

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**1 June 2000**

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*Hansard* — Chief Reporter: Ms C. J. Williams

*Library* — Librarian: Mr B. J. Davidson

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**FIFTY-FOURTH PARLIAMENT — FIRST SESSION**

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Mr P. J. RYAN

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Mr B. E. H. STEGGALL

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Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Hurtle Reginald, OAM, JP	Knox	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McArthur, Mr Stephen James	Monbulk	LP
Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
Beattie, Ms Elizabeth Jean	Tullamarine	ALP	McIntosh, Mr Andrew John	Kew	LP
Bracks, Mr Stephen Phillip	Williamstown	ALP	MacLellan, Mr Robert Roy Cameron	Pakenham	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John <sup>3</sup>	Benalla	NP
Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
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Haermeyer, Mr André	Yan Yean	ALP	Rowe, Mr Gary James	Cranbourne	LP
Hamilton, Mr Keith Graeme	Morwell	ALP	Ryan, Mr Peter Julian	Gippsland South	NP
Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
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Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar <sup>2</sup>	Burwood	ALP
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Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
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Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantima	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

<sup>1</sup> Resigned 3 November 1999

<sup>2</sup> Elected 11 December 1999

<sup>3</sup> Resigned 12 April 2000

<sup>4</sup> Elected 13 May 2000



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**Thursday, 1 June 2000**

The **SPEAKER** (Hon. Alex Andrianopoulos) took the chair at 9.40 a.m. and read the prayer.

## BUSINESS OF THE HOUSE

### Legislative Council seating

The **SPEAKER** — Order! I have received the following letter from the President of the Legislative Council:

I wish to advise that today I made the following statement to the Legislative Council.

Members will be aware that for some time seating has been reserved for members of this chamber in the Legislative Assembly.

I am of the view that it is appropriate for this chamber to return the same courtesy. As a result I wish to advise that I have directed that seating for the exclusive use of members of the Legislative Assembly be reserved in the first row of the gallery immediately behind members of the opposition on my left.

The decision was taken by the President as a result of a request from members of the Legislative Assembly.

## PETITION

The **Clerk** — Order! I have received the following petition for presentation to Parliament:

### Mount McKay: ski facilities

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that national parks are special areas owned by the public, entrusted to successive governments for care in perpetuity, and protected by the National Parks Act (1975). Mount McKay's recent removal from the Alpine National Park to become part of a commercial downhill ski resort is deplorable, and undermines the security of all national parks. Native flora and fauna are sacrificed for ski lifts and ski runs. Your petitioners therefore pray that the government restore the Mount McKay area to full national park status.

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

By Ms **LINDELL** (Carrum) (1750 signatures)

Laid on table.

## VICTORIAN CHILD DEATH REVIEW COMMITTEE

### Annual report

Ms **CAMPBELL** (Minister for Community Services), by leave, presented annual report of inquiry into child deaths: protection and care 2000

Laid on table.

## PRIVILEGES COMMITTEE

### Right of reply

Mr **LONEY** (Geelong North) presented report on right of reply of Mr Damien Bonnice, together with appendix and submission.

Mr **LONEY** (Geelong North) — I move:

That the report, appendix and submission be laid on the table and that the report and appendix be printed.

The **SPEAKER** — Order! The question is that the report, appendix and submission do lie on the table. All those of that opinion say Aye, to the contrary — —

Mr **Baillieu** — On a point of order, Mr Speaker, I understand the recommendation is that the report be printed.

The **SPEAKER** — Order! The Chair has not put the first question. That is the second question the Chair will put.

Mr **Brumby** — Get back to your place!

The **SPEAKER** — Order! The Treasurer!

The question is:

That the report, appendix and submission do lie on the table. All those of that opinion say Aye, to the contrary No. I think the Ayes have it.

Question agreed to.

Laid on table.

The **SPEAKER** — Order! The question is:

That the report and appendix be printed.

Mr **BAILLIEU** (Hawthorn) — On the question, Mr Speaker, I understand that in the printing of the report the submission of Mr Bonnice will not be recorded in *Hansard*. I do not know whether that is a result of deliberation by the Privileges Committee, but I suggest

that in future the Privileges Committee give consideration to responses of — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The question before the Chair is that the report and appendix be printed. I ask the honourable member for Hawthorn to confine his remarks to the question. I will not allow the honourable member to remark on the sessional orders.

**Mr BAILLIEU** — I was asking that the Privileges Committee consider when tabling such reports and asking for them to be printed they should also be recorded in *Hansard*.

**Mr BATCHELOR** (Minister for Transport) — On the question, Mr Speaker, I understood that the matter before the house was the printing of the report. The government supports the printing of the report. Debating the issues in the report is not appropriate under the motion before the Chair.

**The SPEAKER** — Order! The Chair has already said that the question before the house is whether the report and appendix will be printed. Should honourable members wish to debate the question, they are correct in seeking the call. However, the raising of matters such as changes to sessional orders or instructions or directions to the Privileges Committee is not in order. That can be done only by way of substantive motion.

**Mr LONEY** (Geelong North) (*By leave*) — On the question, Mr Speaker, since this is the first time in the history of this Parliament that the Privileges Committee has produced a report of this type, I think it is probably appropriate to clarify for honourable members what the motion means. The motion to print the report, if carried, would mean — —

**Mrs Peulich** interjected.

**Mr LONEY** — That is right, it is not a point of order. I am speaking on the question.

**The SPEAKER** — Order! I ask the honourable member for Geelong North to address his remarks through the Chair.

**Mr LONEY** — On the motion to print the report, I point out that the report, including the reply Mr Bonnice provided to the committee, will be available in the papers office to any member of the house or the public who requires it. It will also appear on the Parliament's web site for access by any person. It will be made widely available. The committee

considered that issue before putting the recommendation before the house.

I think it is appropriate, Mr Speaker, that members understand the extent of the availability of the report made possible by the motion and the decision of the Privileges Committee.

**Question agreed to.**

**Ordered to be printed.**

## BLF CUSTODIAN

### 47th report

**The SPEAKER presented a report given to him pursuant to section 7A of BLF (De-recognition) Act 1985 by the custodian appointed under section 7(1) of that act.**

**Laid on table.**

**Ordered to be printed.**

## PAPERS

**Laid on table by Clerk:**

Auditor-General — Annual Plan 2000–01

Auditor-General — Report on Ministerial Portfolios, June 2000 — Ordered to be printed

Forensic Leave Panel — Report for the year 1999

*Members of Parliament (Register of Interests) Act 1978* — Summary of Primary Returns — May 2000 and Summary of Variations Notified between 16 December 1999 and 31 May 2000 — Ordered to be printed

*Parliamentary Committees Act 1968* — Response of the Minister for Transport on the action taken with respect to the recommendations made by the Road Safety Committee report on the Incidence and Prevention of Pedestrian Accidents.

## BUSINESS OF THE HOUSE

**Televising and broadcasting of proceedings**

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

That until 31 December 2003 inclusive, the resolution authorising the televising and broadcasting of proceedings in the Legislative Assembly agreed to by the house on 18 February 1998 be amended by the omission of paragraphs 1(b)(i) and 1(d)(i).

**In the previous Parliament under the sessional orders for the broadcasting and televising of proceedings only**

certain parts of the proceedings were allowed to be broadcast and other types of proceedings such as the grievance debate and the nightly adjournment, among others, were not able to be broadcast or televised. The sessional orders were subsequently amended on a trial basis, and the resolution enabling that trial is about to sunset. Therefore, unless the motion is passed when we come back at the commencement of the next sittings we will have no rules covering the broadcasting and televising of proceedings.

That simple amendment is intended to continue the arrangements as they currently exist through to the period ending 31 December, 2003. That provides sufficient coverage for the period ahead. The same regulations and conditions that apply now effectively allow for Parliament, from when it starts in the morning to when it finishes at night, to be available for broadcasting in an electronic form. We suggest that that order continue.

**Mr McARTHUR** (Monbulk) — The opposition will be supporting the motion for the simple reason that without it we would need to have a new set of motions agreed to on television broadcasting in the spring session. It is a sensible motion, but I would like to make a couple of points.

As the Leader of the House said, the previous motion agreed to by the house in 1999 was sensible and provided for balanced reporting and coverage. Unfortunately the spirit and letter of that resolution was flouted by the Premier. Earlier in this session he denied the opposition any opportunity for balanced reportage of the response to the budget. That is unfortunate indeed, but it happened. That further demonstrates that the Premier preaches openness but practises secrecy.

Debates on such issues could be permanently dealt with by the Standing Orders Committee. As most honourable members of the house would be aware, the Standing Orders Committee is currently considering revising all standing orders. I suggest that one of the tasks the committee might consider during that review of standing orders be to put in place some permanent arrangement regarding the broadcasting of the proceedings of the house. I hope the committee will take that up in its deliberations and that it will be possible for a permanent set of instructions for the house to be set out, detailing how to manage and control broadcasting laws.

In that way each new Parliament would not have to debate the broadcasting and televising of proceedings. An artificial device would not have to be put in place to ensure the house can have broadcasting arrangements

on the first day of sitting after an election or a proroguing of the house. Clear, concise, permanent rules might be legislated in modern English that all of us can understand and operate by.

**Motion agreed to.**

## Grievances

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

That sessional order 4(1) be amended by omitting the words 'on every third sitting Wednesday after the opening of the session' and inserting the words 'on the first sitting Wednesday of each autumn and spring sitting period and every subsequent third sitting Wednesday'.

By way of brief explanation I point out that the intent of the motion before the house is to amend the sessional orders to enable the resequencing of the grievance debate. Honourable members would be aware that on Wednesday mornings the business of the house follows a certain sequence, with debate on a matter of public importance being held one week followed by another MPI the following week and the week after that by a grievance debate. Every third sitting week a grievance debate is held.

The intention of the amendment is that, at the commencement of each sitting period, the grievance debate will commence that cycle rather than its first occurring in the third week. That will enable the more predictable and regular occurrence of the grievance debate, which is a much cherished vehicle, particularly for oppositions. By that means the government is attempting to allow for the more certain and regular programming of grievance debates, and the easiest and most certain way is to have a rotational formula that in each sitting the Wednesday proceedings commence with a grievance debate and that occurs every third Wednesday thereafter.

That is why I have moved the motion. It is another demonstration of the way this government —

*Honourable members interjecting.*

**Mr BATCHELOR** — If you do not want to do it, just vote against it. It is another demonstration, Mr Speaker, of how the government provides the opposition with greater access to the parliamentary timetable. The government is to be commended for it.

**Mr McARTHUR** (Monbulk) — I love the way the Leader of the House praises himself! The opposition supports the motion, which does not alter, increase or reduce anybody's opportunity to raise any issues in the

house. All it does is make a change to the rotation of those matters dealt with by the house on Wednesday mornings. The grievance debate will still take place every third Wednesday. The other two Wednesdays will still be set aside for debate on matters of public importance, unless of course the government decides to allow a private member's bill to be debated. I expect that matter will be debated early in the spring session and that it will be an interesting occurrence. I hope there will be more than one debate on private member's bills some time in the spring session.

The move is sensible. It allows us to have grievance debates every third Wednesday and makes life much more predictable. The opposition supports the motion.

**Motion agreed to.**

### Program

**Mr BATCHELOR** (Minister for Transport) — I move:

That the government business program agreed to by this house on 30 May 2000 be amended by omitting the order of the day, government business, relating to the Equal Opportunity (Gender Identity and Sexual Orientation) Bill.

The motion is designed to enable the bill to lie over until the spring session. The bill was originally listed to come up for debate this Tuesday. At that time I was approached by the opposition and asked to delay the debate of the bill until today. It was stated to me that the request was made to enable the opposition to consult and examine the as yet unseen but foreshadowed amendments to be moved by the honourable member for Mildura.

The government has agreed to that delay because it was put to me that time was required for consultation and to take the proposed amendments back to the party room for consideration.

During that time the government has also had extensive consultation — —

*Opposition members interjecting.*

**Mr BATCHELOR** — They laugh at the idea of having consultation, Mr Speaker. The government is not embarrassed about having consultations. We took the lead from the opposition on this. Having undertaken a period of initial consultation the government has decided additional time is required to complete the consultation. Just as the government was prepared to agree to the request of the opposition to delay debate on the bill until today to allow for its consultation, the

government requires additional time for its follow-up consultation.

The difficulty in fulfilling the request is that today is the final day of the parliamentary sitting and consultations cannot be concluded today. The government will remove the bill from the Government Business Programming Committee list in order to deal with it properly and the bill will be laid over to the next sessional period so the Parliament can determine the matter.

**Dr DEAN** (Berwick) — This is an interesting course of events and must be incredibly embarrassing for the Attorney-General. He has been on the Price radio program on 3AW and all over the media saying his bill is an excellent one and does not need amendment. He has responded to every possible amendment proposed on talkback radio by saying 'No. My bill covers that'. Suddenly, as a consequence of some amendments, which he has had as long as we have, the bill is going off.

*Honourable members interjecting.*

**Dr DEAN** — I hope the Attorney-General will tell us the sorts of amendments he is thinking might be appropriate and beneficial to his bill. I hope he provides an explanation. The opposition will be closely watching the amendments that are about to appear, despite the fact that we have had them for a number of days.

There is nothing wrong with consultation, but there is a difference between consultation and a lack of courage; between consultation and backdown; between showing leadership and showing no leadership at all.

*Honourable members interjecting.*

**Dr DEAN** — The roar of the Attorney-General appears now to be a mere whimper — —

**The SPEAKER** — Order! The honourable member for Doncaster!

**Dr DEAN** — The opposition will be watching the whimpers with great glee.

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Doncaster! Will the honourable member for Mordialloc cease interjecting?

**Mr HULLS** (Attorney-General) — What a jellyback! This gutless mob had seven years to introduce such a bill, and not once did it have the

courage to do it. This is very important legislation. You people have not an ounce of spine!

*Honourable members interjecting.*

**The SPEAKER** — Order! I have asked the honourable member for Doncaster to cease interjecting on a number of occasions. I ask him to cease forthwith; otherwise sessional order no. 10 will be invoked.

**Mr HULLS** — The number of spine removals that have been performed on opposition members over the past seven years on legislation of this type has been absolutely astounding.

**The SPEAKER** — Order! I remind the Attorney-General that he should not canvass the legislation referred to in the motion. The motion before the Chair seeks to amend the government business program by removing one bill.

**Mr HULLS** — The bill referred to in the motion aims to end discrimination against people who suffer some of the worst forms of discrimination in our community. The bill is the result of extensive consultation — and I know you don't like that 'c' word — over many weeks. Earlier this week the government received a series of proposed amendments to the bill from the honourable member for Mildura, drafted by parliamentary counsel. We have obtained preliminary advice on the amendments and have had discussions with the honourable member for Mildura. However, we have not been able to properly consult the huge number of people who have been involved in the development of the legislation about the proposed changes.

As a result of the preliminary discussions on the proposed amendments we will seek further advice from the Department of Justice and we will continue our consultation on the amendments. In order to afford time for that advice, and just as importantly for further consultation, the bill is required to be stood over for a period. Given the very little time left in this sitting period, we wish to adjourn this bill until the spring session.

Unlike the former government, if amendments are proposed we are prepared to look at them and consult. The government has been congratulated by the general community, by the stakeholders, on the consultation that has already taken place. And let's not kid each other — this is a very difficult bill. But it is part of a package. Not only will there be consultation on the amendments proposed by the honourable member for Mildura, but there will also be consultation on a whole

range of issues that need to be addressed, including superannuation and wills.

I support the amendment to the government business program. The bill will be debated in the spring session, after full consultation on the amendments proposed by the honourable member for Mildura. He believes his amendments will make the bill better. The government will ascertain whether that is the case after further consultation.

**Mr PERTON** (Doncaster) — The house has heard the most extraordinary speech from the sneering sook who portrays himself as the Attorney-General. This is the man who, after he had delivered the second-reading speech on this bill, leaned across the table and said to the shadow Attorney-General, 'I am really looking forward to the way you deal with this!'. Yet today this man, who attached all of his personal prestige to this bill, had the temerity to say to the legal fraternity, 'But this legislation really has no legal effect. It does not change any legal entitlements. All it does is change the wording'.

This is a man who time and again sneered at and abused the opposition when it was in government. He is now in a position where he believes the bill is right and that every provision is absolutely necessary for Victoria, and he has persuaded his colleagues that that is the case.

The honourable member for Coburg, an honourable person sharing the philosophy of the Attorney-General, believes the bill is right. The honourable member for Geelong also believes the bill is right, while the honourable member for Oakleigh sits there looking sad. The new honourable member for Benalla indicated during the recent by-election campaign that she supported what is an important piece of legislation. The honourable member for Gisborne, true to her philosophy, backed the Attorney-General. The honourable member for Richmond is a person who quickly signed up to this bill, and I could carry on around the chamber.

Honourable members are seeing a coalition in action. The honourable member for Mildura told the Premier he was uncomfortable with the bill and so the Attorney-General has been forced by his Premier to stand on his head and behave like the jellyback he has viewed with contempt for such a long time. I trust he feels absolutely sick at the speech the Leader of the House forced him to make.

The opposition stands ready to debate the bill on its principles and in the interests of the community; it is

happy to consult. But honest to goodness, I have never seen such a performance from the Attorney-General. He has been forced to make a speech which throws all his principles and philosophies into disarray. It makes me sick to look at him. The opposition understands how the cynical Leader of the House could move the motion — truth and the Leader of the House are strangers. However, the opposition expected more from the Attorney-General. He should hang his head in shame!

**Mr SAVAGE** (Mildura) — I congratulate the government for its concession to allow consultation on the complex amendments I have proposed. That is appropriate because it is an important piece of legislation. As the Attorney-General said, it is ground-breaking legislation which the previous government did not have the courage to introduce.

*Honourable members interjecting.*

**Mr SAVAGE** — Not only that, members of the opposition leaked to the *Age* a letter I sent to them. That is the sort of gutless, useless perspective they have — —

*Honourable members interjecting.*

**Mr SAVAGE** — Members of the opposition do not have the guts to talk to me — they leaked it to the *Age*. That response was a disappointing outcome for me. What does the opposition stand for? Not one person on the opposition benches stands for anything. Members of the opposition are manipulative; they manoeuvre behind the scenes but they do not believe in anything! They are devoid of beliefs.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the honourable members for Bennettswood, Kew and Bulleen to cease interjecting.

**Mr SAVAGE** — I conclude by saying that I congratulate the government for its consideration in this matter. It is a complex piece of legislation. The government has made an appropriate and courageous decision that should be congratulated, not criticised by the gutless opposition!

**Motion agreed to.**

## Adjournment

**Mr BATCHELOR** (Minister for Transport) — I move:

That the house, at its rising, adjourn until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the house.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Minister for Transport: correspondence

**Mr ASHLEY** (Bayswater) — On 29 November 1999 I wrote to the Minister for Transport to let him know of sporadic acts of vandalism taking place around Bayswater railway station, especially the smashing of bus shelter panels. I pointed out that as the bus shelter was within 20 metres of the station's west-facing platform, and in full view of it, it would be a relatively simple matter to place the shelter under the constant surveillance of a video camera mounted on the platform. My letter was acknowledged on 1 December 1999 but remains unanswered to this day — six months later. In the meantime, the glass panels on the shelter have been smashed on at least two separate occasions.

On 20 March I wrote to the Minister for Transport to raise the issue of the retention of the Bateman Street remnant bushland, which forms part of Vicroads reserve for a possible future Healesville freeway. I directed the attention of the minister to the high values ascribed to the Bateman bushland by groups such as the Knox Environment Society because it happens to be the last remaining stand of dry, savanna woodland in the City of Knox. In view of its uniqueness, there is an urgent need for it to be cared for and protected from invasions of weeds and exotic species.

I propose two options: either gifting the bushland to the City of Knox as public open space, or alternatively, placing it under shared management to ensure its natural values can be cared for and maintained in perpetuity. My letter was acknowledged, but there has been no response for 10 weeks.

### Clocktower Centre Theatre

**Mrs MADDIGAN** (Essendon) — Last Friday night I had the pleasure of attending the opening production of Clocktower Centre Theatre Season 2000. I congratulate the Moonee Valley City Council and all those involved with the centre, particularly the manager, James Buick, and his staff, for the excellent work they have done since the centre opened. It was

opened by the Premier in March this year and provides a great facility for arts and entertainment in the western suburbs. Residents have already shown their appreciation for it, and about 400 people attended the first and second morning sessions, in which Dennis Walter and Toni Lamond took part. It is a great facility that will provide much entertainment and enjoyment to residents.

The opening performance on Friday night was *Goodbye Mrs Blore*, and Shakespeare and opera productions are scheduled for the near future. Although the centre was built mainly with funds from the Moonee Valley City Council, \$1.5 million was provided by the previous government through the Community Support Fund. That was the only money my area ever received from that fund and I was pleased to accept it. The Premier enjoyed opening the facility two months ago. It is a great facility, not only for local residents but also for residents of other suburbs in my electorate.

### **Rail: north-eastern Victoria**

**Mr JASPER** (Murray Valley) — I am a strong supporter of passenger rail services in country Victoria and further action must be taken to upgrade the services provided in north-eastern Victoria. The Melbourne to Wodonga service is well patronised and its retention has resulted in increased passenger numbers. However, I note that the Minister for Transport has confirmed the government will investigate upgrading the system to provide fast train services to Bendigo, Ballarat and Geelong. The investigation should be extended to include the major passenger rail corridor between Melbourne and Wodonga. Faster trains and improved services for north-eastern Victorians will result in increased patronage — more people will opt to use the train service in preference to driving to and from Melbourne.

The Minister for Transport should also investigate the services provided at the Wangaratta railway station, which is being privatised and is experiencing difficulty. It is an important commuting point by which people in Wangaratta and surrounding areas travel to and from Melbourne.

