would like him to explore, firstly, why the train took off when not all the passengers had alighted at Parliament station. Secondly, as part of the same investigation I seek careful consideration of why, when the alarm bells were pressed — and a critical situation could have arisen or been apparent — the train did not stop. Thirdly, what steps can the minister take to ensure that in the future commuters are able to safely disembark at their nominated destination so that this dreadful circumstance which caused great alarm to octogenarians and a nonagenarian does not arise again?

Chelsea Bowling Club: funding

Ms LINDELL (Carrum) — I have a matter to raise tonight with the Minister for Sport and Recreation in the other place regarding funding for a synthetic green for the Chelsea Bowling Club. I cannot overestimate how important this is for the club. At the moment volunteers maintain the green at Chelsea. These volunteers are ageing, their health is beginning to fail and the club is desperate for a new synthetic green to lighten the workload of the small number of volunteers they have.

This is a fantastic bowling club. President Kevin Savage has been to see me on a number of occasions and has shown me the amazing array of community involvement that the club has. They have local schoolchildren spending the day having a great time with the kids bowling. They are an integral part of a significantly ageing population in Chelsea. It is a club that prides itself on accepting people and making sure that their fees suit their older members — they try to keep their fees as low as they possibly can.

They have worked very hard with the City of Kingston in preparing an application for this new synthetic green. I urge the Minister for Sport and Recreation to do everything in his power to ensure that this funding comes through so that the Chelsea Bowling Club can continue to serve its community as it has for many years. I congratulate the president, Kevin Savage, and his committee and the council officers at Kingston. I have seen the application and know that it is an excellent one, and can think of no worthier a club to receive this funding for their new synthetic green.

Shepparton: street-naming competition

Mrs POWELL (Shepparton) — I raise a matter with the Minister for Major Projects in another place, who is also the minister responsible for VicUrban. The issue I raise is about a Shepparton street-naming competition promoted and to be judged by VicUrban and a misleading advertisement in the *Shepparton News* of yesterday, Wednesday, 18 May.

I ask the minister to direct VicUrban to be more honest with its comments in the press, to ensure that there is a panel of local people who will judge the name of the street and that the actual judging takes place in Shepparton and not in Melbourne, as stated.

I am pleased to see the extra houses built on this estate. I was involved in the initial planning of the redevelopment of this estate five years ago. The area was formerly named Parkside Estate and was the largest public housing estate in country Victoria. There have been 94 cluster units and houses demolished and they will be replaced by VicUrban with 100 allotments. VicUrban's web site said that 148 allotments would be developed but when queried about that number it conceded that it was a error. In fact it is redeveloping 100 lots. VicUrban should apologise for any confusion among or concern to the residents. I understand it has now changed its web site to accommodate those figures.

Parkside Estate was renamed The Grove on 1 April this year. Minister Lenders was supposed to attend the launch but did not turn up. He must have been advised about the crowds that were there protesting about the adjacent Parkside Gardens redevelopment.

The misleading advertisement I refer to is a full-page colour advertisement that states:

We're creating a new suburb,
we need you to create a new street.

It is not a new suburb and it is not a new street — it is totally misleading. It goes on to say:

The Grove is an exciting new residential estate about to spring to life in North Shepparton.

This 37-hectare estate has been established for many years. VicUrban is developing the 100 lots and incorporating them into that estate. The advertisement goes on to say:

At the heart of The Grove will be a new tree-lined boulevard.

When challenged, VicUrban admitted that this is incorrect: it is not a new street, it is in fact Olympic

Avenue. When you look at the terms and conditions, they say:

To enter, entrants must submit their proposal for the new name of the main road in The Grove estate — currently named 'Olympic Avenue'. In order to be valid, all proposed names must be consistent with a 'fruit industry'.

The advertisement goes on to say:

Judging will be conducted at the offices of VicUrban, Level 12, 700 Collins Street, Docklands.

I am asking that this judging be at the offices of the City of Greater Shepparton and that the panel consist of one resident of the estate, one councillor, one representative from VicUrban and maybe a member of the Parkside Renewal Committee or the manager of the North Shepparton community house.

There is much confusion about the word 'boulevard' being in there. There already is a boulevard just one street or less than 200 metres away, so I am urging VicUrban to take note of the community's concerns and be more consultative so they know what is going on in that area.

Waurn Ponds: recreational centre

Mr CRUTCHFIELD (South Barwon) — I raise a matter for the attention of the Minister for Sport and Recreation in the other place. The action I seek is for the minister to provide assistance and advice to the City of Greater Geelong in the planning of a new community recreational facility in Waurn Ponds. For those who are not aware of that area in Geelong, it is in my electorate of South Barwon and is the quickest-growing area in the municipality.