The station needs review; further upgrading needs to take place and an investigation made into extending the usage of the station to attract appropriate people to operate there. I encourage the minister to investigate also the Springhurst railway station, at which many people in the area alight and join the service. I ask that the minister provide support and recognise the importance of the services —

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

### **Geelong Football Club**

**Mr TREZISE** (Geelong) — I do not need to explain to honourable members that Geelong is a football town. The Geelong Football Club is not only an important entertainment source for thousands of Geelong people but, importantly, contributes significantly to the economic wellbeing of the city. That is especially so when the side plays at Kardinia Park. When Geelong plays at home an average of 20 000 people flock into the city, at least 5000 of whom come from either Melbourne or other parts of Victoria.

The importance to local traders and the hospitality industry of Geelong playing at home can easily be seen. Therefore it is of concern to many people and businesses in Geelong that with the AFL draw the club will not play at home for nine weeks between rounds 6 and 15. That will mean that for nearly two months during the football season this year Geelong will not play at Kardinia Park. That is not only of concern to business but also affects the many Geelong people who cannot travel to Melbourne, such as the young, the elderly or the infirm.

I support Geelong Football Club in its push to ensure that in the 2001 season the AFL puts in place a more evenly distributed home draw for the Cats.

### **St Mark's Anglican Church, Lower Templestowe**

**Mr KOTSIRAS** (Bulleen) — I wish to pay tribute to St Mark's Anglican Church located in my electorate of Bulleen. Recently it celebrated its 25th anniversary and the centenary of the establishment of Christ Church, the church from which St Mark's was established. The 1973 annual report stated:

After much careful consideration, the vestry entered into negotiations with the City of Doncaster and Templestowe for the sale of the Foote Street site and the development of the High Street site. This decision was made knowing that for some it would be an unhappy decision, but believing it is the right decision to make for the future life and growth of the parish.

And indeed it was. The parish has grown from strength to strength, it has a large number of dedicated people, and it services the local community well. St Mark's aims can be summarised by its mission statement, which is:

That we be encouraging and affirming and caring of each other, that we offer God's hospitality to all people, that we be

open and sensitive to those unfamiliar with our ways and in touch with others where they are today.

I congratulate the Reverend Maureen Beattie and her committee and the many people who have worked in the church in the past. With their hard work St Mark's will continue to grow in strength and scope in the years to come.

### **Peter Clarke Teaching for Reconciliation Award**

**Ms BARKER** (Oakleigh) — Today in Queen's Hall of Parliament House the Peter Clarke Teaching for Reconciliation Award (non-indigenous section) will be presented to David Rothstadt, assistant principal of Glenhuntly Primary School, and grade 6 students from the school.

The award has been granted following a project at Glenhuntly Primary School involving the painting of a mural representing the path to reconciliation. For some years now a unit on Aboriginal and Torres Strait Islander studies has been conducted at the school. In 1999 it was decided that an arts-based project be undertaken to convey the significance of reconciliation to students. Many were involved in determining the project — teachers, students and parents from both the Glenhuntly Primary School and the Glen Eira Secondary College.

An artist, Smokey Murray, was engaged, and the project was decided on following an orientation session at which Smokey and members of his family talked about their experiences as indigenous Australians. What was determined was a rainbow serpent mural tracing the path of Koori history showing events of the past, both good and bad, and ending at the serpent's head with black and white students arm in arm.

David has indicated that he felt the most important aspect of the project was that when the mural was being painted Smokey moved from group to group discussing the themes and the students talked among themselves about their pieces of work. As the mural neared completion, proud students and their parents would discuss what they had done and take time to explore the serpent and what it meant to them.

I congratulate Glenhuntly Primary School staff, students and parents and Glen Eira Secondary College staff and students on receiving the recognition they deserve in winning the award. I also congratulate David Rothstadt on his commitment to making the teaching of Aboriginal issues realistic and meaningful for primary school students.

### **Queen Mother's 100th birthday**

**Mr SPRY** (Bellarine) — On 4 August Queen Elizabeth the Queen Mother will celebrate her 100th birthday. The Queen Mother is one of the most respected, admired and loved figures of this century. The leadership and courage of the late King and the Queen Mother during the darkest days of World War II endeared the royal family to many Australians who lived through those times, especially members of the armed forces, who are effectively represented today by the Returned and Services League (RSL).

Regardless of their views on the republican question, I believe all Australians will embrace the opportunity to express their congratulations and best wishes to the Queen Mother. With that in mind, I have spoken to Mr Bruce Ruxton, president of the Victorian branch of the RSL, and suggested that the RSL sponsor a register in which Australians could inscribe their names and a suitable message for the Queen Mother on the occasion of her 100th birthday. Pages of the register could be displayed at every branch and sub-branch of the RSL, as well as at the offices of members of Parliament. If the RSL were willing, the concept could extend to every state.

The success of the proposal will depend on the cooperation and support of the state government. The Leader of the Opposition has said that all Liberal and National Party members will support the scheme. I challenge the Premier to offer the same support on behalf of the government and the Labor Party.

### **Former Premier: quotation**

**Mr LIM** (Clayton) — Yesterday in the grievance debate I attributed a quotation to former Premier Jeff Kennett. I now have the source of that quotation. It appeared on the front page of the *Australian Financial Review* of 23 October 1992. The article states:

'There is no such thing as equality', he said. 'We live in a competitive world. If you try to make the fat man thin, then the thin man ultimately dies. We have got to encourage the fat man to become fatter so that the thin man can become fatter ...'

It appeared again at page 13 of the *Age* of 27 October 1992. I can understand the discomfort of the honourable member for Doncaster and that he took the point of order to keep the quote off the parliamentary record, but the house will remember the context in which the quote was made.

Immediately after Mr Kennett took power and while he was inflicting financial pain on all households with a levy of \$270 a year and planning to retrench tens of

thousands of public employees he rewarded a handful of senior public servants by giving them salary packages worth up to \$250 000 a year. Nine coalition chairmen of parliamentary committees were given pay rises of \$6580 a year, and six new parliamentary secretaries were given pay rises of up to \$9870.

The fat man, thin man philosophy was translated into the gutting of the former Ethnic Affairs Commission and the slashing of the bilingual tenant support worker program, as mentioned in my contribution yesterday. Mr Kennett made the fat man fatter and the thin man thinner until he died of starvation.

### Red Shield Appeal

**Mrs PEULICH** (Bentleigh) — I commend the Victorians who took part in the Salvation Army's Red Shield Appeal door knock for 2000, during which local communities and the Salvation Army collected money over the weekend of 27 and 28 May. Unfortunately, due to the extremely cold and wet weather, the amount raised by the appeal in Victoria was down by some \$200 000 compared to the same time last year.

As co-chairperson of the City of Glen Eira Red Shield Appeal for the seventh year, I thank all the groups and individuals who have helped locally, including students from the McKinnon Secondary College, Valkstone Primary School and St James College; scouts and guides; the wonderful people at the Bentleigh Returned and Services League led by Perce Brierly; the Rotary clubs, and in particular district chairman Kevin Davidson.

I also thank a long-serving supporter and former district chairman of the appeal, Barry Neve, and his family. Barry is a former councillor of the City of Glen Eira and its predecessor, the City of Moorabbin, and has been mayor of both councils. I thank former mayor and current Glen Eira councillor, Norman Kennedy, and his wife Mrs Nola Kennedy, for their strong commitment to the appeal over a number of years. I also thank the residents who gave generously.

All those people take part out of a strong spirit of volunteerism, which I see as a defining characteristic of the Australian character. As a result of that spirit, individuals and families receive help and support when in need and many also give something back to the community when they are able to do so by supporting educational, community, sporting and recreational organisations, as well as organisations such as the Salvation Army.

I encourage all members of Parliament to continue to foster the spirit of volunteerism at the grassroots level

to ensure that the defining Australian characteristic continues.

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

### Darebin: Buddhist community

**Mr LEIGHTON** (Preston) — Last Sunday I had the pleasure of attending the Visak day ceremony at the Linh Son Buddhist temple in my electorate in my capacity as both the local member and representing the Premier. Although it was a cold and wet day, more than a thousand people attended the ceremony. Visak day is the most important event on the Buddhist calendar. It may be known in the broader community as the celebration of Buddha's birthday, however it is really three anniversaries in one: the birthday of Buddha, his enlightenment and his death.

Buddhism is the fastest growing religion in Australia, and the community represented by the Linh Son temple is the fastest growing community in my electorate. The temple was established in an old primary school and it has been transformed from a typical state school building into a magnificent spiritual and cultural centre. A gate and archway to the temple is now being constructed. The gateway will be a substantial work of some 11 metres in height and 120 metres in length involving intricate woodwork. It will be an important addition to the cultural symbols of Darebin and Melbourne's northern suburbs and will reflect the rich cultural diversity of our community.

My congratulations go to the Linh Son Buddhist congregation for not only a successful Visak day celebration but also the contribution its members make to our community. Buddhism is one of the most peaceful and tolerant religions I know of and its followers contribute enormously to the diversity and harmony of Melbourne's northern suburbs and my electorate.

### CONSTITUTION (REFORM) BILL

*Withdrawn*

**Mr BATCHELOR** (Minister for Transport) — I move:

That the following order of the day, government business, be read and discharged:

Constitution (Reform) Bill — Second reading —  
Resumption of debate

and that the bill be withdrawn.

This is simply a procedural motion resolution to avoid confusion. The bill was introduced earlier this year and will be superseded by bills that will be read a second time later today.

**Mr McARTHUR** (Monbulk) — This is the famous upper house restructure bill the Premier introduced late last year with great fanfare, telling everybody what a wonderful job he was doing and how he was delivering on his promise he made in response to the Independents Charter.

Some negative comments have been made about the bill since its introduction into the house, and it has languished at the bottom of the notice paper for the last six months because the Premier recognised he had drawn a dud. The motion before the house is the final act in this little tango: the government is withdrawing the bill, consigning it to the dust bin, and having a second go at restructuring the upper house. Details of the second attempt are yet to be seen.

The motion is an embarrassing backdown by the Premier, who of course is not in the chamber to do it — he has left that to his fall guy, the Leader of the House. I am sure he has not enjoyed the task that has been handpassed to him. It is not a proud moment for the government.

The motion withdraws from the notice paper a piece of legislation the government spoke of proudly when it was introduced in response to the urging of the honourable member for Gippsland West. It is now involved in an embarrassing backdown — that is, withdrawing the bill and having another attempt.

Opposition members will be keen to see the proposed legislation that replaces this doomed bill. We will be keen to look at the detail, and we will be keen to take it out and discuss it across the length and breadth of Victoria, including regional and rural areas.

**Mr Batchelor** interjected.

**Mr McARTHUR** — No; after 4 o'clock will do! Opposition members will be keen to take the legislation out around the towns and cities across Victoria. We will probably even discuss it in the eastern suburban fringe and in northern and western suburbs, just to see how well the second model of upper house restructure is received. We will be keen to find out whether it is based on one vote, one value, whether it increases or reduces rural representation in this place and what linkages it offers between the upper and lower houses by way of direct relationships of seats to provinces. Opposition members have a number of questions for discussion on the new bill.

We do not lament the passing of the previous bill. It was poorly constructed and conceived and would have resulted in a disastrous reduction in the number of upper house members of Parliament drawn from rural and regional areas. The opposition is glad to see the end of the legislation. It was poorly designed and hastily brought into the house. The Premier has been forced to admit it was a disaster, and he has pulled it out — thank heavens!

**Motion agreed to.**

## APPROPRIATION (PARLIAMENT 2000/2001) BILL

*Second reading*

**Debate resumed from 2 May; motion of Mr BRACKS (then Treasurer).**

**Ms ASHER** (Brighton) — I want to make some comments about the bill, and in the interests of time and having more members speak on appropriation, I will endeavour to be brief.

The first issue I turn to is the new funding for Parliament. In the bill the Labor government has effected commitments to the Auditor-General and has made a number of additional commitments to Parliament. Members on this side of the house obviously appreciate the politically contentious nature of allocating funds to Parliament, but we believe the additional funding allocated to Parliament is for a range of worthwhile matters.

The Labor Party has allocated several relatively small amounts of additional funding for the 2000–01 budget. Some \$1.4 million has been allocated for building maintenance, much of which is desperately needed, for training members of Parliament and electorate officers in the relatively new Parlynet system and for relocation and maintenance of electorate offices.

On the subject of the willingness of Parliament to introduce new technology, the honourable member for Doncaster has been at the forefront in this issue. He has even tried to train me, which is noble of him! Many of us who are aged over 40 — if I can generalise — will appreciate this training. It is obviously important for us all to improve our skills.

Some members have made much of conflict of interest and the relocation of electorate offices. I believe, Mr Speaker — and I thank you for your assistance — that I will be one of the beneficiaries. I currently occupy an electorate office in which my staff and I literally

cannot work together. There is not enough room for me and my staff to be in the office simultaneously. It has been difficult to run an electorate office that has had to be split between Parliament and my electorate. Some electorate offices that have long-term leases have been in the system for many years and are now inappropriate. I am pleased that funds have been allocated for maintenance and relocation.

The Parliament has also been the beneficiary of small amounts of much-needed capital funding for airconditioning, the upgrade of the PABX system and other essential projects. Although the chambers and library are grand and housed in a public building of which all honourable members are proud, the working conditions are not particularly conducive to work. Even in this chamber extremes of temperature make conditions difficult. I am pleased to see the addressing of airconditioning for staff who, unlike members, must attend all the time.

**Mr Perton** — Members in the tower also.

**Ms ASHER** — Members in the tower area also. The allocations are worthwhile. Members of the public see the grand aspect of the Parliament. An article in today's *Age* refers to observations by the coach of Geelong Football Club, Mark Thompson, about the architecture of the building. Both the Legislative Council and Legislative Assembly chambers are magnificent and the library is superb, but from time to time members struggle with working conditions behind the scenes.

The bulk of the Parliament's budget is allocated among the five traditional departments — Legislative Council, Legislative Assembly, Parliamentary Library, Parliamentary Debates and Parliamentary Services. I wish to make a couple of observations on the output group summary on page 391 of budget paper no. 3.

I am well aware the output group summary is related to accrual accounting and sometimes does not accurately reflect the budget in cash terms. However, I note with some disappointment a small cut in funding to the parliamentary library. I was a great user of the library in my first term when I was on the back bench, much less so as a minister and, given the resources of the opposition, I am now reacquainting myself with the services of the library. As I have indicated, having been a minister I am conscious that the variations may not reflect a cash situation, and if the Treasurer could clarify the library funding issue I would be particularly grateful.

Similarly, most honourable members are filled with admiration for the work of Hansard, and I am surprised

at the department's funding cut. I realise a process must be carried out in which you, Mr Speaker, no doubt were involved, but I particularly draw to the attention of the house the library resources. Given the delicately balanced nature of the Parliament and the many opposition members who rely almost exclusively on the library for resourcing, I should have thought that attention would have been paid to that aspect.

Members will see on page 396 of budget paper no. 3 that the library's target for 2000–01 is to satisfy 10 000 service requests, distribute 45 000 pages of information and process 45 000 items for retrieval. The library anticipates 50 000 client visits. As I said, I would be particularly grateful if the government would clarify funding for the parliamentary library.

The committee system is resourced through the budgets of the Legislative Council and the Legislative Assembly. The committees are a vital part of the running of the Parliament. Significant debate on and some restructuring of the committee system have taken place. I am sure honourable members appreciate how the committee system functions.

I shall not go into great detail on any aspects of the parliamentary budget. Suffice it to say that the additional allocations of funding, small though they are, are important and long overdue.

The long-term rebuilding or renovation of Parliament House is an issue that is perpetually on the agenda. No doubt, after it has got through certain aspects of its business program, the government will turn its mind to the long-term status and working conditions in this building and to its construction program. Members of the union movement have been outspoken on what they believe should be the long-term program for Parliament House.

Although additional funding is overdue, it is appropriately allocated. I seek the Treasurer's guidance, perhaps on notice for later, about the circumstances surrounding an apparent reduction of funding for the parliamentary library. That reduction causes me, as an opposition member, some concern, knowing the work of the library as I do.

**Mr BRUMBY** (Treasurer) — I thank the shadow Treasurer and Deputy Leader of the Opposition for her contribution to debate on the Appropriation (Parliament 2000/2001) Bill, which always generates interest among members of Parliament. The parliamentary appropriations go to both recurrent and capital works. In her contribution the shadow Treasurer touched on many issues.

In summary, the major increase in funding provided by the government to the parliamentary budget is to the Victorian Auditor-General's Office. The government made clear before and since the election that restoring the independence or autonomy and the appropriate resource levels of the Auditor-General was a major focus and responsibility of the government. It promised to do that and it has been done. Additional funding will be provided to the office of the Auditor-General. That will assist with the expense involved in the reincorporation of Audit Victoria into the Auditor-General's Office and the restoration of his powers. Vital to a vibrant democracy and a Parliament that functions properly is a truly independent and properly resourced Auditor-General. The government has delivered on its commitment.

I refer to other matters raised by the Deputy Leader of the Opposition. Conditions in electorate offices and training for members and electorate officers was one matter. Many of the electorate offices in which members work are below acceptable standards; I suspect, if put rigorously to the test, many would struggle to satisfy occupational health and safety requirements, and that could be said for most offices in Parliament House. Over time and within resource constraints, the government is keen to improve the facilities here to provide a reasonable working environment and the best possible access for the public.

Honourable members should remember that we are here to serve our electorates and the people of Victoria. A member's office must provide convenient and easy access for members of the public because his or her office is the link between a member of Parliament, the public and Parliament. That is an important consideration when a government funds Parliament through the bill.

Training available for members and their staff is important. The Parlynet system is good. The shadow Treasurer used the phrase 'people aged over 40', but I suggest that 'older members' of Parliament must be trained to use the new technologies.

The laptop computer in my office in Parliament house is always being used — my staff make great use of it.

*Honourable members interjecting.*

**Mr BRUMBY** — I use it for email; it is wonderful for that. When the system was first introduced it was the biggest wireless application local area network of its kind. Technology has moved on very rapidly. Those wireless systems are reshaping the world and will

continue to do so in the future through mobile phone communications — but that is beside the point.

On the question of the funding for the parliamentary library, the information I have before me indicates that the library received \$1.745 million in the current financial year and the estimate for 2000–01 is \$1.743 million — a decrease of \$2000. The difference is insignificant but nevertheless I undertake to identify its nature. I suspect it relates to ongoing efficiency and resource improvement.

The shadow Treasurer would know that the government is always trying to drive efficiency improvement through things like the productivity dividend and the effects of that can show up in lower estimates for resource provision. I will find out the reason for the \$2000 difference. I also put on the record that the library does a magnificent job in serving the needs of members, with limited resources compared with the commonwealth parliamentary library.

The shadow Treasurer also mentioned the Department of Parliamentary Debates. The figures in the bill show that the allocation for Hansard has increased, albeit by only \$1000.

I will explain the significant increase in funding to the Legislative Council so that there is no misunderstanding. The increase is due to the Parliament's responsibilities to other Parliaments in the commonwealth and a number of visits that will take place in the next year. It is not an increase in spending for Mr President or the officers of the Legislative Council; it is provided to fulfil the Parliament's commitments to the linking of commonwealth Parliaments.

The shadow Treasurer also mentioned buildings, particularly Parliament House. The government is conscious of the issues relating to the building. The government has provided \$2.7 million for the facility management plan for major capital works. That will involve a proper examination of the building and its major capital works needs, including fire protection, electrical wiring and occupational health and safety matters. I anticipate that the facility management plan will canvass some broader issues about Parliament House and its future.

The government has made \$1.9 million available to provide airconditioning, which is necessary. Honourable members understand the difficulties and endure the heat in the building. However, visitors in hot weather, particularly in March, do not understand why visiting the principal place of government in a city as

modern, cosmopolitan and successful as Melbourne is like stepping back 100 years, with little fans on the walls and people working in 38 degrees Celsius heat. It does not reflect well on our state.

**Mr Perton** interjected.

**Mr BRUMBY** — As the honourable member says, members can put up with the heat. We have never complained about such things, and we never will. But in terms of access for public visitors, conditions in the building are not satisfactory, and therefore airconditioning will be installed.

As part of the broader appropriation, there is an increase in the appropriation for Parliament for the increased costs of superannuation. That appropriation was made before the superannuation legislation was passed recently. Again I put on the record that the Parliament has acted responsibly in enacting that measure in relation to the commonwealth surcharge. It is obviously at significant cost to members' superannuation. It means that the taxpayers of Victoria will be some \$2.5 million a year better off, and those savings will be available for other projects or for schools or hospitals.

Finally, mention was made earlier of the magnificent architecture and structure of this Parliament House. When I bring visitors through this place — just the other day I had the Governor of one of the smaller American states, I think it was Nebraska — I always try to show them the chambers. Although this chamber is delightful, the upper house chamber is a magnificent piece of architecture and art. When showing foreign visitors that chamber particularly their jaws drop and they walk away inspired with what Victorians have been able to produce.

*Honourable members interjecting.*

**Mr BRUMBY** — I usually try to go in there when the members are not present.

**The SPEAKER** — Order! I remind the honourable members for Benambra and Hawthorn and the Treasurer that they must not reflect on members of the upper house.

**Mr BRUMBY** — I have very fond memories of that other place, Mr Speaker, as does the honourable member for Melton who distinguished himself in that chamber. The honourable member for Brighton also distinguished herself in that chamber. Many members have come into this chamber from the upper house, and generally they do well in this chamber.

I have pleasure in closing the debate on the bill. The parliamentary appropriation is part of the broader budget appropriation. The government is proud of the first budget presented by the Bracks government: the strong budget surplus of \$592 million; the paying out of the unfunded superannuation liabilities of the Emergency Services Superannuation Scheme; the bringing forward from 50 years to 30 years of the pay-out of all the state's unfunded superannuation liabilities; the paying down of debt from more than \$6 billion to \$4.7 billion or about 1.5 per cent of GDP; the \$400 million of tax cuts over the next three years; and I suppose in many ways, most importantly, the honouring of our promises and the keeping of faith with the people of Victoria in implementing all of the commitments that were made before the election.

The government is proud of the budget and I commend the parliamentary appropriation to the house.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## NATIONAL PARKS (AMENDMENT) BILL

*Second reading*

**Debate resumed from 31 May; motion of Ms GARBUTT (Minister for Environment and Conservation); and Mr PERTON's amendment:**

That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses to read this bill a second time until a copy of the report of the technical advisory group examining the Mount McKay ski field is provided to each member of the Legislative Assembly, in order that this house can be fully informed on the issues and consultation can take place which is designed to secure an outcome in the best interests of the protection of the environment and rare and threatened species, as well as regional social and economic development.

**Mr PLOWMAN (Benambra)** — From the outset of my contribution I wish to say that I do not oppose the broad intent of the bill, but I cannot understand the stupidity of the government in allowing the bill to go through the house in its present form. I fervently oppose the passage of the bill in its present form, at least until more information is provided from the technical advisory committee.

If the bill goes through the house in its current form it will stand in the way of the most important tourism development proposed for country Victoria. It is a most

significant tourism development and certainly the most significant ski slope development ever proposed for Victoria or Australia. If the bill is passed either the development will be stalled or it will go ahead at an inappropriate location. On either count I cannot condone the passage of the bill in its present form.

I cannot believe the government could hold up that major development of the ski slopes of Mount McKay for the sake of 21 hectares. It is small minded. It is the result of a hasty election promise that was given by an opposition that never believed it would be in government. The proposal has not been properly thought through. We must not downplay the significance of the development that has been proposed for Mount McKay, which would create a downhill ski slope of some 1200 to 1300 vertical feet that would be among the steepest slopes in the Victorian alps.

If the development is located in the right place it will provide a double-black run that would attract the best Australian and international skiers. If it is not built in the right place it will be a piecemeal development. It will have four lifts instead of three, one of which will go up a drainage line, which would be environmentally stupid, and skiers will be restricted in their ability to ski on one of the best downhill slopes in the Southern Hemisphere despite desperately wanting to. That extraordinary opportunity for development will be held back because the government wants to put 21 hectares that are now part of the resort back into the national park.

I understand why the government gave an election promise that 285 hectares would go back to the national park. Although the government may think it was inappropriate to include the 285 hectares as part of the resort, the initial decision to do so was far sighted. The decision came as a result of the previous government looking 25, 30 or 50 years into the future. Anyone who has seen Mount McKay or has skied it and likes the challenge of ultimate downhill skiing will understand there is nothing in Australia to compare to it. Yet for the sake of 21 hectares the government, including the minister, is prepared to either stall the proposal indefinitely or have the development in a totally inappropriate location.

The development is not just a ski development, it is a tourism development. The proposed investment in the ski lifts will be approximately \$12 million, and as a result of the introduction of the new ski lifts approximately \$40 million of further investment will go into the development. Given the multiplier effect, it is estimated that an additional \$50 million of further development will occur in Falls Creek.

One can imagine the flow-on effect to the Victorian economy of \$100 million being invested in the regional development of a ski resort and the multiplier effect of that on all the suppliers and workers. As a result of the development, 1000 additional jobs will be created, of which 160 will be permanent. Yet for the sake of the 21 hectares which are now part of the resort and which should not go back to the national park, the government is prepared to stall that major regional development in country Victoria. I cannot understand that.

I am delighted that both the Treasurer and the Minister for Planning are now in the house, because I know they would fully appreciate the benefit that development would bring to Victoria. I know it must be difficult for them to look at those 21 hectares and ask, 'Will we stall the development or have it built in an inappropriate place so as to pander to the green vote?'. That is what the bill is about. It is about the fact that the government believes if it does not meet its election promise of putting a total of 285 hectares back into the national park the green vote will suddenly turn its back on the government. Absolute nonsense.

And even if it is not nonsense, let us determine what is right and do what is right for Victoria. It is disappointing to see both the Treasurer and the Minister for Planning leaving the chamber, because the point I am making is significant.

I know the development is in my electorate, and some honourable members on both sides of the house may think I am saying these things because there are votes in it for me. The truth is that you could count on the fingers of two hands the number of votes that would change for me over this issue. It is not of major importance to me electorally. Almost all the people who are in favour of the development would vote for me anyway. I know them well, I know what they want and I know the way they would vote. There are no votes in it for me. My motive is to ensure that the best possible development, perhaps amounting to an investment of \$100 million, goes ahead where it should to increase the skiing area at Falls Creek by 140 per cent.

Of the three big resorts — Mount Buller, Mount Hotham and Falls Creek — Falls Creek is the one that has fallen behind over the past 10 to 15 years. Some incredible developments have taken place at Mount Buller over that period, and Mount Hotham has in recent years had magnificent development too. Falls Creek deserves the new development, and if it occurs Falls Creek will become Victoria's premier resort.

In a 16-week season each of the three resorts attracts more visitors and more tourist dollars than Ayers Rock attracts in 12 months. Consider that fact and its importance to tourism in Victoria. Any government of any persuasion that would pander to the green vote and stop the development of a premium ski and tourism facility for the sake of a mere 21 hectares of land would disappoint me immensely, especially if that action halted regional development in country Victoria.

I ask all honourable members on the government benches and listening in their offices to think again before the vote on the reasoned amendment. What is best for Victoria? The reasoned amendment merely asks honourable members to wait until the advisory report is available so they know what the technical advice is.

As I stated in my opening remarks, I do not oppose the broad intent of the bill. I remind honourable members, however, that in her second-reading speech the minister said:

I now wish to state this government's position on excisions from parks under the National Parks Act and set the approach

that my government will follow when dealing with any proposed park excision. It does recognise that from time to time there may be justifiable reasons for excising small areas from parks.

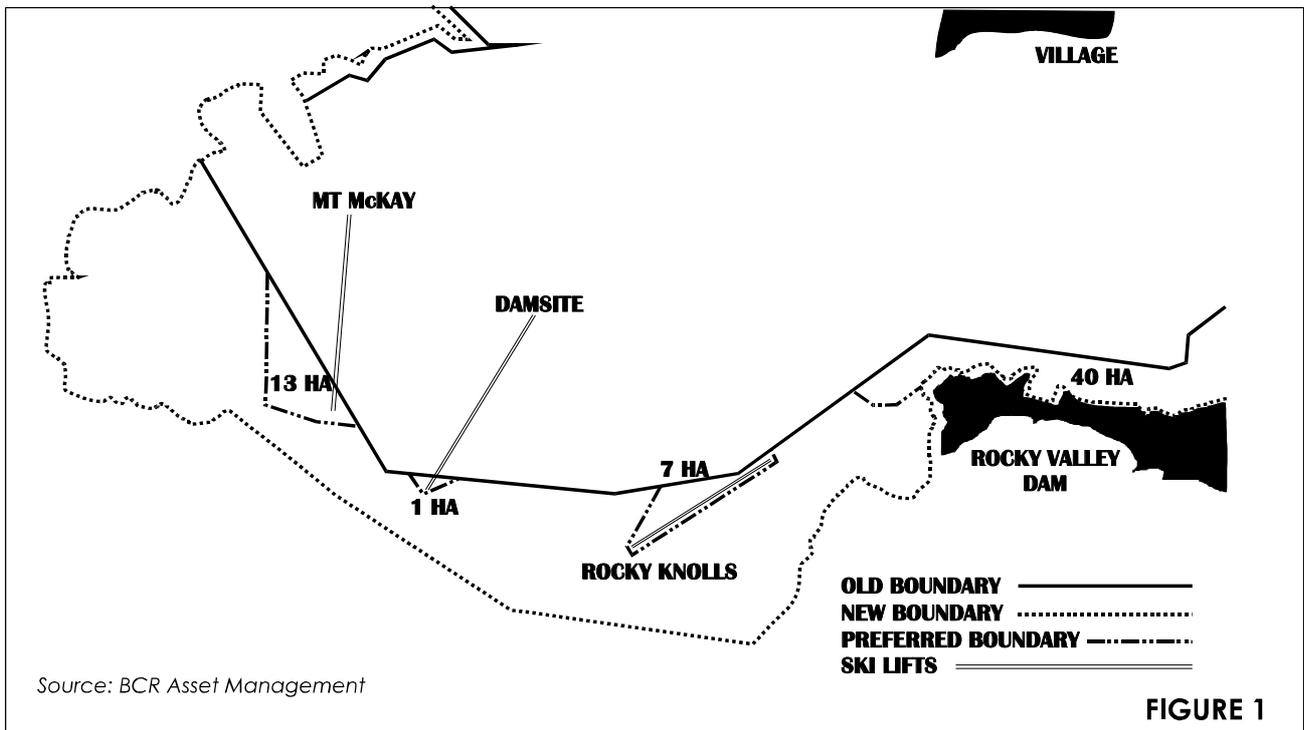
I am merely asking the minister to consider doing what she has already said in her second-reading speech she can do. The right thing — the development of a major tourism project — should be done, and it should be done in the most appropriate place.

There are, as I said, three areas of land to be returned to the park: a 13-hectare area at the foot of Mount McKay; a 1-hectare area at the foot of what is to be called Damsite Run; and 7 hectares required for installation of the Rocky Knolls lift.

Mr Acting Speaker, I seek leave to incorporate in *Hansard* a plan of the area.

**The ACTING SPEAKER (Mr Nardella)** — Order! My understanding is that the plan has been approved for incorporation by Hansard and by the Speaker.

*Leave granted; plan as follows:*



**Mr PLOWMAN** — A fourth area of land is affected, and although its inclusion in the park will not hold back ski developments on Mount McKay it is inappropriate for inclusion in a national park. The land is 40 hectares in extent and falls between the north shore of Rocky Valley Dam and the southern boundary of the resort village. It is degraded land that has pipes

running through it and a gravel road. A Southern Hydro easement on a 99-year lease runs along the northern shore of Rocky Valley Dam, and there is a big borrow pit that was dug out during the initial construction of Rocky Valley Dam, a gravel pit, pumps and an area of hard standing where all the snow grooming plant is

housed. As I said, the area is quite inappropriate for inclusion in a national park.

It is totally inappropriate that that area be classified as a national park. It is degraded and has been grossly disturbed. The preamble to the National Parks Act states, in part:

Whereas it is in the public interest that certain Crown land characterised by its predominantly unspoilt landscape ...

Those 40 hectares cannot in any person's judgment meet that requirement. The area should not have been classified as part of the national park originally. The area was reclassified by the Kennett government. Honourable members might ask how that came about. Our government classified 1900 hectares of former State Electricity Commission Crown grant land as national park, and including the 40 hectares was a mistake. It should never have become national park. It was a Crown grant to the SEC, but that 40 hectares out of 1900 hectares should not have gone to the park. The Electricity Industry (Miscellaneous Amendment) Act includes an amendment to part 37, schedule two, of the National Parks Act 1975 which states:

... for '1900 hectares more or less and 6422 square kilometres' substitute '645 900 hectares'...

The total area of national parks is over half a million hectares — 645 900 hectares of national park — and we are talking about 21 hectares that are standing in the road of the development. We are talking about 40 hectares that should never have been part of that national park.

I appeal to the government to reconsider its position before the bill is passed. Had I had my way I would have put an amendment to ensure the bill did not go through the upper house. I believe it is in the hands of the government. It is the government's responsibility, and it should do something about the matter before the bill is passed in both houses of Parliament.

I would like to raise one other issue that has come to my attention only in the past few days — namely, a grazing licence area in Upper Wongungarra. This matter is related to the bill but has nothing to do with what I was speaking about earlier.

Grazing licences in the Upper Wongungarra Valley are protected by the amendment introduced by the minister. I have looked at the amendment closely. It appears that those licences are protected by the amendment the minister has introduced. But following discussions with people who hold the licences, it is evident they believe the period of some of the licences will go from seven years to one year and that, where there has been a

contiguous licence, the contiguous licence might be broken because of an area being interrupted by the alpine walking track. I seek the assurance of the minister that what she has presented to the house by way of the amendment before the house will protect those licences and that what is feared by those licensees does not occur.

Even if the amendment means that should not occur, even if the amendment protects those interests, the department can use the excuse of the amendment to say it will introduce changes to the licences. A regulation could be introduced after the legislation has been enacted. That should not occur, and I seek the assurance of the minister that that will not happen.

I appeal finally to the minister to reconsider what is in the reasoned amendment and to allow the report to come before us so that all information in the report is made available to honourable members before we make that all-important decision to return all of the 285 hectares of the resort to the national park.

**Mr INGRAM** (Gippsland East) — The bill provides for the addition of over 13 000 hectares to Victoria's national parks. That includes adding over 100 hectares of previously freehold land to the Organ Pipes National Park, the Yarra Ranges National Park, the Kamarooka State Park and the Gippsland Lakes Coastal Park. The bill also puts in place a process that improves the procedures for making excisions from parks so unjustified excisions should not occur again.

I wish to raise a few issues regarding the National Parks (Amendment) Bill. Ministers from all governments, past and present, gain much media coverage and accolade from city-based constituents on the declaration of national parks. Unfortunately, most national parks are not given the resources, human and financial, to protect the biodiversity values those parks have been declared to protect — for example, defending the land from weeds and pest animals. People utilise those parks for camping purposes.

My electorate covers the area of Gippsland East, of which 75 per cent is either national parks or state forest. That area is reliant on income from forests, based on the utilisation of natural resources and on their value in attracting tourists. When parks budgets are continually cut, tracks are not maintained. Also camping grounds that are used continually, including on most weekends and in summer and Easter breaks, because the money is not available to maintain them, are not up to scratch. That leads to a loss of tourism dollars and economic development in our region due to national parks not having the resources to maintain their parks.

On the weed issue, most people like to camp along the rivers in Gippsland East and, I am sure, in the electorate of the honourable member for Benambra, too. Many rivers in park areas are strangled with blackberries and willows. The efforts to maintain those areas are tokenistic. No major effort is made. Tracks are pushed through parks to spray small amounts of blackberries, but that is not sufficient.

Another issue I raise regarding national parks is fire management. It must be realised that fire management practices in this country have been changed. Indigenous people, the subject of debate yesterday, implemented fire management practices when they came to Australia. They burnt off regularly.

We have changed the nature of fire management compared with fire management by indigenous communities. Europeans were initially scared of fires and would not implement controlled burning. Under current fire management practices, whenever a fire starts we put it out. Many fires should be left to do their natural job. Much money is spent — millions of dollars in some cases — on trying to put out fires that we have no hope of putting out.

The changed fire management practices over the past 20 to 30 years have meant we do not burn often enough. The fuel on the forest floor, especially in park or wilderness areas, is dangerous. The fires experienced in the Bennison High Plains are testimony to that. This matter was raised at a meeting a couple of weeks ago. The use of Phoscheck and a number of similar issues, especially residues coming into rivers, were raised by one of my constituents. That fire was so hot that substantial erosion was caused. The matter of what chemicals are used is also an issue. I have visited some parts of that area. Obviously such a fire is not a natural occurrence because the fire management regimes have changed. We have need to look at fire management.

Yesterday in the reconciliation debate I highlighted the need to look at co-management of some national parks with indigenous communities and to utilise some of the fire management techniques of the original inhabitants.

I also pick up on one of the issues raised by the honourable member for Benambra — that is, the matter of grazing licences in the Wongungarra Alpine National Park on the Wongungarra River. It was brought to my attention last night that there has been zero consultation on the matter of grazing licences. One of the licences is held by my predecessor, Mr David Treasure. I informed him this morning that a bill is before the house that could impact on his licence. I put

the lack of consultation down to incompetence by the department.

I assume the house amendment covers the issues raised — —

**Mr Jasper** interjected.

**Mr INGRAM** — I will pick up that interjection, though I know I am not supposed to. The matter should have been addressed and the department should have consulted with the licensees so there would be no problem. Late last night members were running around in the house trying to address problems that might occur for some licence-holders — that is not good enough. When a bill comes before the house everyone who may be affected by it should have the opportunity to discuss the effects with the minister or the department.

There are a couple of issues that arise concerning the grazing licences, and I have spoken to the people concerned. It appears they will be dealt with through the house amendment. The minister has given a commitment that the rights will be protected — there will be many dissatisfied people if they are not.

Graziers holding licences are sensitive to some areas of park management because they have been pushed around over a number of years and see that every time it happens they lose a small amount of their capacity to go about their normal day-to-day business.

One of the licensees had a small amount of land incised a number of years ago when the existing seven-year licences were negotiated. He has a licence for land on both sides of the alpine walking trail. This year Parks Victoria is enforcing the restriction on cattle crossing the trail. How is that going to be done? Can the walking trail be fenced out? I hope the minister and the department will look at that matter and discuss the problem with the licensee.

It is obvious the policy of the government is to phase out grazing. I hope the one-year licences will not hasten that process. Most national parks licences extend into the next term of government.

As a result of the regional forest agreement negotiation there is another concern in the Wongungarra area. Last Monday, two days before the bill was debated, it came to my attention that the Victorian Association of Forest Industries was concerned that some of the forest industry structural adjustment program (FISAP) money would be used to restructure one of the sawmills. Originally timber was allocated out of some parts of this area but a finalisation of the agreement had not

been reached. The agreement regarding the FISAP package for the sawmill has been confirmed in a draft letter. This is another instance where the department has not moved quickly enough. We had to run around a couple of days before the debate on the bill and finalise agreements that should have been finalised a number of weeks ago.

*Honourable members interjecting.*

**Mr INGRAM** — It is good news, but I ask how long it would have been before the matter was addressed if it had not been drawn to my attention.

I will pick up some of the issues raised by the honourable member for Benambra regarding the reasoned amendment moved by the honourable member for Doncaster that:

... this house refuses to read this bill a second time until a copy of the report of the technical advisory group examining the Mount McKay ski field is provided to each member of the Legislative Assembly ...

I have tried to find the technical report. Apparently the report has not been finalised and we are not sure where it is. My understanding is there a lot of work has been done on the report — —

**Mr Perton** interjected.

**Mr INGRAM** — The honourable member for Doncaster believes the draft is completed. There is a reasonable expectation that it should have been tabled before the bill was debated so members know where they are going.

Some of the issues I have raised relate in particular to the Department of Natural Resources and Environment. There is a good case for moving the DNRE to one of the regional centres. I am sure a number of members would like to see it moved — —

**An honourable member** interjected.

**Mr INGRAM** — I would be happy with Bairnsdale.

**An honourable member** interjected.

**Mr INGRAM** — Or we could split it up and move part of the department out to country or regional areas where some of the decisions being made have a great effect on the community.

I support the principle of national parks. The biodiversity values in place before European settlement need to be protected and government must ensure the finances and human resources are available to protect those areas. Locking up national parks does not protect

them. This country has seen 200 years of mismanagement by European settlement, including the introduction of a large amount of flora and fauna which has impacted on those areas. There must be fire, pest and weed management.

Most of the cost involved in the upkeep of national parks falls on electorates like mine in Gippsland East and also on those of the honourable members for Benambra and Murray Valley, although I am not sure that the honourable member for Murray Valley has many national parks in his electorate. However, the largest impact falls on my electorate. The whole state should provide the resources to manage national parks; it should not just fall to East Gippsland.

I seek the minister's assurance that the licensees who hold grazing leases in my area will be protected. I take her word that the amendment to be proposed does that. I am disappointed no time was made available to consult with the licensees because they should have had the chance to comment on the amendments.

**Mr JASPER** (Murray Valley) — In speaking on the National Parks (Amendment) Bill I declare from the outset that I am a very keen and strong snow skier and have been involved in — —

**An honourable member** interjected.

**Mr JASPER** — I was cautious in saying that because I think I am a reasonably good skier, but other people might be the judge of that. I have been involved as an active snow skier for over 25 years. Most of my skiing has been done at the Falls Creek resort and other areas in Victoria and New South Wales as well as some on the west coast of America and Canada. Therefore, I have some knowledge of ski resorts and the provision of facilities for those involved in the sport. I am pleased to take part in and utilise the best facilities in Victoria without having to go interstate and overseas. My family owns a unit at Falls Creek and that is one of the main reasons why I am a regular skier there and know a lot about the resort.

I was disappointed by the comments of some of the earlier speakers, particularly those of the honourable member for Ballarat East when he referred to clause 8 of the bill and the 285 hectares of land being removed from the Falls Creek Alpine Resort for reincorporation in the Alpine National Park. I am critical of his comments because I do not think he has ever visited Falls Creek — certainly not in recent years. On many occasions I have heard honourable members make inappropriate comments when speaking about

legislation because they did not have the appropriate background information.

The house should pay attention to the comments of government ministers, and I direct particular attention to the media release of the Minister for Major Projects and Tourism dated 18 May. I will quote two or three paragraphs from the release:

Victoria's 2000 winter ski season will be backed by a new \$690 000 campaign which aims to attract more visitors to the state's alpine resorts.

Since 1992, the alpine resorts and Tourism Victoria have contributed a total of \$6.98 million to the summer and winter marketing campaigns to promote the high country.

The minister is promoting the high country and the alpine resorts, trying to attract visitors to the area. The media release continues:

The seven mountains have worked hard in conjunction with the Department of Natural Resources and Environment and Tourism Victoria to ensure a viable and prosperous future.

The industry is critical to Victoria and its economy. The Minister for Major Projects and Tourism has recognised that fact, but when one sees the government's actions in relation to the possible development of the Falls Creek Alpine Resort, I do not think the Minister for Environment and Conservation has recognised it.

I listened with great interest to the contribution made by the honourable member for Doncaster because he presented a detailed account of the bill, referring to the various clauses and their effect, particularly on alpine national parks and the high country generally. He also made strong comments about the legislation as it affects the Falls Creek Alpine Resort, giving a balanced view on what should be done in the future. In his role as the responsible shadow minister he visits affected areas and consults with the people seeking their attitudes about what should be done in the best interests of his portfolio and Victoria. I pay tribute to his approach.

The honourable member for Doncaster presented a strong case for reviewing the 285 hectares proposed to be transferred back into the Alpine National Park from the Falls Creek resort. He also presented a strong argument for supporting the reasoned amendment so that all the issues can be considered.

I also listened with a great deal of interest to the impassioned speech of the honourable member for Benambra, who has visited the high country on many occasions and who has a strong interest in the Falls Creek Alpine Resort, which is in his electorate.