The Leisurelink facility is in Belmont, and the ward councillor for the area is Cr Bruce Harwood. He is certainly well aware, and the city is well aware, of Leisurelink's state. It probably only has, I think they have said, three to five years. I swim there quite regularly and use the gym, as do many other people in that locale, but it is literally falling to pieces.

The city is planning a new community recreational facility in the Waurn Ponds area, which is further out along the highway from Belmont. The mayor of the day is Cr Dowling, whose ward it will reside in, and it will also be in Cr McMullin's ward, the other councillor I deal with. Those three councillors are working very diligently in trying to secure a recreational complex somewhere in Waurn Ponds. I am not here to tell council where to put it or what the facilities should be. I have a preferred site, but I will not tell them where it should go. But council is looking at value adding to that

particular facility. It will not just be a recreational venue, as in a gym and a swimming pool. They are looking at a facility that may be of the order of \$20 million to \$30 million.

The area of Waurn Ponds–Grovedale has a dearth of community recreational facilities, and this would be a wonderful addition to what is a high-growth area. Such things as a kindergarten, a child-care facility and a rather large library, which that area of my electorate lacks, would be wonderful add-ons to a 50-metre indoor swimming pool, and perhaps some sort of paramedical facility could be located there as well.

I hope the minister can support the city with all those planning considerations. They would value add to facilities such as the ones I have suggested and which do not make money. But with its position at either Deakin University or opposite the Waurn Ponds shopping centre, it would be a wonderful addition to an area that is growing significantly. I certainly urge council to take the advice of the Minister for Sport and Recreation in another place.

Responses

Mr HAERMEYER (Minister for Manufacturing and Export) — The member for Kew raised a matter for the attention of the Attorney-General. As I understand it, the member is asking him to implement a voluntary code of practice with respect to working with children. I will draw that to the attention of the Attorney-General.

The member for Yan Yean raised a matter for the Minister for Police and Emergency Services. She is asking the minister to make a public statement of reassurance about the building of a new police station in Warrandyte. I will draw that to the attention of the Minister for Police and Emergency Services.

The member for Benalla raised a matter for the Minister for Environment. As I understand it, the member is seeking funding for weed control research projects. I will draw that to the attention of the Minister for Environment.

The member for Mitcham raised a matter for the Minister for Racing and is asking him to take action with respect to air transport for racehorses. I will draw that to the attention of the Minister for Racing.

The member for Doncaster raised a matter for the attention of the Minister for Education and Training. I will draw that matter to her attention.

The member for Forest Hill raised a matter for the attention of the Minister for Education and Training. The member asked the minister to ensure that schools that have had success in running the life skills program can share their experiences with other schools. I will draw that to the attention of the Minister for Education and Training.

The member for Sandringham raised a matter for the attention of the Minister for Transport, asking him to take action on service levels on the Frankston and Sandringham train lines. I will draw that to the attention of the Minister for Transport.

The member for Carrum raised a matter for the attention of the Minister for Sport and Recreation in the other place. She is seeking funding for a synthetic green for the Chelsea Bowling Club. I will draw that to the attention of the Minister for Sport and Recreation.

The member for Shepparton raised a matter for the attention of the Minister for Major Projects in the other place regarding the naming of a new housing estate. I will draw that matter to the attention of the Minister for Major Projects.

Finally, the member for South Barwon also raised a matter for the Minister for Sport and Recreation in the other place. He is asking the minister to provide advice to the City of Greater Geelong in relation to the planning and location of a possible future sport and recreation facility in Waurn Ponds. I will draw that to the attention of the Minister for Sport and Recreation.

Mr Thompson — On a point of order, Acting Speaker, there are four government members in the chamber at the moment. They are the members for Forest Hill, Yan Yean and South Barwon and the Minister for Manufacturing and Export, who is at the table and has kindly responded to these matters. There are a number of very serious matters being raised with government ministers of the day, yet there is only one government minister in the chamber. I wish to make that comment at the end of the proceedings. It is disrespectful to Parliament and to the opposition because there are not ministers ready to answer questions.

Mr HAERMEYER — On the point of order, Acting Speaker, I also point out that there are only two opposition members in the chamber and one member of The Nationals. I certainly recall a lot of them raising matters, and they did not even bother to stay to hear the answers.

Mr Perton — On the point of order, Acting Speaker, this Parliament has sat for five weeks this year. I would not have thought it beyond a minister of the Crown to be in the chamber to respond on important matters. The member for South Barwon raised a matter which he said was very important to his community. The member for Forest Hill raised a matter which she considered very important in relation to children and their welfare. The member for Sandringham raised a very important issue, and the member for Shepparton raised a very important planning issue. My friend the member for Yan Yean raised important matters.

Mr Haermeyer — Where is the member for Sandringham?

Mr Perton — The minister must put his glasses on! The member for Sandringham is behind me. He has so little attention that the minister — —

The ACTING SPEAKER (Mr Kotsiras) — Order! On the point of order!

Mr Perton — On the point of order, Acting Speaker, this Parliament has been turned into a joke. It is your duty and that of the Speaker to uphold the traditions of this house.

The ACTING SPEAKER (Mr Kotsiras) — Order! I have heard enough from the member for Doncaster. There is no point of order. The house is now adjourned.

House adjourned 5.49 p.m.

QUESTIONS ON NOTICE

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

Tuesday, 17 May 2005

Police and emergency services: Victoria Police — strength

604. Mr WELLS to ask the Minister for Police and Emergency Services — at each of 30 June 2003, 30 June 2004 and 31 December 2004 —

- (1) How many sworn full time equivalent (FTE) police member vacancies existed by rank or classification.
- (2) How many sworn FTE police members, detailed by rank or classification, were on —
 - (a) WorkCover;
 - (b) maternity leave;
 - (c) paternity leave;
 - (d) sick leave;
 - (e) personal or recreation leave;
 - (f) leave without pay;
 - (g) study leave;
 - (h) long service leave.

ANSWER:

I am advised that:

- (1) Table 1 provides the total number of sworn (FTE) police vacancies for Victoria Police, as a whole organisation, as at the requested dates. (Note: This data is not available by rank or classification).

‘Vacancy’ is the difference between approved police and actual police. (Note: Where actual police is greater than approved police, the negative result indicates the actual number of FTE’s over and above the FTE approved allocation.

Table 1 – Sworn FTE police vacancies

	30 June 2003	30 June 2004	31 Dec 04
Approved Police	10,147.0	10,311.0	10,402.0
Actual Police	10,276.7	10,322.5	10,427.1
Vacancy /(Over)	-129.7	-11.5	-25.1

- (2) Table 2 provides the number of sworn (FTE) police detailed by rank/classification, under the various categories of leave, as at the dates requested.

Table 2 – June 2003 – Sworn FTE police by classification, by category of leave

Category 2002/03	(a)W/Cov	(b) Mat'y	(c) Pat'y	(d) Sick	(e) Rec.	(f) LwoP	(g) Study	(h) LSL
Chief Commissioner	0	0	0	1	0	0	0	0
Assistant Commissioner	0	0	0	0	2	0	0	0
Superintendent	3	0	0	1	17	1	0	0
Chief Inspector	2	0	0	3	4	1	0	0
Inspector	3	0	0	7	42	2	0	3
Senior Sergeant	23	1	1	16	111	1	0	7
Sergeant	42	4	1	45	326	10	1	27
Senior Constable	99	55	10	139	992	42	2	62
Constable	25	14	2	42	447	7	0	1

Table 2 – June 2004 – Sworn FTE police by classification, by category of leave

Category 2003/04	(a)W/Cov	(b) Mat'y	(c) Pat'y	(d) Sick	(e) Rec.	(f) LwoP	(g) Study	(h) LSL
Chief Commissioner	1	0	0	0	4	0	0	0
Assistant Commissioner	0	0	0	0	1	0	0	0
Superintendent	1	0	0	2	8	2	0	2
Chief Inspector	1	0	0	1	1	1	0	2
Inspector	3	0	0	14	41	2	0	6
Senior Sergeant	18	0	0	16	125	2	0	8
Sergeant	52	4	1	67	363	8	1	27
Senior Constable	95	45	8	192	1,094	50	1	77
Constable	17	7	1	50	385	10	0	2

Table 2 – December 2004– Sworn FTE police by classification, by category of leave

Category 31 Dec 04	(a)W/Cov	(b) Mat'y	(c) Pat'y	(d) Sick	(e) Rec.	(f) LwoP	(g) Study	(h) LSL
Chief Commissioner	0	0	0	0	6	0	0	0
Assistant Commissioner	0	0	0	0	1	0	0	0
Superintendent	1	0	0	6	23	1	0	0
Chief Inspector	1	0	0	0	10	1	0	1
Inspector	2	0	0	10	97	3	0	7
Senior Sergeant	15	0	0	19	221	1	0	13
Sergeant	28	3	0	37	601	8	0	37
Senior Constable	66	47	5	127	1,678	55	0	145
Constable	12	9	1	34	328	16	0	0

Police and emergency services: Victoria Police — region 1

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

- (1) For 2002–03, 2003–04 and the half year ending 31 December 2004, what was the total number of sworn full time equivalent hours —
 - (a) allocated to the region;
 - (b) of vacancies;

- (c) of police members on —
 - (i) WorkCover;
 - (ii) maternity leave;
 - (iii) paternity leave;
 - (iv) sick leave;
 - (v) personal or recreation leave;
 - (vi) leave without pay;
 - (vii) study leave;
 - (viii) long service leave.