The Alpine National Park is comprised of 660 000 hectares of land. Clause 8 provides for the transfer back into the park of the 285 hectares of land that in 1997 was transferred to the Falls Creek Alpine Resort to enable extensive proposed future development, including a world-class skiing and recreation facility that would provide extremely challenging skiing opportunities by utilising various slopes, and extending out to Mount McKay, with lifts provided by the company that operates the Falls Creek lifts.

The managing director of the company has had extensive consultations with opposition members and the government on the basis that any future development would be at stake should the land be removed from the resort. His company invests money in developments across Victoria and beyond. If the government makes it too hard for him it is a real possibility that the developer will walk away from the development and say, 'We are not prepared to go through all the trials and tribulations of extending out to Mount McKay and developing a world-class skiing and recreation resort that will provide the best possible skiing conditions for a variety of skiers'.

The resort is already a great facility but there is a need for future development. It must be remembered that the resort operates in a competitive industry and people who visit the various ski resorts in the Victorian high country are looking for challenges. They will not patronise resorts that do not provide an extended range of facilities.

Only recently the chief executive officer of the Falls Creek management committee, Neil Tappe, said to me, 'Unless we can retain this land within the resort and get approval for the development, the resort will be strangled'. That must be an important consideration in respect of not only the proposed development at Mount McKay but also development of the land around Rocky Valley Dam. The proposed Falls Creek development involves two areas: the land that needs to be retained in the resort to allow an extension of the ski lift operation out to Mount McKay, and the area around Rocky Valley Dam. It is proposed that Falls Creek be developed as a resort that will operate all year and cater for a variety of skiers — that is, beginners, intermediate skiers and those looking for skiing challenges. Those challenges could be provided at Mount McKay, which would include double-black runs.

I recognise the need for an investigation of how ski tows can be provided in a way that will protect the sensitive areas around the alpine resorts and the high country generally. Such an investigation was

undertaken during the past 12 months by the technical advisory group which was set up by the previous minister and which has spent about \$400 000 on the task. It has almost completed its report, which will provide an indication of how the ski resort should be developed and what investigations should be undertaken in respect of extending ski runs to Mount McKay. The minister has indicated to me in personal discussions, and it has been confirmed by the shadow minister, that the developer, Dr Ron Bassett, has indicated he could provide appropriate lift facilities at the resort should the 285 hectares be taken back into the national park. The minister is hanging her hat on what Dr Bassett said.

Dr Bassett has changed his thinking. Previously he believed that following the completion of the technical advisory group's report an extension out to Mount McKay involving the three lifts that have been investigated would be provided for. However, in a letter to the minister dated 4 May he indicated his concern that changes had been implemented, that the technical working group's report had not been presented and that the planning minister required an environment effects statement (EES) to be undertaken. I refer particularly to the last paragraph of Dr Bassett's letter in reply to the minister, which states:

I therefore do not support the transfer of the land from the resort and believe that the bill should be deferred until all options are fully explored as part of the EES process.

That clearly indicates the stand taken by Dr Bassett on the proposed development at Falls Creek. I believe it is now in jeopardy. The developer can say, 'I am being thwarted at every turn I take in seeking to develop the resort at Falls Creek; I will look at developments elsewhere where I will be encouraged to undertake such developments'.

Someone said to me recently that Dr Bassett is developing the resort at Falls Creek because he wants to make money. Of course he does; he is a businessman. He is using superannuation funds and has to get a return on those funds. It must also be understood that there is a need for economic development in a great range of activities across the state.

The Victorian ski industry is on the brink of seeing a new development that will provide a range of skiing facilities, but I am concerned that the obstacles being put in the way of the developer in the high country will lead to the proposed development not proceeding.

I am also concerned about the comment of the Minister for Environment and Conservation in discussions with me — she has also stated it publicly — that the

proposal in the bill was part of the government's policy when it went to the people. The Labor government is a minority government and does not have a mandate for all the things that were included in its policy statements. Furthermore, I understand that only two lines in the Labor Party policy referred to developments in the high country.

I understand that the recommendations of the Land Conservation Council did not support the relevant area being within the national park. The minister is being bloody minded. The 285 hectares was transferred from the national park to the alpine resort in 1997 to allow for the appropriate future development of the resort. The minister was being bloody minded in saying that the land was shifted out of the national park 'in the dead of night', which I think were the words she used. The legislation providing for the transfer was debated in both houses and became law. The minister is now saying she will strangle the development at Falls Creek by removing the land from the alpine resort and placing it back in the national park. I believe her action will be successful in having the proposed development plans changed.

There is no doubt in my mind that the future of skiing in the Victorian high country at the resort in question and other resorts is in doubt because of the implications of the legislation and the attitude of the minister and the government in not supporting alpine resorts.

In personal discussions with me the minister said, in effect, 'Not only will you have to get it through the Victorian Parliament, the planning scheme and the planning process, you will also have problems so far as the federal government is concerned'. The minister should take a different attitude. She should support the industry by supporting developments and investment in the high country. As the honourable member for Benambra quite rightly indicated, we have the potential for a massive development project in north-eastern Victoria. Estimates of moneys that would be expended by a developer, a lift company, a management committee and other private people indicate the prospects for a \$100 million development. The consequential job creation in the short and long terms that would flow from that would be felt across country Victoria.

On the one hand the government says it supports developments in country Victoria and the Minister for Major Projects and Tourism says the ski industry is a great industry that will develop in the future and is of great economic importance to the state of Victoria, yet on the other hand the Minister for Environment and Conservation says the government will shift

285 hectares out of the resort back into the national park, force the lift company to review the provision of lifts to Mount McKay, and the developers will still have to go through the appropriate planning processes. The government has also ignored the importance of the area around Rocky Valley Dam. It is not pristine country and should be included in the resort.

People on the management committee have indicated they would be able to get further use of the Falls Creek Alpine Resort if the land remained in the resort and was developed to cater for water sports. The land already has buildings on it and is utilised by the lift company and others, and the resort will be detrimentally affected if a resumption of the land takes place. It is clear the land in question should remain within the alpine resort. The Minister for Environment and Conservation should not be so dogged about this issue. She should go back to the alpine resort management committee and the developer and ask, 'What is going to be best, not only for the development of the resort but for Victoria and its economic development?'

There is a need for negotiation and balance on the issue. The minister should take a more positive approach and say, 'I have a view on this, but I am prepared to negotiate further'. She should be able to negotiate with all the parties and say, 'I don't believe we are absolutely right'. She should not be so dogged and bloody minded as to say that simply because the previous government shifted the area out into the resort the new government will take it back.

Why does the minister not listen to the submissions made by the management committee and the developer? They are detailed and indicate the importance of the retention of the relevant area in the resort. The developer is between a rock and a hard place because he has to negotiate with the government while listening to what the opposition is saying. The developer is saying that he wants to go forward and negotiate — and surely that is what has to be done. Negotiation would allow development to proceed, which would be to the greatest advantage of not only people who wish to ski but the whole state.

Following the balanced view that was presented by the shadow minister and the strong comments made by the honourable member for Benambra, who detailed the importance of an alpine resort development, I repeat my advice to the minister that it is tremendously important that she does not strangle Falls Creek! The opposition wants to see it developed in the future.

In 10 years time — perhaps even in 5 years time — the opposition will go back to the minister and say, 'You

successfully strangled what would have been an appropriate \$100 million development'. Such a development with appropriate facilities would be seen as one of the great ski resorts. It would attract international visitors to Victoria, which in turn would assist the Victorian economy.

**Ms GARBUTT** (Minister for Environment and Conservation) — I thank honourable members for their contributions, both last night and today. The National Parks (Amendment) Bill is an important piece of legislation because it restores land to the Alpine National Park that was excised by the previous government against all the principles that honourable members understand apply to national parks. Indeed, it was against the statement of principles in the National Parks Act that says that land in national parks should be reserved, preserved and protected permanently. I repeat the term 'permanently'.

Under the previous government the large excision of 285 hectares was unprecedented and set a significant and unfortunate precedent that national parks could be sliced up and large chunks taken out and given away for other purposes. People have focused on the previous government's action and recognised its importance as a precedent which if followed by successive governments would result in the reduction of precious parts of the state's national parks. The action took away the confidence Victorians had in the National Parks Act. It meant that nothing was permanent and that battles that had been fought to have land protected may have to be fought time and again.

The bill not only restores the land that was excised around Mount McKay but also puts in place provisions that attempt to prevent that action being repeated in the future. The previous government attempted to undertake the excision in a secretive fashion. In the end it became a highly controversial issue, but the minister of the day had tried to sneak it through. It was not mentioned in the National Parks (Amendment) Bill. It was provided for in the Alpine Resorts Commission Bill but was not mentioned in the second-reading speech.

The bill attempts to prevent that happening by forcing issues into the open. Justifiable excisions of very small parcels of land may occasionally occur, but they must now go through a proper and open consultation process. The minister of the day will be asked to seek the advice of the National Parks Advisory Council on any proposed excision and to table that advice. The minister must also provide a justification in the second-reading speech.

**Mr Plowman** interjected.

**Ms GARBUTT** — What hypocrisy. Under your government there was no mention — —

**The ACTING SPEAKER (Mr Lupton)** — Order! The Minister for Environment and Conservation should address her remarks through the Chair.

**Ms GARBUTT** — Unlike the former secretive government, the Bracks government has put strong provisions in place to force issues into the open.

**Mr Perton** interjected.

**The ACTING SPEAKER (Mr Lupton)** — Order! The honourable member for Doncaster!

**Ms GARBUTT** — I now refer to the issues raised by honourable members. An opposition member commented that the bill is the fruition of a sudden rush for policy during the election campaign. That is wrong. The policy was announced following the highly controversial excision of the land by the former government. Just after the land was excised I announced the policy at the opening of the snow season at Falls Creek on the Queen's Birthday weekend. It is longstanding Labor Party policy, and I am delighted to see the bill before the house.

**Mr Plowman** — I am sure you are.

**Ms GARBUTT** — Some honourable members have focused on the proposed development at Falls Creek, which seems dear to the heart of the honourable member for Benambra. He has predicted all sorts of diabolical results from the enactment of the bill. For example, he claimed the proposal will not be able to go ahead if the land is returned to the national park, which is wrong. The proposal can go ahead. I met with the proponent, Dr Bassett, on 24 February to explain the government's policy commitment. At that meeting he indicated that he understood the government's position and had redesigned his proposal for a ski-lift development at Mount McKay to fit entirely within the boundary of the former Falls Creek resort.

**Mr Plowman** interjected.

**Ms GARBUTT** — He said the new proposal was better than the first.

**Mr Plowman** interjected.

**Ms GARBUTT** — I explained that the government is not opposed to appropriate sustainable development in alpine resorts, subject to proper environmental considerations. The honourable member for Benambra

is scaremongering when he says the proposal cannot go ahead.

**Mr Plowman** interjected.

**Ms GARBUTT** — It is scaremongering and irresponsible to say 1000 jobs will be lost. The government understands the necessity to ensure that planning processes will not delay the proposal, and it will work towards that. However, meetings between the developer, the Minister for Planning and the Minister for State and Regional Development have underscored the government's policy position that the development can go ahead if it meets the planning and environmental requirements within the previous resort boundaries.

**Mr Plowman** interjected.

**Ms GARBUTT** — Those comments by the honourable member for Benambra were irresponsible. He advocated changes to the bill that ignored the environmental values associated with the area. As an example, he advocated that the 13 hectares around Mount McKay not be returned to the national park. The area caters for the better management of the mountain pygmy possum, is a tributary with a significant stone fly population that is listed under the Flora and Fauna Guarantee Act, and is a regional snow-gum forest — yet he wants to see that area developed!

He also wants to develop a 1-hectare site at Hanging Valley with a significant alpine bog community that is also listed under the Flora and Fauna Guarantee Act. The honourable member for Benambra has ignored the realities. It is unlikely that development could proceed there, anyway.

I now turn to the report of the technical advisory group, which is the subject of a reasoned amendment moved by the shadow minister for conservation and environment. The reasoned amendment is impossible to support. The report has not been finalised. A tag report for Rocky Valley was provided to the shadow minister, as was all the other information that was asked for. Officers' time was spent travelling to Mount McKay, but the shadow minister has ignored those realities. The government will not support the reasoned amendment.

Following the recommendation in two regional forest agreements — north-east agreement, completed under the former government, and the Gippsland agreement recently completed under the Bracks government — that it should not be logged, the Wongungarra area was added to the Alpine National Park.

Several honourable members referred to the Mount Beauty timber mill, which is affected by the north-east

regional forest agreement. The management of the mill requested assistance from the former government under the forest industry structural adjustment program, which was rejected out of hand despite the federal government offering the mill considerable assistance. The Kennett government did not give two hoots about employment in Mount Beauty or anywhere else in rural and regional Victoria. The Bracks government has negotiated an outcome with the mill that will ensure its future, bringing with it jobs for Mount Beauty and regional areas. It has achieved what the former government was not interested in achieving and therefore did not achieve.

I turn now to the issue of grazing licences, two of which are covered by the area under consideration. The house amendment I have circulated protects all the rights of the licensees. Their terms and conditions are not impacted on; they will have the same number of cattle, the same area, the same term and the same renewal process. The members' fears are unfounded — I am happy to commit to that.

The other additions to national parks are significant and important and have been welcomed unanimously. They include additions to the Organ Pipes National Park, Yarra Ranges National Park, Kamarooka State Park and Gippsland Lakes Coastal Park.

This significant bill not only makes important additions to our national parks system but also meets government commitments. Of course, it also eliminates — hopefully for good — the possibility of large excisions which totally contradict the reasons for our having national parks.

**Mr Plowman** — What a disappointment!

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

*Ayes, 46*

Allan, Ms	Kosky, Ms
Allen, Ms	Langdon, Mr ( <i>Teller</i> )
Barker, Ms	Languiller, Mr ( <i>Teller</i> )
Batchelor, Mr	Leighton, Mr
Beattie, Ms	Lenders, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Lindell, Ms
Cameron, Mr	Loney, Mr
Campbell, Ms	Maddigan, Mrs
Carli, Mr	Maxfield, Mr
Davies, Ms	Mildenhall, Mr
Delahunty, Ms	Nardella, Mr
Duncan, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Pike, Ms
Haermeyer, Mr	Robinson, Mr
Hamilton, Mr	Savage, Mr
Hardman, Mr	Seitz, Mr
Helper, Mr	Stensholt, Mr

Holding, Mr  
Howard, Mr  
Hulls, Mr  
Ingram, Mr

Thwaites, Mr  
Trezise, Mr  
Viney, Mr  
Wynne, Mr

*Noes, 41*

Asher, Ms  
Ashley, Mr  
Baillieu, Mr  
Burke, Ms  
Clark, Mr  
Cooper, Mr  
Dean, Dr  
Delahunty, Mr  
Dixon, Mr  
Doyle, Mr  
Elliott, Mrs  
Fyffe, Mrs  
Honeywood, Mr  
Jasper, Mr  
Kilgour, Mr  
Kotsiras, Mr  
Leigh, Mr  
Lupton, Mr  
McArthur, Mr  
McCall, Ms  
McIntosh, Mr

Maclellan, Mr  
Maughan, Mr (*Teller*)  
Mulder, Mr  
Naphine, Dr  
Paterson, Mr  
Perton, Mr  
Peulich, Mrs  
Phillips, Mr  
Plowman, Mr  
Richardson, Mr  
Rowe, Mr  
Ryan, Mr  
Shardey, Mrs  
Smith, Mr (*Teller*)  
Spry, Mr  
Steggall, Mr  
Thompson, Mr  
Vogels, Mr  
Wells, Mr  
Wilson, Mr

**Amendment negatived.**

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Clauses 1 to 7 agreed to.**

**Clause 8**

**Ms GARBUTT (Minister for Environment and Conservation) — I move:**

Clause 8, page 6, after line 14 insert —

**“57. National Parks (Amendment) Act 2000 —  
Continuation of grazing licences under Land Act 1958**

- (1) On and from the commencement of section 9(2) of the **National Parks (Amendment) Act 2000**, any grazing licence granted under Division 8 of Part 1 of the **Land Act 1958** over the land delineated by a red border on the plan numbered N.P. 70/1h referred to in Part 37 of Schedule Two and existing immediately before that commencement, continues in force and may continue to be dealt [with] as a licence under Division 8 of Part I of the **Land Act 1958**.
- (2) Despite anything to the contrary in this Act, Division 8 of Part I of the **Land Act 1958** continues to apply to permit a grazing licence to be granted to the holder of a grazing licence referred to in sub-section (1) in respect of the land covered by that licence, and any licence so

granted may be dealt with as a grazing licence under Division 8 of Part 1 of that Act.

**58. National Parks (Amendment) Act 2000 —  
Continuation of grazing licences under Forests Act  
1958**

- (1) On and from the commencement of section 9(2) of the **National Parks (Amendment) Act 2000**, any grazing licence granted under section 52 of the **Forests Act 1958** over the land delineated by a green border on the plan numbered N.P. 70/1h referred to in Part 37 of Schedule Two and existing immediately before that commencement, continues in force and may continue to be dealt with as a licence under section 52 of the **Forests Act 1958**.
- (2) Despite anything to the contrary in this Act, section 52 of the **Forests Act 1958** continues to apply to permit a grazing licence to be granted to the holder of a licence referred to in sub-section (1) in respect of the land covered by that licence, and any licence so granted may be dealt with as a licence under section 52 of that Act.”.

The amendment guarantees the existing rights of licensees who hold grazing licences under the Forests Act and under the Land Act in the area that is about to be included in the Alpine National Park. The amendment allows existing licences to continue in force without change to the number of cattle, the area, the nature of the licence, its renewal process or anything else. These provisions save the rights and entitlements and terms and conditions of licensees and will be inserted in the acts to give licensees that guaranteed protection.

**Mr PERTON** (Doncaster) — Madam Chairman, my reading of the amendment indicates that it appears to meet the minister’s undertaking to the opposition and to the community in that area, that the government would introduce an amendment to the bill to save the existing rights of the grazing licence-holders.

Last night the honourable member for Gippsland East raised a number of issues with me and another member of the opposition. I find it very odd that he is now not in the chamber to raise those issues on behalf of his constituents. I also find it odd that the honourable member for Gippsland East, having supported the reasoned amendment moved by the opposition, voted with the government against it.

On behalf of those who hold grazing licences, I point out that although the bill appears to preserve the licence-holders’ rights and entitlements, recently action has been taken by either a ranger or the management of that public land to enforce an exclusion of the licence-holder from the land that constitutes the Great Alpine Walk.

In practical terms, I ask the minister to deal with the matter. How is the licence-holder to exclude cattle from that area? It appears that it would require fencing, and given the nature of the Great Alpine Walk it would be totally inappropriate to fence it off. As the honourable member for Gippsland East has left the chamber and is not raising these issues on behalf of those for whom he raised them earlier, I ask the minister to give undertakings that action will not be taken by the management of the park to actually make the operation of the licence unmanageable.

**Mr PLOWMAN** (Benambra) — I support what the shadow minister has said. The land in question is under licence to Mr John Hall of the Buckland Valley. As the shadow minister said, it used to be a contiguous licence area with 30 head of cattle on one side and 150 head on the other. The division along the alpine walking track would effectively make the area unmanageable if it is not retained as a contiguous grazing licence area.

On reading the amendment, I am sure the minister does not mean that to occur, but if it does I ask for her assurance that as a result of the introduction of the bill that grazing licence will stay as it was — as a contiguous grazing licence. The shadow minister rightly said that the only way it could be managed to meet the demand of the department to have the alpine walking track not part of that grazing licence area would be to fence it. To put fences on both sides of an area the bill includes in a national park would be a travesty.

I am sure the minister does not intend that to occur. I ask again, as I did at the completion of my speech in the second-reading debate, that she recognise those problems and give an assurance that no grazing licence area will be affected by the proposed legislation and that the passage of the bill will not be used as an excuse for a future direction by her department or a subsequent regulation that will affect grazing licence areas.

**Mr INGRAM** (Gippsland East) — I support the comments of the honourable member for Benambra and ask the minister to give a commitment that the grazing licences referred to in the house amendment will be fully protected. I also support the honourable member for Benambra in asking for a consideration of the alpine walking trail and the 400 metres of land associated with it to ensure that cattle grazing in the area can be moved from one side to the other of the two licence areas. I also ask her to give a commitment that the licence of my predecessor in this house, David Treasure, will be protected and that there will be no problem with the ongoing allocation of the licences.

**Ms GARBUTT** (Minister for Environment and Conservation) — I thank the honourable members for Benambra and Gippsland East for raising those issues. The alpine walking track is not the subject of this bill; it is outside the scope of the proposed legislation. However, the licences of some people fall within an area that will be affected by the bill.

The issue was raised with me by the honourable member for Gippsland East, who provided me with the details of the problem. I have spoken to one of the licensees who will be affected, John Hall, who also gave me details, so I will be able to resolve the issue. I have twice given a commitment in this chamber, but I will give it a third time.

**Mr Perton** — Excellent.

**Ms GARBUTT** — For honourable members like the shadow minister, who obviously has not learnt to listen, I give a commitment that the licensees will not be affected by the bill.

**Amendment agreed to; amended clause agreed to; clauses 9 to 13 agreed to.**

**Reported to house with amendment.**

*Remaining stages*

**Passed remaining stages.**

## APPROPRIATION (2000/2001) BILL

*Second reading*

**Debate resumed from 30 May; motion of Mr BRACKS (then Treasurer).**

**Mr INGRAM** (Gippsland East) — Before the debate was interrupted pursuant to sessional orders I was discussing some of the positive aspects of the budget. I will now refer to some of the issues that were not dealt with adequately in the budget.

The first is the funding cuts to what is known as Fisheries, which is a unit in the Department of Natural Resources and Environment, and therefore to Victorian aquaculture. Fisheries does not have the ability to undertake the necessary research and development for the ongoing development of the aquaculture industry. However, funding was made available for an upgrade to the Marine and Freshwater Resources Institute at Queenscliff, which has done much good work in the breeding of freshwater fish and some marine species.