- (2) As at 30 June 2003, 30 June 2004 and 31 December 2004, how many sworn full time equivalent police members —
 - (a) were allocated to the region;
 - (b) vacancies existed;
 - (c) were on —
 - (i) WorkCover;
 - (ii) maternity leave;
 - (iii) paternity leave;
 - (iv) sick leave;
 - (v) personal or recreation leave;
 - (vi) leave without pay;
 - (vii) study leave;
 - (viii) long service leave.

ANSWER:

I am advised that:

- (1) (a) & (b): The work required to provide a response to questions 1 (a) and (b) would be a significant burden on the resources of Victoria Police. The responses provided to question 2 (a) and (b) are reflective of the resources allocated to Region 1 at any point in time.

- (c): Table 1(c) provides the number of sworn full time equivalent hours of leave for police members within Region 1, as at the requested dates. (Note: WorkCover data shown as days taken by police members, as the information is not available by hours).

Table 1(c) – Region 1: Sworn FTE police (hours)

Category	2002/03	2003/04	31 Dec 04
(i) WorkCover	1,431.00	632.00	274.00
(ii) Maternity	17,489.15	23,751.90	4,327.00
(iii) Paternity	3,381.60	2,302.80	874.00
(iv) Sick	84,323.17	85,546.25	47,028.77
(v) Recreation	520,943.74	491,144.25	287,177.71
(vi) Leave without Pay	21,404.60	30,633.40	18,976.00
(vii) Study	1,095.60	334.40	7.60
(viii) Long Service Leave	30,567.13	25,730.50	13,781.00

- (2) (a) & (b): Table 2(ab) provides the number of police (FTE) allocated to Region 1 as at the requested dates and the actual number of police recorded as being at Region 1 on the requested dates. ‘Vacancy’ is the difference between allocated police and actual police. (Note: Where actual police is greater than allocated police, the negative result indicates the actual number of FTE’s over and above the FTE allocation for the Region).

Table 2(ab) –
Region 1: Sworn FTE police allocated to Region & Vacancies

Region 1	2002/03	2003/04	31 Dec 04
Allocated Police	1,505.0	1,551.0	1,559.0
Actual Police	1,519.0	1,489.2	1,496.7
Vacancy /(Over)	-14.0	61.8	62.3

- (c): Table 2(c) provides the number of sworn (FTE) police, under the various categories of leave within Region 1, as at the dates requested.

Table 2(c) – Region 1: Sworn FTE Police by category of leave

Category	2002/03	2003/04	31 Dec 04
(i) WorkCover	28	19	11
(ii) Maternity	9	6	5
(iii) Paternity	4	0	0
(iv) Sick	22	37	38
(v) Recreation	268	280	374
(vi) Leave without Pay	13	17	23
(vii) Study	0	0	0
(viii) Long Service Leave	5	8	11

Police and emergency services: Victoria Police — region 2

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

- (1) For 2002–03, 2003–04 and the half year ending 31 December 2004, what was the total number of sworn full time equivalent hours —
- (a) allocated to the region;
 - (b) of vacancies;
 - (c) of police members on —
 - (i) WorkCover;
 - (ii) maternity leave;
 - (iii) paternity leave;
 - (iv) sick leave;
 - (v) personal or recreation leave;
 - (vi) leave without pay;
 - (vii) study leave;
 - (viii) long service leave.
- (2) As at 30 June 2003, 30 June 2004 and 31 December 2004, how many sworn full time equivalent police members —

- (a) were allocated to the region;
- (b) vacancies existed;
- (c) were on —
 - (i) WorkCover;
 - (ii) maternity leave;
 - (iii) paternity leave;
 - (iv) sick leave;
 - (v) personal or recreation leave;
 - (vi) leave without pay;
 - (vii) study leave;
 - (viii) long service leave.

ANSWER:

I am advised that:

- (1) (a) & (b): The work required to provide a response to questions 1 (a) and (b) would be a significant burden on the resources of Victoria Police. The response provided to question 2 (a) and (b) are reflective of the resources allocated to Region 2 at any point in time.

(c): Table 1(c) provides the number of sworn full time equivalent hours of leave for police members within Region 2, as at the requested dates. (Note: WorkCover data shown as days taken by police members, as the information is not available by hours).

Table 1(c) – Region 2: Sworn FTE police (hours)

Category	2002/03	2003/04	31 Dec 04
(i) WorkCover	1,977.00	2,871.00	591.00
(ii) Maternity	14,425.10	18,978.70	7,438.50
(iii) Paternity	3,556.80	4,159.60	1,217.20
(iv) Sick	96,683.98	106,636.55	59,996.33
(v) Recreation	574,302.87	536,615.95	302,729.67
(vi) Leave without Pay	5,476.80	10,774.00	4,889.20
(vii) Study	638.10	217.60	406.60
(viii) Long Service Leave	45,628.40	43,309.00	31,283.40

- (2) (a) & (b): Table 2(ab) provides the number of police (FTE) allocated to Region 2 as at the requested dates and the actual number of police recorded as being at Region 2 on the requested dates. ‘Vacancy’ is the difference between allocated police and actual police. (Note: Where actual police is greater than allocated police, the negative result indicates the actual number of FTE’s over and above the FTE allocation for the Region).

Table 2(ab) –
Region 2: Sworn FTE police allocated to Region & vacancies

Region 2	2002/03	2003/04	31 Dec 04
Allocated Police	1,624.0	1,664.0	1,672.0
Actual Police	1,640.0	1,657.9	1,661.3
Vacancy /(Over)	-16.0	6.1	10.7

- (c) Table 2(c) provides the number of sworn (FTE) police, under the various categories of leave within Region 2, as at the dates requested.

Table 2(c) – Region 2: Sworn FTE police by category of leave

Category	2002/03	2003/04	31 Dec 04
(i) WorkCover	32	39	22
(ii) Maternity	12	9	16
(iii) Paternity	3	1	0
(iv) Sick	43	62	29
(v) Recreation	325	316	374
(vi) Leave without Pay	5	6	6
(vii) Study	1	0	0
(viii) Long Service Leave	24	22	40

Police and emergency services: Victoria Police — region 3

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

- (1) For 2002–03, 2003–04 and the half year ending 31 December 2004, what was the total number of sworn full time equivalent hours —
- (a) allocated to the region;
 - (b) of vacancies;
 - (c) of police members on —
 - (i) WorkCover;
 - (ii) maternity leave;
 - (iii) paternity leave;
 - (iv) sick leave;
 - (v) personal or recreation leave;
 - (vi) leave without pay;
 - (vii) study leave;
 - (viii) long service leave.
- (2) As at 30 June 2003, 30 June 2004 and 31 December 2004, how many sworn full time equivalent police members —
- (a) were allocated to the region;
 - (b) vacancies existed;
 - (c) were on —
 - (i) WorkCover;
 - (ii) maternity leave;
 - (iii) paternity leave;
 - (iv) sick leave;
 - (v) personal or recreation leave;
 - (vi) leave without pay;

- (vii) study leave;
- (viii) long service leave.

ANSWER:

I am advised that:

- (1) (a) & (b): The work required to provide a response to questions 1 (a) and (b) would be a significant burden on the resources of Victoria Police. The response provided to questions 2 (a) and (b) are reflective of the resources allocated to Region 3 at any point in time.
- (1) (c): Table 1(c) provides the number of sworn full time equivalent hours of leave for police members within Region 3, as at the requested dates. (Note: WorkCover data shown as days taken by police members, as the information is not available by hours).

Table 1(c) – Region 3: Sworn FTE police (hours)

Category	2002/03	2003/04	31 Dec 04
(i) WorkCover	1,252.00	1,388.00	415.00
(ii) Maternity	21,354.03	26,750.74	5,529.00
(iii) Paternity	3,176.80	3,420.00	1,390.80
(iv) Sick	86,414.48	87,627.40	55,795.69
(v) Recreation	561,609.67	527,129.66	310,478.09
(vi) Leave without Pay	9,789.87	13,626.60	6,461.20
(vii) Study	429.00	273.60	205.20
(viii) Long Service Leave	31,812.60	40,312.30	19,210.00

- (2) (a) & (b): Table 2(ab) provides the number of police (FTE) allocated to Region 3 as at the requested dates and the actual number of police recorded as being at Region 3 on the requested dates. ‘Vacancy’ is the difference between allocated police and actual police. (Note: Where actual police is greater than allocated police, the negative result indicates the actual number of FTE’s over and above the FTE allocation for the Region).

Table 2(ab) –
Region 3: Sworn FTE police allocated to Region & vacancies

Region 3	2002/03	2003/04	31 Dec 04
Allocated Police	1,609.0	1,628.0	1,637.0
Actual Police	1,631.0	1,614.2	1,604.9
Vacancy /(Over)	-22.0	13.8	32.1

- (c) Table 2(c) provides the number of sworn (FTE) police, under the various categories of leave within Region 3, as at the dates requested.