Aquaculture in Victoria is based mainly on introduced species, such as rainbow trout and Atlantic salmon. Barramundi is also being considered, but it breeds only in closed systems. Mussels and oysters are also part of the industry. The only way Victorian aquaculture will go forward is if we allocate the resources necessary for research and development.

Adequate research and development would allow investigation of the many new species which have great potential for Victorian aquaculture but which have not been exploited because past studies of their diet and suitability have been inadequate. It is disappointing that the level of funding allocated by the previous government for research and development has been cut. The government should ensure that that funding is restored in its next budget.

Some good work has been done on the suitability of marine and estuarine species such as black bream, estuarine perch and Australian bass, as well as on threatened species like the Macquarie perch, trout, cod and several others. Ongoing viability of those species is important. I hate the thought of research in those areas being cut.

Fisheries management is another issue that is not well handled in the budget, particularly in the area of enforcement. A number of illegal activities take place in fisheries including illegal netting, licence violations and abalone poaching. Enforcement of abalone fishing regulations is a particular problem, yet the fisheries budget has been cut across the board, thus making enforcement activities difficult to maintain. The abalone industry is very large and faces problems of ongoing viability if enforcement is inadequate. Enforcement officers can no longer carry firearms, so they are unable to fully regulate activities in the industry, especially in areas like Gippsland where police stations are long distances apart and police numbers are down.

It is good that additional money to increase police numbers has been allocated in the budget. Even so, police cannot always back up fisheries enforcement officers in places like Gippsland where illegal activities might take place 2 hours away from the nearest police station.

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

**Ms BURKE** (Pahran) — I wish to contribute to debate on the Appropriation (2000/2001) Bill. The government's \$100 million surplus has not been difficult to achieve because of the robust state of the

previous budget, and the budget estimate that such a surplus is achievable after two years is conservative — the \$1.6 billion extra spending money made it not all that onerous a task! However, the figure may be under threat if there is an economic downturn greater than estimated.

I was pleased to see mention in the budget papers of Growing Victoria Together. We all want to grow Victoria. The budget refers to a \$1 billion fund and classifies it as an asset. It is not an asset, however, unless funds for it have been appropriated, and they have not been. The so-called fund is little more than a promise or a slush fund, because it is not linked to any particular project or activity.

The government has no vision for growing Victoria. If it had it would commit certain funds to certain tasks or programs in, say, local government. It would clearly specify in the budget what funds would be available for what service or community project. The government should have established a formal estimate for each item and then considered that amount as a budget item. Unfunded budget items should not appear in budget papers. I wonder if that \$1 billion is going to be borrowed!

There have been no promises in the non-budgetary sector, so the government can create an apparent surplus by transferring assets from the non-budgetary sector. I mention that fact because governments have stopped businesses from doing that — stripping companies of cash and capital assets — so they should not do it themselves.

The government makes a commitment to greater numbers of teachers with higher wages. We all agree that education is important and should be of high quality, but the state will not be able to run schools and education programs properly if the government cannot maintain a sound budget. Those additional costs to education are not one-off payments; they have a cumulative effect, so they are potentially dangerous in the event of an economic downturn. That kind of fiscal management reduces flexibility within departments.

It is difficult to compare this budget with earlier budgets because of the new accrual accounting system. Last year's budget had that problem too. It is important that we find a way of giving clearer examples and comparisons to enable us to meet our responsibilities as elected members. We should also avoid being deliberately unclear.

I refer honourable members to the chart on page 17 of *2000–01 Budget Statement* showing real budget sector

capital stock. The chart is designed to convince the reader that asset management commitment made in the budget represents a significant boost to the state's physical assets. The chart is misleading, however, because the figures on the vertical axis start from \$35 billion rather than from \$0, so the rise from \$35 billion to \$39 billion is a distorted representation. When the coalition was in government that money was invested in two projects, and that was during hard economic times. In other words, although on the chart the situation looks good, it isn't quite as good as it appears.

All honourable members will agree that infrastructure and water are the most important issues for all rural and metropolitan Victorians. Chart 7.9 on page 155 of *2000–01 Budget Statement* reveals a much clearer picture of those resources than is found on page 17 because the vertical axis starts at 0.

The budget does nothing at all for the electorate of Prahran, which disappoints me terribly. Prahran is a relatively small but very needy electorate. It has many unemployed and homeless constituents. I am terribly sorry Prahran did not receive more money. Many constituents live in public housing. Many are refugees from war-torn countries, having suffered traumas.

The allocation for women's affairs is not much better. A fraction more is allocated. But home carers, whether looking after children or the elderly, have been neglected. That is an important issue to me.

Touching on local government matters, I point out that if people do not think local government is important to the economy in the state or country, they should examine the statistical summaries for Victoria and Australia's consumer price index (CPI). The figures for 1996 are extremely clear. The minus for Melbourne at that time was evident. The reduction in rates at amalgamation time and the introduction of competitive tendering moved the CPI figure. The influence in Victoria was particularly evident. That had an effect on every person within the country and state. Rates and charges, falling under the housing section of that statistical summary, are taken into account in establishing CPI figures each quarter.

I have talked about the confusion of people in trying to read those papers unless they are qualified accountants, but the important area for me is local government. The way the departments have been structured made it difficult to make comparisons. There was no assessment of the budgetary impact and implications of best value. Industrial information and transmission of business will have an effect on Victoria if that comes

into local government. The budget papers attempt to deceive people about the source of some of the wonderful programs started by the former government — for instance, Pride of Place, Heritage Victoria, and Partnerships for Growth. Those great projects are now being described as though they were initiated by the Bracks government. They were initiated by the Kennett government and have been extremely successful.

The other area I want to touch on is the rating framework for local government. State government is supposed to be in partnership with local government after the infrastructure review. We are meant to work together to address that lack of infrastructure for the next 10 years and the capital works that need to be attended. The only reason the state government can work with local government in establishing the impact of the lack of infrastructure in Victoria is that local government accounting standard AAS27 is in place. That sets a benchmark and allows comparison of future costs for government. We can compare apples with apples, whereas before we were running on entirely different accounting systems. That partnership will have been neglected unless the \$1 billion Growing Victoria allocation addresses those issues.

The overall budget for infrastructure, which is partly the responsibility of local government, is down 13.2 per cent. I will not be sure until I have been briefed what that figure relates to. The Kennett government said that national competition policy benefits should go to local government — that is, \$4.764 million. In New South Wales that money is not passed on by the state government. The Kennett government started a pretty good partnership with local government in its last term of office.

The other area I want to talk about is libraries. For the seven years the Kennett government was in office the increase in the CPI was always included in the funding allocation for libraries. The glory of a democracy is an educated community. That is most important. The government has ceased the CPI indexing of funding for books. That is tragic. When we educate a community, we educate those who come from countries where such opportunities for education do not exist. Our libraries have multicultural books in many languages. It is extremely important to keep funds up for books. While it might not seem much to the minister of the day to wipe off the CPI increase, to those libraries and communities that means an enormous amount. I notice the library for Castlemaine received an allocation, and so it should have. The former government started that program and finally the funding has come through. I wish the library program well.

The other issue of concern to me is the suggestion that multimedia facilities be put into the town halls. Access to the Internet and other such multimedia sources is already provided in the town halls. The facility from which the community accesses such information is the library. Libraries should be enhanced. Whether the government includes the library when it mentions an allocation for the town hall is yet to be seen. I would like to see support going to that area.

If there is one thing the Liberal Party learnt in government, it was never to think that a government that spends more money is a caring government. It is not; it is a selfish government. The pain flows on to others. The Kennett government had to deal with the cookie jar being bare. It is important for the government to remember that.

On a final note, if someone had \$1 million and spent a dollar every second it would take 12 days to go broke. If you had \$1 billion and spent a dollar a second every second until you went broke, it would take 32 years. The difference between a million and a billion is 12 days and 32 years. A billion dollars is an enormous amount of money. To talk about putting a billion dollars in a budget as an asset when it has not been appropriated leads me to start questioning the accountability of the government.

**Ms BARKER** (Oakleigh) — I am pleased to speak on the first Bracks Labor budget. As I said in our party room on 2 May, this is a great day for Victoria. The budget delivers on the key election commitments of better schools, better health services, a safer community and responsible financial management, commitments we took to the people of Victoria and, for me, to the people of the Oakleigh electorate last year during the election campaign.

I said during the election campaign and repeat now: education is our no. 1 priority. I am pleased to see an additional \$23.8 million in 2000–01 to employ 350 extra teachers, who will be able to further our commitment to reduce class sizes to an average of 21 students from prep to year 2. Like many other schools, the eight primary schools in my electorate have already received an increase in their global budgets. I will be happy to assist them in commencing the process of reducing class sizes to an average of 21 students for classes prep to year 2 and to ensure those schools are adequately funded.

I also welcome the additional funding for disability and impairment programs, with some \$22 million in allocated 2000–01. The integration of children with disabilities and impairment into mainstream schooling

is important and something I feel strongly about. Schools, parents and in particular the student must be adequately supported in their attendance. I know there have been problems in the amount of funding allocated in the past seven years.

I also welcome the funding that will be used to strengthen the financial, administration and management skills at schools. Last week in one visit of many to schools in my electorate, I visited Amsleigh Park Primary School during Education Week. Again I was told about the amount of work administration staff are undertaking, often above and beyond the call of duty. Teachers in primary schools in the Oakleigh electorate, like administrative staff, often do more than is technically required of them. Administration staff in schools need further support.

Schools raised with me the issue of the GST. I am pleased to note in the paper a report that the federal Treasurer has signalled he will take away the GST on schools. I hope to see that confirmed shortly because that will certainly assist.

TAFE has also been provided with a much-needed funding boost of \$127 million, with \$65 million to broaden education and training pathways over the government's first term. The Holmesglen Institute of TAFE, an excellent TAFE college, is adjacent to the Oakleigh electorate and I look forward in the coming years to establishing more contact and working with the staff there to achieve bigger and better things. It will receive \$320 000 to upgrade the telecommunications system. The Holmesglen TAFE institute is a leader in information technology: recently, with the minister, I attended the official opening of the information complex there. It is a fantastic complex — a traditional library resource centre that now has 270 open access multimedia personal computers. It is a sight to behold!

I have always had a passionate interest in health services: acute care, community health, preventive and aged care. I welcome the passage of the legislation to review health care networks which will reinstate Monash Link Community Health Centre as a stand-alone facility.

The work to be done to re-establish community health services is recognised and I am pleased to be working with the staff at Monash Link to begin the process. The health budget begins the process of restoring some services. The recent announcement of a \$26.6 million allocation to open 360 additional beds for the winter is warmly welcomed in the Oakleigh area.

I refer to the May 2000 monthly newsletter of the Southern Health Care Network, which states:

The network has welcomed the state government's recent decision to boost hospital funding.

Chief executive Judith Dwyer said, 'We are delighted with the minister's announcement of extra funding to improve our responsiveness to emergency patients.'

The director of nursing, Kim Sykes, said:

It's fantastic that this funding means we can now recruit more nurses.

Of those additional beds for the winter, 30 are being provided at the Monash Medical Centre. Other initiatives in the budget include an additional \$93 million for the baseline budgets of hospitals in 2000–2001 so that hospitals are once again adequately funded to treat patients; \$23 million to retain and attract more nurses; and \$7.2 million for the important area of hospital cleaning and infection control. One very good initiative is the hospital-to-home support service funding of \$9.5 million. New capital projects in health have been allocated \$154 million, and some of that money will provide for the expansion of neonatal services at Monash Medical Centre.

There will be more ambulances to save lives: a \$19.9 million boost has been provided for ambulance services and the employment of 100 new paramedics.

One of the smaller but very important initiatives, especially in the electorate of Oakleigh, is the provision of an extra \$5.3 million for dental services to assist students in schools and to cut the cost of dentures — an issue that is raised constantly in my Oakleigh office. The funding will be allocated to the Monash Link Community Health Centre and the Bentleigh Bayside Community Health Centre — previously known as the East Bentleigh Community Health Centre — to service the Glen Eira end of the electorate of Oakleigh. Over the next four years the service will treat 55 000 students around the state to ensure good oral health.

The issue of community safety and more police on the front line is one the Australian Labor Party campaigned on strongly in Oakleigh, and I stand by the campaign. It was identified that Oakleigh police station — ably led by Senior Sergeant Mike Jenkins — is understaffed by at least six police officers. When the 800 additional police are brought into the service over the coming years I will ensure there is adequate staffing at Oakleigh police station and, in operational numbers, at the Murrumbeena police station — a 16-hour police station, saved by me, which was scheduled for closure by the previous government.

In November 1996, when I was not in this place, one of the great shames of the state was introduced — the removal of compensation for the victims of crime. I am pleased to congratulate the government wholeheartedly on providing funding — \$60 million over four years — to restore the right of victims of crime to compensation for pain and suffering. I look forward to debating the legislation in the next session.

I will touch briefly on new initiatives in the environment — an important issue in suburban and metropolitan Melbourne. Although the areas concerned are not adjacent to national parks, urban residents are committed to them, and I welcome the allocation of \$234 million over the coming years to enhance the environment.

In Oakleigh many people are proud to display the bumper stickers reading 'Let the Snowy flow again', and we are pleased to see a further \$12.3 million allocated to improve the river flow.

There is not a great deal of time for the debate today. There are many initiatives in the budget that I could talk about for hours, but I conclude by mentioning a project I am currently working on in the Oakleigh electorate that demonstrates the feeling of the electorate since the election of the Bracks Labor government. It is the retention of the old Oakleigh courthouse and police station site for community purposes.

A steering committee has been formed, the keys acquired and the building inspected — including even the very interesting old cells. I have found that the discussion about the possibilities of the site has opened up debate in the community about the need for services and the need to retain the site rather than selling it off. The site is historically significant in the local area and offers great potential to rebuild the local community. The process of determining the use for the community centre has started. We have no illusions about the task involved in reinstating it, but are all determined that it will happen.

The government has started the process of rebuilding community services in Victoria, and I look forward to continuing that development particularly in the Oakleigh electorate under a Bracks Labor government.

**Mr PERTON** (Doncaster) — Given the limited time available I shall spend a brief time talking about my constituency and an even briefer time talking about the two shadow ministries for which I have responsibility.

As the honourable member for Doncaster I am appalled at the lack of provision for initiatives not just in my

electorate but in the entire eastern suburbs. The government has repeatedly claimed that it is a government for all. Try telling that to anyone who is not in the government's new marginally held areas, including the seat of Benalla! A disproportionate amount of focus and funding has been expended in the government's new marginally held seats — it is the most disgusting pork-barrelling.

The Doncaster electorate voted strongly for the Liberal Party at the last election and my constituents are modern citizens. They are people who subscribe to a global Victoria, a soundly managed and economically prosperous Victoria in which they have the finest quality education for their children to train them to work in a global economy and environment, working either interstate or overseas but more importantly working in Melbourne with the world.

The Eastern Freeway is a very important piece of infrastructure for those residents of my electorate who work in the city. They were all pleased when the Liberal government built the extension from Doncaster Road to Springvale Road, despite years of obstruction by the Cain and Kirner Labor governments. They want the freeway extension to Ringwood to proceed in the most environmentally responsible way, which is the third option supported by the Liberal and National partnership. Just as important is their desire for a resolution to the problems of the freeway at the western end. The former Premier, the Honourable Jeff Kennett, promised that work would be undertaken to relieve the congestion, but my constituents and all workers in the eastern suburbs have been abandoned by the Labor government.

**Debate interrupted pursuant to sessional orders.**

**Sitting suspended 1.00 p.m. until 2.04 p.m.**

## QUESTIONS WITHOUT NOTICE

### Government funding criteria

**Dr NAPHTHINE** (Leader of the Opposition) — I refer to a leaked memorandum from the Premier's private office, in which the Labor Party is caught red handed measuring the outcome of government funding in terms of votes received rather than social or economic benefit.

**Mr Bracks** interjected.

**Dr NAPHTHINE** — It is your document; it is from the Premier — —

**Mr Bracks** interjected.

**The SPEAKER** — Order! The Premier!

**Dr NAPHTHINE** — Will the Premier assure the house that from today his government will allocate funding solely on the basis of community needs rather than improperly measuring the benefit in polling booth results?

*Honourable members interjecting.*

**Dr Napthine** — There is the document, that's it — 'Caucus notes'.

**The SPEAKER** — Order! The Leader of the Opposition has asked his question. He shall — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house to come to order to allow question time to proceed.

**Mr BRACKS** (Premier) — I think the substance of the question was: does the government have value for money in its administration of the state? The answer is yes. Does the government make sure the community's need of social value is a primary purpose for funding? The answer is yes.

### **Government contracts: audit review**

**Ms OVERINGTON** (Ballarat West) — I refer the Premier to the government's commitment to restore democracy. Will he inform the house of the latest actions taken by the government to reveal the truth behind major Victorian government contracts?

**Mr BRACKS** (Premier) — I can inform the house that the report of the audit review of government contracts is now complete. The groundbreaking report on contracting, privatisation, probity and disclosure in Victoria in the period 1992 to 1999 is part of a progression of reports on governments over the past 20 years.

Looking back to 1977, the Bland inquiry into the public service was a feature of the time and produced a landmark report on the quality of the public sector and how it delivered. Looking back to the early 1990s, there was a raft of commissions of audit in the states, including one in Victoria on the fiscal position of the state, debt and assets, and about how those matters could be contracted out in the future.

I believe this report, which is in three volumes, is a groundbreaking report in its recognition of the fact that governments of all complexions are now contracting

more and doing more in partnership with the private sector. To determine value for money and how well governments manage, the Victorian government has to look at the major contracts in the state. I am pleased that this report — I believe it is the first of many in other states — has done just that over the past seven years.

It is a blueprint for government on the way it can conduct itself in the future on contracts and the adherence to those contracts. As well as being a blueprint, being about good governance and being forward looking, the report also reveals a great deal about 70 major contracts worth about \$35 billion entered into under the previous government.

The key recommendation will come as no surprise to honourable members — that is, that there should be public release of most of the contracts. That recommendation will be taken very seriously by the government when it reports back on it. The report also recommends that 7 contracts — that is, 7 out of 70, about 10 per cent — —

*Honourable members interjecting.*

**Mr BRACKS** — It recommends that those contracts, or more appropriately those deals, be referred to the Auditor-General for further investigation. It will come as no surprise to honourable members, certainly not to those on this side and probably not to those on the other side as well, that some of those deals — those contracts, those arrangements — are well known in the public arena. They will be investigated. The government will accept that recommendation of the audit review. It will consider all the other recommendations but it will certainly accept that one.

The contracts include the sale of the plant-hire division of Vicroads.

**An Honourable Member** — The Unreal Beale Deal!

**Mr BRACKS** — The commonly known Unreal Beale Deal is one that clearly has been recommended to go to the Auditor-General for investigation. There was the sale of Herman Research Laboratories, which was done, of course, when the previous Premier was also the Treasurer because the Treasurer was overseas, and signed off in a personal arrangement.

The provision of the head advertising contract with Leeds Media, which is one that — —

**Mr Perton** — On a point of order, Mr Speaker, your guidelines in respect of answers to questions without

notice require a minister to be succinct. According to my calculation the Premier has been proceeding for 5 minutes, and in accordance with your guidelines I ask you to order him to cease. On two occasions you have invited ministers to make ministerial statements rather than attempt to use question time to make such statements. The opposition would be happy to accommodate the Premier, because it will remind the public of the lease-back arrangements of the Guilty Party — —

**The SPEAKER** — Order! The honourable member for Doncaster raised a point of order but was proceeding to make a point in debate. That is why I asked him to sit down. He is correct in raising the point of order in that the requirements of sessional orders are that ministerial answers must be succinct. I am not prepared to uphold the point of order at this time, but I remind the Premier of that requirement.

**Mr BRACKS** — I will be succinct and summarise as much as I can. One further contract — there are others but I will go to one more and cut off the rest — was an arrangement with Dr Kevin Donnelly for services to the education department that amounted to thousands and thousands of dollars and were not conducted in accordance with what the government would accept as within the rules. That contract will also be referred.

The report also brings into question the management ability of the previous government when it came to contracts, in particular in relation to economic studies. There were no cost-benefit analyses and no environment effects statements, and secret signings occurred sometimes without cabinet approval. Obviously those practices need to be cleared up in the future.

The government will consider the report and establish protocols, along with its response to the very good Public Accounts and Estimates Committee report on commercial in confidence and the review of tendering arrangements, so that we can have new disclosure rules in Victoria. That will be completed by August. It will end the secret state and end special deals.

If I can go to just one last matter. Of course, the audit review did not cover the Intergraph royal commission. Intergraph is a separate matter — —

**Mr Perton** — On a point of order, Mr Speaker, you asked the Premier to conclude his answer. Immediately after your ruling the Premier said there was one more point. He commenced the current sentence by saying what one matter the Auditor-General had not referred to

was, and clearly that is not related to the question or to the report. Either he is debating the question or the answer is irrelevant.

**Mr BRACKS** — On the point of order, Mr Speaker, on the latter aspect of being not relevant to the question, the question was about major contracts in the state. I was going to one of those major contracts that is not subject to this audit review to briefly mention details of that royal commission.

**The SPEAKER** — Order! I do not uphold the part of the point of order as it concerned relevance. The Chair is of the opinion that the Premier was being relevant. However, I do uphold the part of the point of order that referred to succinctness. The Premier has now been speaking for 8 minutes, albeit that 2 of those minutes were taken up by points of order. I ask him to round off and conclude his answer.

**Mr BRACKS** — I will conclude by indicating that one of the major projects that was not covered by the review properly was the Intergraph royal commission. I inform the house that following a request from the commission and in accordance with that request the government will be extending the work of the commission to 1 December, with a review in September. The commission will be provided with an extra \$5 million for that task. There will be some minor changes to the terms of reference that will appear on the commission's web site.

I thank the audit review team that was headed up by Bill Russell for its excellent work. The reports will be made available to members of Parliament in the parliamentary library and on the government's web site.