Table 2(c) – Region 3: Sworn FTE police by category of leave

Category	2002/03	2003/04	31 Dec 04
(i) WorkCover	27	22	12
(ii) Maternity	15	11	8
(iii) Paternity	0	2	1
(iv) Sick	46	53	40
(v) Recreation	322	307	460
(vi) Leave without Pay	8	8	7
(vii) Study	0	0	0
(viii) Long Service Leave	12	15	26

Police and emergency services: Victoria Police — region 4

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

- (1) For 2002–03, 2003–04 and the half year ending 31 December 2004, what was the total number of sworn full time equivalent hours —
 - (a) allocated to the region;
 - (b) of vacancies;
 - (c) of police members on —
 - (i) WorkCover;
 - (ii) maternity leave;
 - (iii) paternity leave;
 - (iv) sick leave;
 - (v) personal or recreation leave;
 - (vi) leave without pay;
 - (vii) study leave;
 - (viii) long service leave.

- (2) As at 30 June 2003, 30 June 2004 and 31 December 2004, how many sworn full time equivalent police members —
 - (a) were allocated to the region;
 - (b) vacancies existed;
 - (c) were on —
 - (i) WorkCover;
 - (ii) maternity leave;
 - (iii) paternity leave;
 - (iv) sick leave;
 - (v) personal or recreation leave;
 - (vi) leave without pay;
 - (vii) study leave;
 - (viii) long service leave.

ANSWER:

I am advised that:

- (1) (a) & (b): The work required to provide a response to questions 1 (a) and (b) would be a significant burden on the resources of Victoria Police. The response provided to question 2 (a) and (b) are reflective of the resources allocated to the region at any point in time.

- (c): Table 1(c) provides the number of sworn full time equivalent hours of leave for police members within Region 4, as at the requested dates. (Note: WorkCover data shown as days taken by police members, as the information is not available by hours).

Table 1(c) – Region 4: Sworn FTE police (hours)

Category	2002/03	2003/04	31 Dec 04
(i) WorkCover	1,988.00	2,309.00	508.00
(ii) Maternity	26,490.50	22,532.75	8,449.40
(iii) Paternity	4,492.40	4,411.20	2,246.00
(iv) Sick	97,323.83	107,663.46	65,106.61
(v) Recreation	581,061.04	552,272.02	293,885.83
(vi) Leave without Pay	8,196.20	2,840.80	4,126.80
(vii) Study	570.80	250.80	129.20
(viii) Long Service Leave	40,652.27	43,659.60	27,777.27

- (2) (a) & (b): Table 2(ab) provides the number of police (FTE) allocated to Region 4 as at the requested dates and the actual number of police recorded as being at Region 4 on the requested dates. ‘Vacancy’ is the difference between allocated police and actual police. (Note: Where actual police is greater than allocated police, the negative result indicates the actual number of FTE’s over and above the FTE allocation for the Region).

Table 2(ab) –
Region 4: Sworn FTE police allocated to Region & vacancies

Region 4	2002/03	2003/04	31 Dec 04
Allocated Police	1,678.0	1,695.0	1,705.0
Actual Police	1,674.0	1,691.3	1,673.4
Vacancy /(Over)	4.0	3.7	31.6

- (c) Table 2(c) provides the number of sworn (FTE) police, under the various categories of leave within Region 4, as at the dates requested.

Table 2(c) – Region 4: Sworn FTE police by category of leave

Category	2002/03	2003/04	31 Dec 04
(i) WorkCover	29	33	21
(ii) Maternity	14	12	11
(iii) Paternity	2	3	2
(iv) Sick	40	60	35
(v) Recreation	295	324	432
(vi) Leave without Pay	1	2	6
(vii) Study	0	0	0
(viii) Long Service Leave	18	22	40

Police and emergency services: Victoria Police — region 5

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

- (1) For 2002–03, 2003–04 and the half year ending 31 December 2004, what was the total number of sworn full time equivalent hours —
- (a) allocated to the region;
 - (b) of vacancies;
 - (c) of police members on —

- (i) WorkCover;
 - (ii) maternity leave;
 - (iii) paternity leave;
 - (iv) sick leave;
 - (v) personal or recreation leave;
 - (vi) leave without pay;
 - (vii) study leave;
 - (viii) long service leave.
- (2) As at 30 June 2003, 30 June 2004 and 31 December 2004, how many sworn full time equivalent police members —
- (a) were allocated to the region;
 - (b) vacancies existed;
 - (c) were on —
 - (i) WorkCover;
 - (ii) maternity leave;
 - (iii) paternity leave;
 - (iv) sick leave;
 - (v) personal or recreation leave;
 - (vi) leave without pay;
 - (vii) study leave;
 - (viii) long service leave.

ANSWER:

I am advised that:

(1) (a) & (b): The work required to provide a response to questions 1 (a) and (b) would be a significant burden on the resources of Victoria Police. The response provided to question 2 (a) and (b) are reflective of the resources allocated to Region 5 at any point in time.

(c): Table 1(c) provides the number of sworn full time equivalent hours of leave for police members within Region 5, as at the requested dates. (Note: WorkCover data shown as days taken by police members, as the information is not available by hours).

Table 1(c) – Region 5: Sworn FTE police (hours)

Category	2002/03	2003/04	31 Dec 04
(i) WorkCover	1,708.00	451.00	265.00
(ii) Maternity	17,370.80	18,934.40	4,126.58
(iii) Paternity	2,550.80	2,414.80	1,064.13
(iv) Sick	72,706.69	81,137.76	53,689.43
(v) Recreation	460,344.37	449,677.65	253,679.58
(vi) Leave without Pay	11,373.67	10,553.20	6,071.20
(vii) Study	148.20	60.80	0.00
(viii) Long Service Leave	33,810.40	36,620.46	19,010.10

- (2) (a) & (b): Table 2(ab) provides the number of police (FTE) allocated to Region 5 as at the requested dates and the actual number of police recorded as being at Region 5 on the requested dates. ‘Vacancy’ is the difference between allocated police and actual police. (Note: Where actual police is greater than allocated police, the negative result indicates the actual number of FTE’s over and above the FTE allocation for the Region).

Table 2(ab) –
Region 5: Sworn FTE police allocated to Region & Vacancies

Region 5	2002/03	2003/04	31 Dec 04
Allocated Police	1,344.0	1,358.0	1,365.0
Actual Police	1,350.0	1,351.3	1,377.3
Vacancy /(Over)	-6.0	6.7	-12.3

- (c): Table 2(c) provides the number of sworn (FTE) police, under the various categories of leave within Region 5, as at the dates requested.

Table 2(c) – Region 5: Sworn FTE police by category of leave

Category	2002/03	2003/04	31 Dec 04
(i) WorkCover	37	28	20
(ii) Maternity	8	3	11
(iii) Paternity	1	1	2
(iv) Sick	31	42	31
(v) Recreation	256	276	264
(vi) Leave without Pay	4	8	7
(vii) Study	0	0	0
(viii) Long Service Leave	12	24	24

Police and emergency services: Victoria Police — acting/seconded positions

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

- (1) For 2002–03, 2003–04 and the half year ending 31 December 2004, how many sworn full time equivalent (FTE) hours were expended by police members —
- (a) acting in positions above their official rank or classification or seconded to acting positions other than their official designated positions, detailed by the following ranks or classifications —
- (i) Senior Constable;
 - (ii) Sergeant;
 - (iii) Senior Sergeant;
 - (iv) Inspector;
 - (v) Chief Inspector;
 - (vi) Superintendent;
 - (vii) Chief Superintendent;
 - (viii) Commander;
 - (ix) Assistant Commissioner;
 - (x) Deputy Commissioner.

- (b) seconded to special projects or taskforces, detailed by the following ranks or classifications —
- (i) Senior Constable;
 - (ii) Sergeant;
 - (iii) Senior Sergeant;
 - (iv) Inspector;
 - (v) Chief Inspector;
 - (vi) Superintendent;
 - (vii) Chief Superintendent;
 - (viii) Commander;
 - (ix) Assistant Commissioner;
 - (x) Deputy Commissioner.
- (2) As at 30 June 2003, 30 June 2004 and 31 December 2004, how many sworn police members were —
- (a) acting in positions above their official rank or classification or seconded to acting positions other than their official designated positions, detailed by the following ranks or classifications —
- (i) Senior Constable;
 - (ii) Sergeant;
 - (iii) Senior Sergeant;
 - (iv) Inspector;
 - (v) Chief Inspector;
 - (vi) Superintendent;
 - (vii) Chief Superintendent;
 - (viii) Commander;
 - (ix) Assistant Commissioner;
 - (x) Deputy Commissioner.
- (b) seconded to special projects or taskforces, detailed by the following ranks or classifications —
- (i) Senior Constable;
 - (ii) Sergeant;
 - (iii) Senior Sergeant;
 - (iv) Inspector;
 - (v) Chief Inspector;
 - (vi) Superintendent;
 - (vii) Chief Superintendent;
 - (viii) Commander;
 - (ix) Assistant Commissioner;
 - (x) Deputy Commissioner.