### Government funding criteria

**Dr NAPHTHINE** (Leader of the Opposition) — I refer the Premier to comments made by the Minister for Health in November last year that funding for the Bright ambulance service was not on the government's priority list and to the fact that almost \$700 000 of taxpayers' funds was allocated to this so-called low-priority service during the recent by-election. Why did the government, via the leaked memorandum from Natalie Sykes to Steve Bracks dated 23 May on the subject of caucus briefing notes, measure the outcomes of this funding based on the votes collected at the polling booth rather than on improved health services and saving lives?

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition has asked his question. He must not

interject across the table. And the Deputy Premier should not respond.

**Mr BRACKS** (Premier) — The answer to the question from the Leader of the Opposition is that the government listens to country and regional Victoria. The government listens. I am not surprised — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The house is wasting its own time.

**Dr Napthine** interjected.

**The SPEAKER** — Order! The Leader of the Opposition!

**Mr BRACKS** — I am not surprised that the Leader of the Opposition, the head of the Liberal Party in Victoria, would be unconcerned about an ambulance station in Bright because his is the party that would not even field a candidate in the Benalla by-election. The Liberal Party would not stand up for country Victoria.

*Honourable members interjecting.*

**The SPEAKER** — Order! I cannot possibly allow that level of noise to emanate from the chamber. The Chair is having difficulty hearing the answer, as has Hansard in attempting to record it. The house should settle down.

**Mr BRACKS** — I am not surprised that the Leader of the Opposition should consider the matter to be of such low priority, given his abandonment — —

**Dr Napthine** — On a point of order, Mr Speaker, the Premier is debating the question. The upgrading of the Bright ambulance service was part of coalition policy. It was the Minister for Health who said in November last year — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house to come to order. The Leader of the Opposition is clearly using a point of order to make a point in debate.

**Mr Holding** interjected.

**The SPEAKER** — Order! The honourable member for Springvale!

**Dr Napthine** interjected.

**The SPEAKER** — Order! I will not permit the Leader of the Opposition to continue.

**Mr BRACKS** — I am not surprised at the lack of interest shown by the Leader of the Opposition in the seat of Benalla. The Liberal Party did not field a candidate at the by-election and did not stand up for country Victoria. The Labor Party provided the services and facilities required in Benalla. All country Victorians know that the Liberal Party stands for a city-centric party that does not give two hoots for the country.

**Mr Rowe** interjected.

**The SPEAKER** — Order! The honourable member for Cranbourne!

### Federation Square

**Ms BARKER** (Oakleigh) — I refer the Minister for Major Projects and Tourism to the Auditor-General's *Report on Ministerial Portfolios* tabled today, which found major areas of mismanagement of the Federation Square project under the former government. Will the minister advise the house of the government's response to those findings and whether he is aware of attempts to prevent the tabling of the Auditor-General's report?

**Mr Rowe** — Bring in John Frame to check it out.

**The SPEAKER** — Order! The honourable member for Cranbourne!

**Mr PANDAZOPOULOS** (Minister for Major Projects and Tourism) — The interjections show that when in government the opposition never took anything seriously. In his report the Auditor-General spends 22 pages reporting on the former government's huge mismanagement of its own project.

*Honourable members interjecting.*

**Mr PANDAZOPOULOS** — As with little kids, they want to yell and scream and not listen to the answer.

**Dr Napthine** interjected.

**The SPEAKER** — Order! The Leader of the Opposition.

**Mr PANDAZOPOULOS** — The Auditor-General has provided a litany of mismanagement that demonstrates the former government's total arrogance in not listening to the community's concerns and its total disregard for accountability in using taxpayers' money. It makes for a sorry saga when the financial limits the former government put on its own project are not adhered to. The findings are a damning indictment of its mismanagement.

The Auditor-General highlighted many key issues. The first is the project cost, which more than doubled in price from \$128 million to \$262 million. However, the total cost was higher than the previously reported figure of \$262 million.

Secondly, the international design competition was not adequately constrained by cost limits, and the contributors to the design competition were disadvantaged in tendering bids to the value of \$128 million while bids for the short-listed projects were much higher.

Thirdly, before tenders were called for, the increased estimated cost of construction was not reported to the project's steering committee.

Fourthly, the design risk remained with the state rather than with the management contractors, as originally intended.

Fifthly, there were concerns about the tendering process, the direct role of the former Premier, and the accountability of the former project manager and his relationship with shareholders.

As Minister for Major Projects and Tourism it gives me no pleasure to deal with the inadequacies identified by the Auditor-General, which were raised by Labor when in opposition. It is a legacy inherited by the government that must be resolved. The government has already addressed many of the issues raised by the Auditor-General, including the setting up of new management arrangements for the project and the additional financial resources required.

The opposition has made much noise about Federation Square since the government came to power. It was hasty in its criticism of the government for trying to fix up its mess, and it automatically leapt to the defence of the former project manager, Damien Bonnice, who the Auditor-General — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition.

**Mr PANDAZOPOULOS** — The opposition persists in not wanting to listen to the answer on this serious issue.

Members of the opposition leapt to the defence of the former project manager who resigned. The Privileges Committee today tabled the project manager's comments — and rightly so. However, the Department of State and Regional Development has provided me

with some information in which I believe the house will be very interested.

**Mr Perton** — On a point of order, Mr Speaker, I again bring to the your attention your guidelines about questions. The Minister for Major Projects and Tourism has been speaking for the requisite time and is now moving on to a new topic related to the report of the Privileges Committee. I ask you to rule against him on two grounds — firstly, exceeding the appropriate time; and secondly, debating the question and becoming irrelevant.

*Honourable members interjecting.*

**The SPEAKER** — Order! I am prepared to rule on the point of order raised by the honourable member for Doncaster. I do not uphold the point of order on succinctness. The Minister for Major Projects and Tourism has been speaking for only 4 minutes and I will continue to hear him. On the second matter, I ask the minister not to go down the track of debating the question but to return to answering it.

**Mr PANDAZOPOULOS** — Of course. I can report to the house that I have been provided with some correspondence sent by Mr Bonnice to the Auditor-General. It is a matter of public interest. It appears that Mr Bonnice was provided with access to a draft of the report prepared by the Auditor-General's office and that he then prepared a reply. Mr Bonnice did not like what the draft report said and did not want the Auditor-General to table the report in the form in which it was provided to the house. Mr Bonnice then wrote to the Auditor-General and said he was seeking legal advice as to his rights.

**Mr Perton** — On a point of order, Mr Speaker, the Auditor-General is an officer of the Parliament.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the House!

**Mr Perton** — A letter by a citizen or public servant to the Auditor-General is not a public document. If the Minister for Major Projects and Tourism has obtained such a document, you, Mr Speaker, should take up the matter and inquire as to how the letter came into the minister's possession. Parliament relies on the Auditor-General's reports to it to be independent and reported only by the Auditor-General. If the Auditor-General did not include that letter in his report, perhaps it is not just inappropriate but illegal for the minister to be in possession of the letter. Before you

allow the minister to proceed, Mr Speaker, I ask you to question him on how he obtained the letter.

**The SPEAKER** — Order! The Chair is not in a position to know the contents of the letter or where it might have been published. The question posed by the honourable member for Oakleigh related to the Auditor-General's report and the government's response to certain matters contained therein. I will continue to hear the minister on those matters.

**Mr PANDAZOPOULOS** — I thought it was part of the question. I am concerned that an attempt has been made to delay the Auditor-General's report with that type of threat.

The first action the government took upon coming to office was to strengthen the independence of the Auditor-General. The Auditor-General has reported to the house. He considered Mr Bonnice's issues and I am very concerned that that self-appointed whistleblower is trying to nobble the independence of the Auditor-General in reporting to this house on a matter of significant interest.

In conclusion, the government is not blaming Mr Bonnice —

*Honourable members interjecting.*

**Mr PANDAZOPOULOS** — The government is not blaming him for the faults with the project. The fault clearly lies with the irresponsible previous government and the direct role the former Premier played in the project. However, Mr Bonnice should be ensuring that the information reported by the Auditor-General is tabled in Parliament.

### **Human Services: appointment of investigator**

**Dr NAPTHINE** (Leader of the Opposition) — I refer the Premier to the memorandum headed 'Caucus briefing notes' which was leaked from the Premier's private office. Noting the Premier's comments on whistleblowers — that public servants who speak out on government policy will not be silenced and will not lose their jobs — will the Premier assure the house that he will not use the Minister for Health's private investigator, Mr John Frame, to find the source of this new leak?

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the House! I have asked the Leader of the Opposition on numerous occasions to cease interjecting. I also ask the Leader of the House to cease interjecting.

**Mr BRACKS** (Premier) — The Leader of the Opposition referred to caucus briefing notes. I think they related to Benalla and other matters. Of course the answer to his question is no. However, if the Leader of the Opposition and Leader of the Liberal Party had to report to his caucus room, the report would be this — a blank piece of paper. This is his report on Benalla and country Victoria!

*Honourable members interjecting.*

**The SPEAKER** — Order! Will the house come to order.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Chair has endeavoured by all proper means to bring the house to order. It is now time for the Chair to start using sessional order 10 for members who continue to interject and disrupt the proceedings of the house.

### **Traffic Camera Office: privatisation**

**Mrs MADDIGAN** (Essendon) — I refer the Minister for Police and Emergency Services to the Auditor-General's *Report on Ministerial Portfolios* and ask him to inform the house of details of a multimillion dollar bungle in the outsourcing of the Traffic Camera Office of the Victoria Police by the former government, including payments of \$2.8 million to a company to operate speed cameras on a road that does not carry any traffic?

**Mr McArthur** — On a point of order, Mr Speaker, I suggest you rule this question out of order on the basis that it asks only for information which has already been published and is available in the public domain. The question seeks nothing further. In numerous rulings former Speakers have ruled out of order questions which do nothing more than ask for publicly available information and this question falls into that category.

**The SPEAKER** — Order! The rules governing question time indicate that a question must seek information from a government minister and not simply ask for information which is contained in other documents. I ask the honourable member for Essendon to ask her question again so the Chair can judge whether the question conforms with the rules.

**Mrs MADDIGAN** — I am happy to change the question.

*Honourable members interjecting.*

**Mrs MADDIGAN** — I ask the Minister for Police and Emergency Services for further details about the Auditor-General's report which indicates that the previous government paid \$2.8 million to a company to operate speed cameras on a road which did not carry any traffic.

**Mr HAERMEYER** (Minister for Police and Emergency Services) — I thank the honourable member for Monbulk because I did not know that question was coming — he gave me the opportunity to formulate an answer!

Today the Auditor-General's *Report on Ministerial Portfolios* was released, and I have to say it contains certain things that are of particular interest to me.

*Honourable members interjecting.*

**The SPEAKER** — Order! The house will come to order.

**Mr HAERMEYER** — Having observed the previous government's outsourcing of contracts for the private prisons, City Link and other contracts, and having observed how it comprehensively bungled those outsourcing contracts, I thought it had all come out. But this morning in the Auditor-General's report we could actually read about how the previous government went about outsourcing a fairly critical area of law enforcement, namely, the Traffic Camera Office and one of its units, the Fixed Penalties Payments Office, and the Enforcement Management Unit.

The previous government was absolutely hell-bent on privatising, come what may. It went into it with all the forethought, consideration, and planning of a medieval zealot.

The Auditor-General's report indicates that not only did the previous government go down that path without any consideration of costs and benefits — —

**Mrs Shardey** — On a point of order, Mr Speaker, in your response to the previous point of order on this question you accepted the question on the basis that the minister would give further details. He is now referring to a publicly available document and I ask you, Sir, to rule his answer out of order.

**The SPEAKER** — Order! I uphold the point of order. I will not permit the Minister for Police and Emergency Services to simply respond with extracts or information contained in the Auditor-General's report. I ask him to answer the question posed by the honourable member for Essendon.

**Mr HAERMEYER** — To express further details I have to refer to the core information provided by the Auditor-General; otherwise, it has no context.

The Auditor-General advises that the previous government not only went down the path of privatising the Traffic Camera Office and the enforcement management division without any cost-benefit analysis being done on whether it would be in the public interests to do so, it went further. We had a situation where — —

**Mrs Shardey** — On a further point of order, Mr Speaker, the minister in his answer is still not providing further details. He is still referring to a publicly available document — that is, the Auditor-General's report. If he has no further details, I request that you, Sir, ask him to sit down.

**Mr Batchelor** — On the point of order, Mr Speaker, an interesting issue is being raised by the honourable members for Caulfield and Monbulk. I understood your earlier ruling was that questions could not be directed based on readily available information. Sir, you were asked to rule on that, and you have. I support that ruling because it is a good ruling.

Clearly the ruling and its implications should be honoured by both the opposition and the government. I ask you to uphold that ruling and the implications of it so that questions directed at reports of the Auditor-General can no longer be put.

**The SPEAKER** — Order! On the point of order raised by the honourable member for Caulfield, as I said in my ruling on a previous point of order when the question was first asked, a question may seek either information or an answer from a government minister, but it may not seek information already contained in a publicly available document.

I deemed it appropriate to ask the honourable member for Essendon to rephrase her question because she sought more than information contained in a publicly available document. In ruling against the previous point of order raised by the honourable member for Caulfield, I accepted the statement made by the Minister for Police and Emergency Services that he needed to provide some basic information about the issue before he proceed with his answer. He has been interrupted a number of times while doing that. However, I point out to the Minister for Police and Emergency Services that he should get on with providing that background information and answer the question quickly and succinctly, because time is fast running out.

**Mr HAERMEYER** — As I was saying, not only did the previous government enter into the contract without as much as a cost-benefit analysis, it then proceeded to pay \$2.8 million to Lockheed Martin and Tenix (LMT) to provide traffic camera services on the private City Link road that was at that stage carrying no traffic whatsoever — it was phantom traffic. They were paying \$2.8 million, but the taxpayers were getting nothing for it. That is the level of responsibility we were getting from the two ministers in charge of the contract.

Where was the then Minister for Police and Emergency Services, Mr Bill McGrath, when the contract was signed? Where was the then Attorney-General, Mrs Wade? At the end of the day they had responsibility for that contract, but they bungled it. They signed off on a contract to pay out \$2.8 million for absolutely nothing. Taxpayers were paying their salaries for absolutely nothing!

**The SPEAKER** — Order! I am now of the opinion that the minister is debating the question. He shall desist from doing so and come back to answering it.

**Mr HAERMEYER** — It did not stop there. The contract contained performance benchmarks. The performance benchmark under which LMT was paid was based on the percentage of prosecutable photographs taken. It used the Victoria Police standard — —

**Mr Cooper** — On a point of order, Mr Speaker, I draw your attention to pages 195 and 196 of the Auditor-General's report tabled in the house today. What the minister is now saying in response to the question is an exact repeat of the information provided on those two pages. The point has been made before, and I think it needs to be made again, that this is publicly available information. The minister is simply repeating it for the sake of having a free kick. Either he should be made to provide the additional information sought by the honourable member for Essendon or you should sit him down and call the next question.

**The SPEAKER** — Order! As honourable members would be aware, the Chair is not in a position to know the precise detail of what is contained in the report. However, it is the responsibility of the Chair to instruct the minister to desist from providing information if it is contained in the report and to answer the question posed by the honourable member for Essendon, which sought additional information.

**Mr HAERMEYER** — I thank you for your ruling, Mr Speaker, because I was not dealing with page 195

of the report, I was about to provide further information and expand on the comments of the Auditor-General at page 196 in which he points out that the benchmarks being used are artificially low.

**Mrs Shardey** — On a point of order, Mr Speaker, the minister is obviously flouting your ruling. He is now quoting the page number — page 196 — as well as the content of the report. I ask you to uphold your ruling and either again direct him to answer the question or sit him down.

**The SPEAKER** — Order! There is no point of order. The Chair heard the Minister for Police and Emergency Services say that he was providing additional information to that contained on page 196. I do not uphold the point of order, but I ask the minister to come back to answering the question.

**Mr HAERMEYER** — The Auditor-General's findings mean that because an artificially low benchmark was set for LMT's performance standards it is now being paid bonuses over and above what it should really be receiving.

They put the high-jump bar as low as they could get it.

*Honourable members interjecting.*

**Mr Cooper** — On a point of order, Mr Speaker, the minister said earlier that he was providing additional information to that contained on page 196 of the Auditor-General's report. He has now given a direct quotation from paragraph 3.4.42 on page 196 under the heading 'Justice', which talks about a higher percentage of prosecutable photographs and the fact that those matters are part of the service agreement. The minister has been quoting directly from the report — in fact, he acknowledged that earlier.

Mr Speaker, the point of order raised earlier was that the information being provided by the minister was information contained in the report. The minister has acknowledged that now. I suggest he should be sat down.

**The SPEAKER** — Order! I uphold the point of order. I ask the minister to desist from providing information that is contained in the Auditor-General's report.

**Mr HAERMEYER** — Let me say — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Glen Waverley will cease interjecting. That is my final warning under sessional order 10.

**Mr HAERMEYER** — It has become clear that the opposition takes the view that Auditor-General's reports should not be referred to in the house in any way at question time. I accept that point, Sir, and I will not do so. I will certainly make sure that if ever opposition members raise a matter in the house relating to an Auditor-General's report in the future they will be treated accordingly.

*Honourable members interjecting.*

Questions interrupted.

## SUSPENSION OF MEMBERS

**The SPEAKER** — Order! The house will come to order. Under sessional order 10 I find the behaviour of the honourable members for Benambra and Rodney unacceptable, and I ask them to leave the chamber for half an hour.

**Honourable members for Rodney and Benambra withdrew from chamber.**

## QUESTIONS WITHOUT NOTICE

Questions resumed.

**The SPEAKER** — Order! The minister has evidently concluded his answer.

### Hospitals: additional beds

**Mr DOYLE** (Malvern) — Today is the first day of winter. I ask — —

*Honourable members interjecting.*

**Mr DOYLE** — He would not even answer that!

**The SPEAKER** — Order! The house will come to order. The honourable member for Malvern will ask his question and not chat across the table.

**Mr DOYLE** — I ask the Minister for Health where the 360 extra beds are.

**Mr Haermeyer** — On a point of order, Mr Speaker — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I remind the house that it is the right of every member to raise a point of order. That includes the Minister for Police and Emergency Services.

**Mr Haermeyer** — Mr Speaker, the fact that today is the first day of winter is publicly available information, as are the details about the 360 beds. That information is available in a press release from the Minister for Health and is therefore publicly available information. I ask you to rule the question out of order.

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

**Mr THWAITES** (Minister for Health) — The Minister for Police and Emergency Services was correct. The information is contained in a number of press releases and has been available for some time. I would have thought that by now the honourable member for Malvern would have located it.

However, I can provide some additional information. I was at the Austin and Repatriation Medical Centre recently and was congratulated by the staff and the chief executive officer on the extra beds they now have. They told me that this is the first time in 10 years they have had a government that is giving them extra beds instead of cutting the number back.

They have assigned a number of the beds to the care of older people — sub-acute care. That is important because the commonwealth government is closing nursing home beds. The Victorian government has to pick up where the commonwealth government has left us by its closure of nursing home beds. We have to put new beds into the system, and that is what we are doing.

The honourable member for Malvern runs around raising concerns and claiming that beds are not there. He went down to the Sandringham and District Memorial Hospital claiming beds were being closed and found the place was being renovated. For the first time in years the hospital is getting a decent upgrade.

I refer the honourable member — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Bentleigh!

*Honourable members interjecting.*

**Mr Doyle** — I raise a point of order under standing order 99. I pared my question down to six words in the

hope that at last I would get an answer to a question that could not be digressed from. My question was simply, 'Where are they?'. I expect a factual account from the minister of where those beds are actually located now that his promise has come due.

**The SPEAKER** — Order! I do not uphold the point of order. The honourable member for Malvern has simply used the point of order to repeat his question. The obligation of the Chair is to ensure that the remarks of the minister are relevant in responding to a question. The minister's remarks were relevant. If the minister has not finished his answer, I will continue to hear him.

### GST: schools

**Ms GILLETT** (Werribee) — My question is to the Minister for Education. In the light of the federal government's decision not to give government schools charitable status for GST purposes, will the minister inform the house of the action the government has taken to overcome that slug on families?

**Ms DELAHUNTY** (Minister for Education) — The honourable member, like other honourable members in the house, would know the federal government loudly promised education would be GST free. We know that to be a furphy. We know that calculators, uniforms, second-hand books, musical instruments, et cetera, will be hit by the GST. But it is worse than that. Just 30 days before GST lift-off there is escalating confusion about what is being covered. Even the definition of what is an educational course is still not clarified.

What is crystal clear for Australia's and more particularly Victoria's schools and students is the atrocity of GST discrimination against government schools in their not being considered, for GST purposes, as charitable organisations. The Australian Taxation Office (ATO) has indicated that because government schools perform government functions in respect of education they are not charities. That means that when a government school runs a sausage sizzle, a lamington drive or an annual fete any profits are slugged 10 per cent. No reasonable person would consider that to be fair.

It is interesting that the non-government schools, the Catholic schools, are supporting the Bracks government on this issue. Why has the opposition been silent? Does it support its federal colleagues in saying that government schools should be — —

**Mr Ryan** interjected.

**Ms DELAHUNTY** — The Leader of the National Party says that he read the *Herald Sun*. He would have read the *Herald Sun*. One would think that our agitations — my letters to the minister and raising this at a meeting of education ministers in Sydney — have hit a raw nerve. That is quite right. On the front page of the *Herald Sun* is an exclusive article headed 'GST relief for state school parents'. The story, quoting a federal government source, said Treasurer Costello would announce last-minute changes to ensure government schools will not be taxed unfairly and that this was a victory for public education. Is it?

The *Age* ran the same — obviously leaked — story, headed 'Tax pardon for state schools', suggesting the federal government would soon unveil plans to amend its GST legislation to give public schools the same GST treatment as private schools. Will it?

On Tuesday of this week, 30 May, the education committee of the Australian Taxation Office met to consider that very matter. One would expect that with a story leaked from the federal Treasurer's own office suggesting that that atrocity and discrimination is about to be overturned the ATO would deliver on what the government had publicly suggested it wants: that the ATO on behalf of the federal government would do the right thing. But what happened? The ATO, rather than overturning that discriminatory ruling, has confirmed that the federal government has been leading us up the garden path. How do we know that?