QUESTIONS ON NOTICE

ANSWER:

I am advised that:

- (1)(a) It is not possible to provide the number of sworn full-time equivalent ‘hours’ that were expended by police members acting in positions above their official rank or classification or seconded to acting positions other than their official designated positions, detailed by rank or classification. However, Table 1 below provides the number of occasions by rank and month that members were paid higher duties allowances (HDA’s), for the requested periods.

Table 1. No of Police paid HDA’s

F/Y	Month	D.COMM	A.COMM	COMM	SUPER	CH.INSP	INSP	S.SGT	SGT	S.CONST	CONST	Total
0203	July		1	1	3	6	19	59	117	315		521
	August		2	4	5	4	19	58	93	253		438
	September	1		7	3	3	20	53	76	275		438
	October			7	5	6	28	70	98	335		549
	November		1	6	5	4	32	86	123	414	1	672
	December	1			6	3	25	76	94	331	1	537
	January				10	4	31	72	116	369	1	603
	February		2	1	6	4	23	59	99	337	1	532
	March	1	1		4	6	21	65	82	275	3	458
	April			3	6	4	24	63	101	329	6	536
	May			1	9	4	39	73	127	387	7	647
	June				5	4	25	59	94	270	7	464
0203 Total		3	7	30	67	52	306	793	1220	3890	27	6395
0304	July				6	3	35	68	103	314	6	535
	August		1		7	6	23	156	79	278	5	555
	September			2	2	6	33	69	91	278	5	486
	October		1	2	6	5	43	93	161	362	7	680
	November	1	2	3	8	5	40	98	206	443	13	819
	December				4	3	38	83	192	372	14	706
	January	1	1	1	8	4	36	81	198	382	10	722
	February		2	1	7	3	29	75	172	347	12	648
	March		1		6	4	28	70	155	333	11	608
	April	1	1		8	2	40	71	167	334	9	633
	May	1	2		5	5	46	98	233	481	10	881
	June		2	1	8	3	25	70	149	303	8	569
0304 Total		4	13	10	75	49	416	1032	1906	4227	110	7842
0405	July				8	3	24	76	190	375	4	680
	August		1	1	4	2	29	80	171	342	3	633
	September				4	1	29	87	184	371	6	682
	October				7	2	42	126	293	496	8	974
	November				6	1	37	103	203	387	4	741
	December	1	1		6	1	35	114	242	421	3	824
0405 Total		1	2	1	35	10	196	586	1283	2392	28	4534

- (1)(b) It is not possible to provide the number of sworn full-time equivalent ‘hours’ that were expended by police members seconded to special projects or taskforces, detailed by rank or classification. However, this information is provided in Table 1(b) below on the basis of sworn full time equivalent police, noting that the data relating to police on assignment to special projects or taskforces is reported for the relevant period ending, only as the members perform these duties for at least a year.

Table 1(b) – No of police on assigned to taskforces & special duties

Category	2002/03	2003/04	Dec '04
Commissioner	0	1	1
Superintendent	1	0	0
Inspector	3	3	2
Senior Sergeant	7	5	3
Sergeant	44	45	49
Senior Constable	308	303	259

(2)(a) It is not possible to provide the number of sworn full-time equivalent police members acting in positions above their official rank or classification or seconded to acting positions other than their official designated positions, detailed by rank or classification in higher positions on the dates requested. Table 2 below, however, provides the number of sworn full time equivalent police paid higher duties for the pay periods ending as close as possible to the dates requested.

Category	26/6/03	24/6/04	23/12/04
Superintendent	7	5	3
Chief Inspector	4	2	1
Inspector	21	15	24
Senior Sergeant	43	57	89
Sergeant	53	130	200
Leading Senior Constable	3	11	10
Senior Constable	245	264	355
Constable	33	27	9

(2)(b) It is not possible to provide the number of sworn police members seconded to special projects or taskforces, detailed by rank or classification, for the dates requested. However, Table 1(b) above provides this information on a fiscal and half yearly basis for the relevant periods.

Environment: Albert Park Lake trail

658. Mr MULDER to ask the Minister for Environment with reference to 15 or more damaged slabs around Albert Park Lake that have been marked with yellow paint for more than a year as requiring repair —

- (1) When will the slabs be repaired.
- (2) Have there been any claims lodged by runners or walkers tripping over these slabs.
- (3) What is the estimated cost to Parks Victoria of these repairs.

ANSWER:

I am informed that:

- (1) Parks Victoria will complete repairs to the damaged slabs around the Albert Park Lake edge trail by mid-May 2005.
- (2) Parks Victoria currently does not have any active claims associated with injuries sustained by Park visitors whilst using the lake edge trail.
- (3) The quoted cost to Parks Victoria to repair the broken slabs is \$15,360.