An email from the education committee of the Australian Taxation Office has confirmed that the federal government is just playing with government schools on the matter of charitable status. The email states:

Please treat in confidence our discussions relating to government schools.

It continues:

Contrary to media reports this issue is still to be considered by the government.

The federal government is leaking stories that it is about to overturn that discrimination, but it has not told the ATO. When it comes to the GST on education, we have lies, leaks and confusion. So far as governments — —

**Mr Perton** — On a point of order, Mr Speaker, I know it is the last day of the session and the minister feels compelled, but she is now in breach of your order in respect of succinctness. She has been speaking for precisely 5 minutes and the matters she is raising would be more appropriately raised in a press release.

*Honourable members interjecting.*

**Mr Perton** — A press release by an award-winning journalist! Alternatively it would be appropriate for a ministerial statement to be made, and the opposition would accommodate the minister in debate.

**The SPEAKER** — Order! I do not uphold the point of order. However, I remind the minister of her obligation to be succinct and to round off her answer.

**Mr Perton** interjected.

**Ms DELAHUNTY** — Thank you, Mr Speaker.

It is funny, Victor, I just thought of that. There is still a 10 per cent tax on the sausage sizzle. The government will continue the fight against such discrimination. I invite the opposition to say publicly whether it supports that discrimination against government schools or whether it supports the position the Bracks government is taking.

### **Dairy industry: deregulation**

**Mr STEGGALL** (Swan Hill) — Is the Minister for Agriculture aware of the Carr Labor government's call for a national floor price for market milk? I note that the New South Wales government has written to the federal Minister for Agriculture seeking urgent consideration for the national floor price. Does the minister support his New South Wales Labor ministerial colleague?

**Mr HAMILTON** (Minister for Agriculture) — The honourable member would be aware that there is a deal of concern among dairy farmers pending the deregulation of the dairy industry, especially in Queensland and New South Wales. There is obviously much concern and uncertainty in those states, as there is a deal of concern and uncertainty on the part of a number of dairy farmers in Victoria.

Major changes to the industry will come about with the deregulation that will come into place as a result of the sunset of the federal legislation, which will occur on 30 June. The government has introduced dairy industry legislation into the house, and that bill is currently before the other place. The legislation will ensure that Victorian dairy farmers are able to participate in a transition that is generously funded by the taxpayers of Australia.

The other states are examining a number of potential legal challenges on behalf of constituents — that is their right as sovereign states. This state has taken the

appropriate steps and I am confident the Victorian dairy industry under deregulation has a strong future.

### **Rural Victoria: doctors**

**Ms ALLEN** (Benalla) — I refer the Minister for Health to the shortage of medical practitioners in rural Victoria and I ask: will the minister inform the house whether the overseas-trained doctors program announced in May last year has to date placed any doctors in country Victoria?

**Mr Doyle** — On a point of order, Mr Speaker, that is exactly the same question with exactly the same meaning as the one that I have already asked of the Minister for Health and got the usual non-answer. I find it astonishing that the government is asking it of itself.

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

**Mr THWAITES** (Minister for Health) — I am pleased to give an answer to the member, who shows a genuine interest in health and under no circumstances could be described as a hypocrite or an opportunist. The federal government and more particularly the federal health minister, Dr Wooldridge, is refusing to allow the overseas-trained doctors scheme to go ahead in Victoria. He is selling out country Victoria, and members on both sides of the house ought to be disappointed with him. I am sure he has other things on his mind. All parties support the overseas-trained doctors scheme but it can only work if Dr Wooldridge gives doctors provider numbers and permanent residency. For a year he has refused to do that.

The opposition in government believed it had an agreement with Dr Wooldridge. They advertised for people; went out and claimed to have an agreement but never actually had an agreement. Dr Wooldridge never agreed to admitting more doctors under the previous government. He refuses to supply them with the essentials that are needed — provider numbers and permanent residency.

It is ironic that Dr Wooldridge and his department have been running around country Victoria claiming they are doing all these things for country hospitals. The best thing they could do is allow some medical practitioners into country communities. Dr Wooldridge cannot get himself away from the magnetic resonance imaging (MRI) scam to sign the documents — he is too busy with the radiologists to do what is necessary.

Last week on 20 May there was an article on the matter in the *Bendigo Advertiser*. I was very hopeful when I read it. The article states:

More overseas-trained doctors should be on their way to the country soon, after finally being given the all-clear by the federal government.

An officer of my department rang Dr Wooldridge's department and was told that Dr Wooldridge has still not signed the paperwork. He will still not give the provider numbers required for the doctors to go ahead.

Instead of running around raising concerns that make no difference at all I ask all members of the house, including the honourable member for Malvern, to talk to Dr Wooldridge, his Liberal Party colleague, and ask him to sign the documents so doctors can be placed in country communities.

## APPROPRIATION (2000/2001) BILL

### *Second reading*

#### Debate resumed.

**The ACTING SPEAKER (Mrs Peulich)** — Order! I ask members to either vacate the chamber or be seated.

**Mr PERTON (Doncaster)** — In the interests of allowing as many members to speak on the budget speech as possible I will restrict myself to another 4 minutes.

In respect of multimedia the information economy is the future but the Australian Labor Party is playing to the past. This is the essential message that industry and e-commerce experts in Victoria have understood and are communicating to me.

The Deputy Leader of the Opposition, the honourable member for Brighton, described the budget as having two key themes: the theme of inheritance and the theme of lost opportunities. Never has a more accurate observation been made with respect to what the budget does not deliver in multimedia.

When the coalition was in government the state of Victoria was regarded globally as the best of the best in digital age government — a model, visually innovative example from which others could learn. We had the praise of the G8 and of Microsoft's Bill Gates who personally visited Victoria to inspect and to reinforce this.

Victoria's electronic services were framed and built around unique concepts fuelled by a similar overarching, driving vision. Vision is a quality that the Australian Labor Party sorely lacks; vision is the advantage the Liberal Party and the National Party still

retain. Many of the initiatives contained in Connecting Victoria, the Australian Labor Party equivalent of the former Liberal government's Global Victoria, are merely statements about intentions — the additional promises of the Labor government are hollow and shallow. What I find most extraordinary is that the budget documents disclose a 30 per cent reduction to Multimedia Victoria. Projects like the televillages projects which, properly implemented, would cost around \$50 million in Ballarat alone and \$30 million in Portland have been allocated a mere \$54 000 for the entire project in this budget year.

Projects like the electronic export assistance centre have been allocated a sum of \$800 000 in the budget over the next four years. The centre looks to be nothing more than a frequently-asked-questions web site. It is a lot of money for a web site, the value of which is utterly dubious.

The budget allocates \$9 million over four years for public Internet access in town halls. That has been tried in Tasmania and it was a manifest failure. If one is trying to increase the number of public Internet access points one puts them in places where people go, and people do not think of town halls as places of learning or of accessing the Internet. The \$9 million would have been better spent providing Internet access at home to low-income earners or people outside the workforce and education system.

Had the results of the election been different, and in the light of the forthcoming Olympics, I suggest to the government — it is certainly something the Liberal Party would do in government — that it scrap its \$1.3 million e-commerce early-movers assistance scheme. It provides too little money and is focused on the wrong body. With the eyes of the world on Sydney and many Americans travelling to Australia for the Olympics the government should spend that money on television and newspaper advertising focused on Silicon Valley, Palo Alto, San Francisco, Seattle and Boston to attract people visiting Sydney to Melbourne to meet the people who are doing great and innovative things in multimedia and e-commerce.

Given the time constraints, I agree with the Deputy Leader of the Opposition that it is a budget of lost opportunities. For my constituents and those of the eastern suburbs generally it is a very clear slap in the face. They voted for the Liberal Party, but as was demonstrated by the leaked document to which the Leader of the Opposition referred during question time, this government is spending money according to where it can get the best leverage on votes rather than the best community advantage. The residents of the eastern

suburbs have been discriminated against. When country Victorians find that the money being spent in country Victoria is on programs like Internet access in town halls and televillages that are just plain silly, I am sure they will see the light, and it is very likely that a Liberal–National coalition will be re-elected to government at the next election.

**Mr HULLS** (Attorney-General) — I shall give a brief overview of those aspects of the budget that relate to the justice portfolio because, despite what the honourable member for Doncaster said, this is a great budget. It is nonsense to say that money is being spent only where the votes are. So far as the justice portfolio is concerned, the government has allocated \$60 million over four years for innocent victims of crime. It is a commitment to justice and looking after the most vulnerable members of our community. I am proud to be associated with the first Bracks Labor budget.

The government is also doing much to assist regional and rural Victoria. A number of my colleagues have already expressed their excitement at the commitment this budget brings to health, education and infrastructure in regional and rural Victoria. I share their excitement, especially with reference to justice. I am committed to ensuring access to justice for all Victorians. It is a key election commitment which this budget delivers.

The government is making a substantial investment in the justice system by funding new courts across Melbourne and in regional Victoria.

**An Honourable Member** — What are you doing in Mildura?

**Mr HULLS** — It is replacing the undersized and inadequate court facilities, facilities which the previous government chose to ignore, despite reviews identifying the replacement of the Mildura courthouse as an urgent priority. The budget allocates \$8.9 million over three years to build a new and improved court facility for the people of Mildura. The courthouse facilities in Warrnambool — and let's not kid each other, like Mildura, Warrnambool is an area that Labor does not hold — are also inadequate. The budget provides for the construction of a new courthouse at a cost of \$8.8 million over four years. The government is delivering services to all Victorians and growing the whole of Victoria. There is no doubt that it is committed to the state.

In relation to justice generally, not only is the government constructing new court facilities but it is committed to ensuring that existing facilities have

appropriate security in place to protect all users of the judicial system. Court security will be upgraded in various courthouses covering the jurisdiction of all courts and tribunals in the state. A specific allocation of \$2.1 million over two years will ensure that that is achieved.

The budget also allows for a new County Court complex to be equipped with state-of-the-art technology, including a high-tech video link system connecting the Melbourne complex with rural and regional Victoria. That project has received funding of \$33.8 million over three years.

Legal aid and access to justice is an absolute priority of the government. It is interesting to note that the shadow Attorney-General has asked a number of questions — and was a touch confused — suggesting there was less money in the current budget for legal aid. He seemed to be quoting from a document he said he had received from Victoria Legal Aid. It so happens that I also received that document, and I am happy to table it if required. The document the shadow Attorney-General and I have makes it quite clear that state funding for legal aid has increased — that is, \$28.078 million from 30 June 2000 to \$28.4 million from 30 June 2001.

That is an increase of about \$300 000. The shadow minister cannot read the document that has been presented to him. I table that document. However, that amount is not enough. It is to allow for accrual accounting and increased overheads.

I am currently negotiating with the federal government over legal aid. It wants to reduce Victoria's overall take of the national cake from 27 per cent to 22 per cent. That is a \$5.5 million cut and it is not good enough. There needs to be a satisfactory outcome to the negotiations because the state government is not prepared to fill the federal black hole on legal aid. The budget will ensure there will be no cutback in legal aid service delivery.

At this point I thank Kay Robinson, who has been the acting director at Victoria Legal Aid for the past six months or so. She has done an excellent job. I welcome Mr Tony Parsons as the new director. He will be taking up his position later in June.

**Mr Perton** — Kay Robinson is terrific.

**Mr HULLS** — She did a great job. I hope Tony Parsons will get the support of all honourable members.

**Mr McIntosh** — He is a good man.

**Mr HULLS** — The honourable member for Kew interjects and says, ‘He is a good man’. That is right. He is a good man and I expect he will do a very good job. The budget contains funding for a law reform commission.

**Mr Perton** interjected.

**Mr HULLS** — I heard the interjection from the honourable member for Doncaster. The fact is that the opposition supported the bill dealing with the proposed Victorian Law Reform Commission, and I thank it for that. I am sure the commission will be at the cutting edge of law reform in this state.

The budget also contained funding for the Aboriginal Justice Agreement, which was launched — —

**Mr Perton** interjected.

**Mr HULLS** — We will get onto that. The agreement was launched by the Premier yesterday. It is a groundbreaking agreement that reinforces the government’s commitment to implementing the recommendations of the Aboriginal deaths in custody inquiry. The first Bracks budget has allocated \$6.4 million over four years to implement the strategy.

The government is committed to justice and to open and accountable government. In the first months of the Bracks government I introduced amendments to the Freedom of Information Act to ensure that governments could no longer hide behind certain legislative provisions. Furthermore, the budget takes freedom of information (FOI) online by allocating \$200 000 to enable citizens to electronically lodge FOI requests. That may not be important to some people but it will improve public access to government information for many.

The government is reviewing the governance of the legal profession to ensure that the consumers of legal services are getting value for money. It is also reviewing the provision of legal services to government. Every year the government spends about \$40 million outsourcing legal services. I am conducting a review of that within my department to ensure that Victorian taxpayers are getting the best possible advice for the best price. It may well be that in future firms of solicitors tendering for government work will have to show a commitment to pro bono work before they can get government contracts. That is absolutely appropriate.

I turn to women’s issues. In the justice portfolio the government has broadened the pool from which I, as the chief law officer, can choose magistrates. It wants to

ensure that the best people are chosen. We blokes kid ourselves if we think the best people are always men. The fact is that women need to have the glass ceiling lifted in respect of the judiciary.

The government is also modernising the legal profession and bringing it into the 21st century. It has introduced legislation to abolish the taking of the oath of allegiance to practise as a barrister and solicitor in Victoria. It is also looking at the abolition of wigs for barristers. Other measures include legislation covering whistleblowers and the setting up of a stand-alone Children’s Court. I could go on and on. The government is on a reform mission in the Department of Justice. Some of the work being done is absolutely groundbreaking. It is all being done with one aim — that is, to make access to justice available to all Victorians. I say to people interested in the justice portfolio, ‘Watch this space’.

The government has already done a lot of good work. It is a great budget. There is a lot more to come. These will be pretty exciting times for people interested in access to justice in Victoria.

**Mr KOTSIRAS** (Bulleen) — It is a pleasure to speak on the Appropriation (2000/2001) Bill. The budget was the government’s chance to deliver something, but unfortunately it failed. The budget delivers little growth and represents lost opportunities for Victorian businesses. The Labor government has failed to take advantage of the significant surplus that was left by the previous government. I remind government members of what happened under the coalition government.

In 1999 Victoria’s economic growth exceeded that of the rest of Australia. Victorian debt went down from \$32 billion in 1992 to \$6 billion in 1999. The annual interest on Victoria’s debt went down from \$1.8 billion in 1992 to \$530 million in 1999. From 1992 to 1999 private business investment doubled — from \$8 billion to \$16 billion. In June 1999 retail trade was stronger in Victoria than in any other state; it grew 11 per cent over the year. In 1999 for the first time on record more people were moving into Victoria than were moving out. In June 1999 new car registrations were at a record high and growing by 4 per cent a year.

What has the current government delivered? Nothing. There are no new major projects, school funding is down, there is low growth and there are no tax cuts for 2000–01. The government has shown no leadership and has lost opportunities. During budget week the Premier walked into the chamber with newspaper articles, but he did not pick up all the relevant newspaper articles. I

will quote from some of them. An article in the *Australian Financial Review* of 4 May under the heading 'Bracks fails to excite punters' states:

The Victorian Premier, Mr Steve Bracks, failed to excite the business and investment communities yesterday, despite a high powered televised post-budget presentation to Sydney and Melbourne audiences.

An article in the same newspaper of 3 May is headed 'Bracks budget uses smoke and mirrors' and states:

Victorian Premier Steve Bracks has carefully presented his first budget ... to maximise its appeal. But when the details provided in the budget papers are known, the picture is less appealing.

Another article in the same edition is headed 'This could be as good as it gets for Bracks'.

Recently the Premier spent \$30 000 to have someone come into his office to advise him on how to organise his advisers.

**An Honourable Member — How much?**

**Mr KOTSIRAS** — An amount of \$30 000. He paid \$30 000 for someone to tell him how to advise his advisers and how his advisers should advise public servants. One must understand that Premier Bracks had to advise himself as Treasurer on why he gave \$100 000 to the Turkish earthquake appeal. The Premier decided to allocate \$100 000 — which I support — to the appeal but then had to remind himself of why he did it. He received a memo from the department recommending that he sign an accompanying letter to the Treasurer advising of the department's funding commitment. The letter, which is addressed to the honourable Steve Bracks, Treasurer of Victoria, states:

Dear Treasurer,

...

As Premier, you recently pledged a contribution of \$100 000 of in-kind support for the Turkish earthquake appeal.

The rest of the letter is exempted under the Freedom Of Information Act. The letter concludes 'Yours sincerely' and is signed 'Steve Bracks MP' as Premier. The Premier advised himself a few weeks after the event why he approved the \$100 000. I reiterate that I support the grant being made.

What has the government done in multicultural affairs? The Premier and the Minister assisting the Premier on Multicultural Affairs both talk about mainstreaming. Mainstreaming is nothing new. It was introduced in 1992 by the previous government. When it came to office every issue to do with people from

non-English-speaking backgrounds was referred to a particular department. If the name of a person who wrote a letter — even if it was to the education department or the police department — was non-English the letter was referred to the Office of Ethnic Affairs.

The previous coalition government was elected in 1992 and it mainstreamed. It made every department relevant and made them responsible for meeting the needs of all Victorians. Unfortunately, the Bracks government has now decided it will use the term 'mainstream' and its members are going around the town saying it is theirs.

I turn to the budget and its application to multicultural affairs. A press release from the Ethnic Communities Council of Victoria states:

... however, given the size of the surplus, additional expenditure for direct service delivery could have also been afforded.

It further states:

... the council hopes that the state government will reassess its expenditure commitments and accordingly allocate additional funds ...

The government failed to provide any real money to Multicultural Arts Victoria. It failed to deliver a meeting place in the central business district and to provide any real assistance to new emerging groups. It has simply changed the names of some departments. The former Multicultural Affairs Unit is now known as the Victorian Office of Multicultural Affairs and it has decided to move from 1 Macarthur Street to 1 Treasury Place — some 25 metres — at a cost of more than \$21 000. I worked out that is \$266 for every step, which is appalling. That money should be spent elsewhere.

The budget offers nothing to my electorate of Bulleen. The previous government offered \$3 million to the Heide Museum of Modern Art, which is a great museum and is supported by the honourable member for Hawthorn. Unfortunately the Bracks government did nothing.

The Minister for Education, who is at the table, offered nothing new to the schools in my electorate. Every time I ask her a question she cannot answer because she has absolutely no idea about educational ideas — absolutely none. She has offered nothing to the schools in my electorate in her capacity as Minister for Education — sorry, as the Junior Minister for Education.

There is no new funding for roads in my electorate. I have spoken to the minister and I am hoping for a positive response — —

**Mr Lim** interjected.

**The ACTING SPEAKER (Mrs Peulich)** — Order! The honourable member for Clayton is being disorderly.

The honourable member for Portland is walking through the line between the speaker and the Chair. I ask him not to do so.

**Mr KOTSIRAS** — I recently asked the Minister for Education about funding for Bulleen Heights School. Unfortunately the minister was not able to answer and later came up with the figure of \$90 000 provided by the previous government under Minister Gude. Bulleen Heights School is an excellent establishment that aims to provide excellent teaching programs and learning experiences that are designed to develop and extend the particular skills and strengths of each student. Unfortunately no money has been made available to the school.

While it might be said that this was the government's first budget and there would be more in years to come, unfortunately it failed to take advantage of the surplus. The budget does not provide incentives for extra jobs and there is no vision for the future. The budget provides only short-term vision and a grab for votes. It is a shame. I look forward to the next year's budget in the hope that it will be better.

**Mr VINEY** (Frankston East) — I am proud to speak in support of the Appropriation (2000/2001) Bill. It is an outstanding document that delivers for all Victorians a budget that will go some way to restoring the community's confidence in its elected members, particularly on the Labor side of politics, because it is about the Labor Party honouring its commitments to the electorate. The budget delivers on a number of the key pillars of the Bracks government: restoring democracy with open and accountable government, improving services, growing the whole state, and doing it all in a financially responsible manner. The government has had to take that approach because of the massive social black hole it inherited and because of the services it had to restore after seven years of the previous administration.

As Parliamentary Secretary for Human Services I take this opportunity to talk broadly about additional funding for health, community services, housing and aged care. The health budget needed a substantial injection of funds. As has been mentioned in the house

on previous occasions, the net assets of Victoria's hospitals declined from \$76 million to a negative \$12 million. There was underfunding of operational budgets and hospitals were going backwards. A thousand beds were closed and hundreds of nurses were sacked. In short, it was a system in crisis.

Under the previous government schools were closed and class sizes skyrocketed. Police numbers were cut. Housing stock was run down. These were the actions of an uncaring and arrogant government that had lost touch. The budget is about restoring a number of those key and vital service areas that are of great concern to and are needed in our community.

The budget of the Department of Human Services for the 2000–01 year is \$7 253 million compared to \$6 677 million in the previous year — that is, an increase of \$576 million, or 8.6 per cent. In addition, there is funding for hospital and community activities of \$302 million. Acute health is receiving \$241 million to expand public hospital services and improve the quality of care. There will be \$22.5 million directed to ambulance services to reduce response times and expand services, particularly in rural areas. Aged care and primary health care will receive \$66 million.

In addition, there is a \$40 million increase in funding for mental health to continue the process of reform; \$12.6 million for public health for such measures as the government's drug strategy; \$96.6 million for disability services to support people living in the community; \$42 million for community care to strengthen the early intervention strategies that support families at risk, improve the quality of child protection services and enhance the juvenile justice system; and \$45 million to expand social housing and boost the supported accommodation assistance program.

Those investments in the budget of the Department of Human Services are about closing the social black hole that resulted from years of funding cuts to Victoria's health system.

I chair a committee that is implementing the government's ambulance policy, to which I now turn. The government will provide for two-officer crewing for at least five country stations; black-spot funding for Phillip Island and the Great Ocean Road; advanced life-support skills training for some 200 paramedics; the conversion of paramedic response units to full MICA units; and a third air ambulance helicopter along the Hume corridor to service both western and north-east Victoria. Those investments will go a long way towards restoring the community's confidence in Victoria's ambulance services.

I turn now to my electorate of Frankston East and the Frankston community generally. The Chisholm Institute of Technical and Further Education (TAFE) has received \$1.2 million to complete work on the Frankston nursing building and a further \$1.56 million over two years for additional replacement and expansion work on the campus. The Frankston Hospital will receive \$12 million for redevelopment work that includes putting 76 new beds into the hospital as well as two new wards and an additional unit adjacent to the emergency section as an observation area. That important initiative was announced during the election campaign, and it is a clear demonstration of the government delivering on its commitments.

The former Monterey Secondary College site, which in the 1996 election campaign the former government promised to retain for parkland but subsequently sold, will be bought back, as is allocated for in the budget. Additional resources will be pumped into schools, cutting class sizes and improving the quality of our children's education.

Another significant issue that emerged during the campaign for Frankston East was police numbers. Last year Frankston saw the first walk out by police officers since the strike in the 1920s. The walk out demonstrated the depths to which police force morale had sunk because of the pressures caused by funding cuts. In September the Frankston police station had 49 senior constables on its roster, many below the required number. Since the election of the Bracks government the station has recruited 17 new members, and in coming months that number is expected to increase to 73. For the first time in many years the people of Frankston are seeing foot patrols in the central business district, six days a week. Those patrols have reduced complaints by traders and are restoring confidence in the police service and improving community safety.

The budget delivers on the government's commitments. It restores the community's confidence in their elected representatives, particularly the confidence of constituents with Labor government representatives.

**Mr BAILLIEU** (Hawthorn) — The budget is one of incredible complacency. Sadly, it is a budget of a government that thinks it can coast and boast. It is a budget of a government that has just arrived on the scene but has missed an opportunity to send the right message. Good budget making is about both sides of the equation — that is, revenue raising and expenditure control. The Bracks government has simply coasted on the surpluses and hard work of the former Kennett government.

The cargo cult that the Bracks government has encouraged will unfortunately work to Victoria's detriment in the long term. The message the budget is sending out is particularly damaging. It is a budget that will deliver a decline in growth and a cash deficit within two years; and following on from the Growing Victoria Together summit it is a budget that sends out the message that Victoria does not have a declared position for the future.

The government has not spelt out where it wants Victoria to be in the next 5 to 10 years. It has dropped the ball, which is sad for all Victorians. The lack of vision is palpable, as is the infatuation with the average. There is no position or vision statement in either the communiqué from the Growing Victoria Together summit or the budget. There is no declaration that Victoria should be the best or that Victorians should be the most efficient or that we should grow to particular levels or advance certain industries. As I said, the budget is one of complacency.

I turn now to my electorate of Hawthorn. The former government gave Hawthorn a fair and reasonable share of funding initiatives in recent years.

An example is the Munro Street housing project. The Minister for Housing visited that site recently and declared that it was a fantastic project but failed to mention that it was an initiative of the previous government. The development of the Swinburne Secondary College and the Auburn South Primary School and station upgrades in Hawthorn and Camberwell are some of the things from which the electorate of Hawthorn benefited because of the vision of the Kennett coalition government.

One initiative taken by the previous government which remains to be completed is the national weight-lifting centre at the Hawthorn recreation centre. Sadly that initiative did not appear in the budget papers but I was pleased to receive clarification from the Minister for Sport and Recreation in another place that the money will be made available and the centre will proceed.

Overall, Hawthorn will receive zero benefit from the budget. There are no new initiatives in it. What is missing? As has been noted before, there is a police station missing.

**Mr Wynne** — I wonder what the last member for Hawthorn was doing.

**Mr BAILLIEU** — The last member for Hawthorn arranged a commitment of \$7.5 million for the upgrade of the police station but that money is now nowhere to be seen. The only commitment the government has

made to Hawthorn was for a jail and that was later withdrawn. I note that there is also no commitment to a resolution of the Hartwell and Glen Iris preschool difficulties.

**Mr Stensholt** — You have not done anything — I have done all of the work on that.

**Mr BAILLIEU** — Obviously the member for Burwood is not reading his local newspaper. In the future the government will need to address the issues of the Hawthorn Town Hall and schools in Hawthorn. There are pressing needs in those schools and I have raised the issue with the Minister for Education. I particularly refer to Hawthorn West, Camberwell South and Camberwell. I regret to say the budget offers very little for Hawthorn.

I will give a quick overview of the tertiary education and training portfolio. The Minister for Post Compulsory Education, Training and Employment has trumpeted the allocation of an extra \$127 million to TAFE institutes over the term of the government — a three-and-a-half-year promise. That is an indication of who is in and who is out. Obviously Minister Kosky is in and Minister Delahunty is out because the bigger percentage increase in the budget is for Minister Kosky's portfolio. However, her elevation to responsibility for the Finance portfolio suggests that the portfolio of post-compulsory education is now on the backburner.

Let's look at the extra \$127 million for TAFE institutes. One would imagine that to be an indication of considerable change in the portfolio. There is some change, and the most significant is shown on page 33 of budget paper no. 3 where the student contact hours objectives are outlined. The outcome for the current year is the delivery by TAFE of 72 million contact hours. With an extra \$127 million the target for this government is 67 million, or 5 million student contact hours fewer. That raises the question of where the money will be going. The answer is interesting.

**Mr Stensholt** — Saving the TAFEs that you guys bankrupted.

**Mr BAILLIEU** — Obviously the money is not going to students. When the budget was presented, enterprise bargaining agreement negotiations were continuing.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mrs Peulich)** — Order! The amount of time available to the member is limited and I ask other members to cease interjecting.

**Mr BAILLIEU** — The Minister for Post Compulsory Education, Training and Employment has delivered to the TAFE institutes a framework for those negotiations. Surprise, surprise! That framework locks in a 14.27 per cent increase in teaching salaries in that sector. It is interesting if that is applied across the various TAFE institutes, which have a salary component of \$293 million for the 14 TAFE-only colleges — that is, not counting the dual-sector TAFEs. The bulk of the extra money will go straight through the TAFE colleges and into teaching salaries. That is fine for the teachers — good luck to them — but no-one should be under any illusion that students will be the beneficiaries of that largesse.

In recent months the minister has made a number of announcements about programs. Most of them have been a rebadging of the programs of the previous government.

I make three points about the tertiary education system: student contact hours will be reduced; the enterprise agreement will chew up the larger part of the extra money; and even though the Auditor-General notes in his report released today the need for continuing maintenance and capital expenditure in TAFE colleges, the government has delivered decreased capital investment in TAFE institutes. That is extraordinary. The budget papers show about \$19 million in capital investment for the TAFE sector. The former government delivered \$21 million in capital investment in the previous year and \$30 million the year before that. Given the Auditor-General's remarks it is extraordinary that that should be the case. There is much missing from the budget for the tertiary education sector.

Where is the commitment to the International Fibre Centre? The government has not made any commitment whatsoever to that extraordinary asset in the Geelong region. It is an asset for the wool and textile industries but there is no clarity about it and the minister still has not visited the centre.

This is a budget of dreadful complacency. The opposition and all Victorians should be concerned about where we are going on the basis of the budget.

**Mr WYNNE (Richmond)** — In contributing to the debate on the Appropriation (2000/2001) Bill, I applaud the Bracks government for what has, by any measure, been an extraordinarily well-received budget. The budget provides responsible financial management, promotes growth across the whole state, delivers improved services, and, most importantly, restores democracy.

The budget has delivered in spades for our state — that is, for both our metropolitan and regional and rural communities. Labor's election commitment for new service delivery in 2000–01 totals \$426 million, focusing on the key areas of education, health and community safety.

By any measure the budget has been extraordinarily well received in the financial community. In the next few weeks the Premier and the Treasurer will be heading overseas to sell the budget and I am sure it will be well received in the major financial markets.

I refer to a critical issue of social concern in my electorate of Richmond — that is, drug abuse in our community. Heroin abuse is a major social scourge in my community of Richmond. That well-known fact has been publicised widely in the press. The Bracks government has delivered a comprehensive strategy to address this major social scourge. The four themes of the government's drug strategy are: preventing drug use, saving lives, getting people back on track, and policing the drug trade.

The government has begun to implement a range of strategies aimed at helping to address and prevent drug abuse problems. They include allocations of \$12 million to return student welfare coordinators to secondary schools; \$4 million to establish a new secondary school nursing program; and \$17 million this year, increasing to \$20 million next year, for drug programs. The budget for those programs has increased from \$24 million in 1995 to \$53 million this year. Victoria took the lead and is participating in a national diversion initiative, for which \$10 million has been allocated. The government is putting an extra 800 police on the beat and, as my colleague the member for Frankston East said, that has been widely supported by the community.

In addition, earlier this week the Minister for Health announced that he wants to work with local government on a comprehensive drug strategy and that he considers local government a significant player in the implementation of the strategy. In a forum with the mayors of the five key municipalities — including the City of Yarra in my electorate — the Minister for Health committed \$25 000 to the development of local drug strategies and a further \$20 000 for local governments which choose to set up safe injecting facilities. That is certainly one aspect of the government's strategy on safe injecting facilities.

The government has made it clear that where the local authority supports safe injecting facilities there will be an 18-month trial. I am happy that the City of Yarra has

supported in principle the government's objectives on safe injecting facilities, led by the former mayor, Cr Steve Watson, and the current mayor, Cr John Phillips, who have shown excellent leadership in the community on the question.

It is worth pointing out some of the support that has been shown for the government's initiative on the matter. Some of the press releases have been: 'The Royal Australasian College of Physicians supports safe injecting facilities'; 'Lawyers welcome drug room trials' — by the Law Institute of Victoria; 'VECCI endorses implementation of local drug strategies'; 'Safe injecting facilities will be used' — by Paul McDonald, the Executive Director of the Youth Substance Abuse Service; 'Business leaders support safe injecting facilities' — by the Institute of Engineers of Australia — and on and on it goes! There is wide support across the community for this important initiative.

I refer to some of the key concerns in the City of Yarra. Figures from the Turning Point Alcohol and Drug Centre database from June 1998 to September 1999 revealed that across my local government area there were 671 definite and 241 likely heroin-related ambulance attendances.

The number of non-fatal overdoses in the City of Yarra for that period numbered 658, which was the largest number for any municipality in Victoria. Fatal overdoses numbered 40, which was the second-highest number in all of Victoria's local government areas. A disturbing feature of the statistics included in the report of the Drug Policy Expert Committee on stage 1 of its inquiry is the increase in non-fatal overdoses in public places. Those attended by ambulances across Melbourne increased from 53 per cent in June 1998 to 69 per cent in September 1999.

The emergence of the street markets has seen a corresponding increase in the number of overdoses in public spaces. Laneways, public toilets and doorways close to the place of purchase have become common sites for drug use or consumption.

In the City of Yarra an excellent consultation process has been undertaken, which was developed in partnership between the local council of the City of Yarra and the Yarra Drug and Health Forum. Skilled facilitators worked with community groups, and of course we had the excellent support of one of the principal researchers in the area, who is widely recognised, Dr John Fitzgerald, a criminologist and noted researcher of drug issues from the Department of Criminology of the University of Melbourne.

Consultation was widespread and meetings were very well attended by a range of community groups. It is not surprising that the polls that have been taken on support for safe injecting facilities in the City of Yarra have shown an 81 per cent approval rate for the trial of safe injecting facilities.

In the past year there were 359 heroin-related deaths in the community. The matter is so important that I implore members of the opposition not to play politics on this major social issue. We need to take a very measured approach to it. Indeed, today the Minister for Health will be delivering the second-reading speech on the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill which will lay over until the next sessional period when honourable members will have the opportunity to debate the proposal.

Again, I implore the opposition to keep an open mind on the proposal. It will be an important trial. Such facilities will save lives and take the public nuisance off the streets. In that context, I hope the opposition will embrace the opportunity available to it for the good of our community.

**Mrs SHARDEY (Caulfield)** — The only issue I wish to raise is that funding for the upgrading of state-owned nursing homes in this state has been cut back by the Minister for Health and I am deeply concerned about what is to happen in terms of the accreditation and certification process.

**Debate interrupted pursuant to sessional orders.**

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL

*Second reading*

**Mr THWAITES (Minister for Health)** — Mr Speaker, before I begin my speech I seek leave to incorporate in *Hansard* a document entitled *Injecting Facilities Trial — Framework for Service Agreements*.

*Leave granted; see page 2151.*

**Mr THWAITES** — The framework sets out the statewide arrangements for injecting facilities.

I now move:

That this bill be now read a second time.

Drug abuse is without doubt one of the major challenges facing the community today. It is a challenge that can only be met by a careful and thorough reform of our current social, health and law enforcement arrangements. Too many people are dying. Too much harm is being caused by drugs. We must be prepared to try alternative solutions to solve the drug crisis.

The introduction of this bill represents one step in the implementation of the government's comprehensive and integrated drug policy. The Bracks government came to office with a drug policy platform based on four themes, all of which are critical and must be dealt with as a whole. Those four themes are:

- preventing drug abuse;
- saving lives;
- getting lives back on track; and
- effectively policing the drug trade.

Given the importance of the drug issue, the government resolved to appoint an expert committee under the chairmanship of Dr David Penington to provide specialist advice on refining and implementing all aspects of our policy.

The committee has been asked to report in two stages. The committee's report on stage one, entitled *Drugs — Responding to the Issues, Engaging the Community*, was released in April of this year. It focused on the development of local drug strategies in areas affected by heavy street drug usage and outlined a framework for the trialling of injecting facilities in up to five areas of Melbourne. The second and equally important report will deal with other aspects of the policy such as early intervention in schools, improvements to drug treatment and rehabilitation, and measures to crack down on drug trafficking.

The committee's stage one report clearly demonstrates the need for further action on drugs. All members of Parliament will be aware of the devastating impact that drugs are having on our community. I believe that all members share a commitment to doing more to deal with this issue. While the government is prepared to lead on this matter, partnerships across the community are needed if we are to have a significant impact.

The various documents released by the Drug Policy Expert Committee set out the impact of drugs in detail. Members will have read the documents but I believe

that it is important that some of the facts are recorded in this place.

Last year there were 359 heroin-related deaths in this state. Many more non-fatal overdoses were dealt with by ambulance officers. The number of overdoses is disturbing, but even more disturbing is the probability that this number will continue to grow. The Drug Policy Expert Committee has made one projection of increased deaths over the next five years. The Victorian State Coroner, Mr Graeme Johnstone, has made an even more dramatic prediction. Whatever the figure, it is a situation that cannot be allowed to continue.

It is important to note that Victoria is not on its own in this regard. Heroin-related death rates are increasing in other states of Australia and in many countries overseas, including countries with strongly prohibitionist drug policies such as the United States of America and Sweden.

Increasing heroin-related deaths and non-fatal overdoses are not the only sign that we have a significant and growing problem. Evidence shows that young people are beginning to use illegal drugs at an earlier age. The national and Victorian drug household surveys indicate that the proportion of young heroin users who reported using heroin for the first time when they were under 16 years of age increased from less than 1 per cent in 1993 to approximately 7 per cent in 1995 and 1998. These figures indicate that we will continue to have a drug problem for many years, despite the vigorous efforts the government proposes to make.

Much smaller epidemics in less contentious areas have led to calls for dramatic action and research into new approaches. The government believes that we need to treat the drug issue in the same fashion.

As with other health and community issues, no single strategy or initiative will make an impact by itself. We need a comprehensive approach to the drug problem. The government intends to build upon the many important services which already exist. We have already announced that we have committed \$12 million to returning student welfare coordinators to secondary schools and \$4 million to a new school nursing service for secondary schools. These initiatives are important not only in their own right but also as key components of a broadly based prevention program.

While direct action to discourage drug taking is important, action to provide positive alternatives, life options and support for young people at risk is essential. Throughout our term in government we will

invest in services and infrastructure to assist all Victorians to make positive life choices rather than the damaging choice of drug abuse.

In recent years expenditure on treatment for drug services for people with serious drug problems has expanded dramatically. In 1995 the budget for drug treatment was in the order of \$24 million. This year the expenditure will be \$53 million. Further, the methadone program, which is not included in these figures, has been expanding by some 20 per cent a year over the last three years.

The recently announced state budget commits a further \$17 million in 2000–01 for drug services rising to \$20 million in 2001–02. A considerable proportion of the new funds will be invested in targeted treatment services.

The community can therefore be confident that over the next three years treatment services will continue to expand. The government will continue to take advice about further developments from the Drug Policy Expert Committee.

Drug policy has traditionally placed heavy reliance on police to stop the supply of drugs and to arrest traffickers and users. Some in the community believe that this is the only response required. Others have interpreted the debate about additional strategies as a rejection of the role of police.

The government believes that police play a critical role in responding to the drug problem and sees Victoria Police as an essential part of our comprehensive drug strategy. The government has agreed to provide an additional \$42 million to Victoria Police to increase police numbers. Given the level of drug-related crime, it is clear that a significant proportion of these funds will be used to enhance the police force's drug-related law enforcement efforts. The government also supports the efforts being made to link policing activity to local community priorities.

One theme linking all elements of our drug policy is the role of local communities.

As I said earlier, partnerships are essential to have a proper strategy to deal with the drug problem. Because some of the most important partnerships are those forged at a local level, the government will adopt the Drug Policy Expert Committee's recommendation that planning round tables involving community leaders and key stakeholders — including police — be convened as a matter of urgency to advise on the development of local responses.

These round tables will facilitate the development of local drug strategies designed to meet the particular needs of individual municipalities affected by heavy street drug usage. The round tables will also consider the appropriateness of participating in injecting facilities trials. The government will be providing resources to support local government in this process.

Injecting facilities have been proposed as a way forward for some communities in New South Wales and the Australian Capital Territory. Both of these jurisdictions have chosen to establish a single injecting facility and have legislated accordingly. While the processes and legislative frameworks differ, each jurisdiction has taken a consultative approach and has defined the legislative and administrative arrangements to support the trial. The legislative process in Victoria is designed to achieve the same outcomes but is necessarily different as we are proposing a multi-site trial.

The Drug Policy Expert Committee has noted that, although injecting facilities represent a significant departure from some of the strategies currently in force, these facilities have the potential to save lives and get the drug nuisance off the streets. In particular, injecting facilities can provide a gateway to counselling and treatment services by bringing chaotic street-based drug users into contact with rehabilitation services. They also have the capacity to make the local area safer and more pleasant for residents and traders by removing some users from the streets. As such, the committee concluded that a carefully evaluated trial is important to see whether injecting facilities can work effectively in Victoria.

The government has examined the committee's report. We agree that injecting facilities must be tried and they must also be effectively evaluated. Drug policy will only move forward if new ideas and initiatives are taken. This is the way that many health and social advances have been achieved. The same approach should underpin drug policy.

The government is aware that there is considerable interest in the detail of the injecting facility trial and has therefore established a three-tiered approach which will provide appropriate information to Parliament and the community and will demonstrate that the government is committed to operating a rigorous and properly managed trial. The three tiers of the government approach are:

the legislation which is presented here;

the *Framework for Service Agreements*, which has been distributed to members and which is to control and guide the trial; and

local service agreements, including operating plans for each trial site.

The bill before the house provides the legal framework for the trial to take place. The bill enables the Governor in Council to approve an injecting facility for the purposes of the trial and to approve a person or organisation to operate that facility on behalf of the Minister for Health. It will only be possible to conduct a trial in one of the five nominated municipalities. Those municipalities are:

the City of Melbourne;

the City of Yarra;

the City of Port Phillip;

the City of Maribyrnong; and

the City of Greater Dandenong.

The bill anticipates that non-government bodies will operate the services on behalf of the Minister for Health. It provides that the Minister enter into formal services agreements with such organisations. Responsibility for selecting the operating agencies will rest with the Minister for Health but it will be done in collaboration with the relevant municipalities. The bill provides that an agreement between a potential operator of a trial site and the minister must provide for:

the provision of counselling and access to treatment;

clear statements of the objectives and performance standards required; and

an operational plan for the facility.

The bill also requires that a draft of the agreement between the minister and the operating agency must be tabled in both houses of Parliament. A draft agreement may be disallowed wholly or in part by either house of Parliament within two sitting weeks of it being tabled. This ensures that the Parliament will have oversight and control over the detailed operating agreements of each trial site. An injecting facilities trial site can only be established after consideration of the service agreement by Parliament and upon an order being made by the Governor in Council.

Such an order can only be made under the following conditions:

the site must be in one of the nominated municipalities;

the relevant municipality must endorse the establishment of the centre; and

either house of Parliament must not have disallowed the service agreement.

The Governor in Council order can be varied or revoked at any time during the trial.

The bill provides that possession or use of drugs of dependence is not an offence within the facility provided that the person who possesses or uses the drug is an adult — those under 18 would be committing an offence.

The bill also provides that the operators and staff would not be guilty of aiding and abetting or conspiring offences with regard to drugs of dependence possessed or used in the facility.

The bill is time limited and will automatically expire at the end of the trial. It provides that there is a six-month start-up period to accommodate the fact that not all facilities will start on the same day. The six-month start-up period commences from the time that the Governor in Council approves the first facility. The bill then provides that after the six-month start-up period during which other facilities may be approved, there will be an 18-month period of operation of the trial.

Any approved injecting facility site will automatically be an approved needle and syringe service.

The bill before the house differs from the legislation which prevails in both New South Wales and the Australian Capital Territory. As I said earlier, this is largely because the Victorian government wishes to support up to five communities which are heavily affected by visible street drug use and therefore the government is proposing a multi-site trial. Provisions in the bill need to reflect the diversity of circumstances which prevail in the communities affected. There may need to be different detailed operating arrangements at the different sites.

The bill also differs in regard to the issue of the legal protection provided to the operator of the trial sites. Both New South Wales and the ACT have provided immunities to the operators of their trial sites. In the case of the ACT this protection is absolute. The Victorian government has supported a policy where issues of civil liability in health and community services are dealt with by holding service providers accountable in order that the interests of citizens

affected by negligence can be protected. The interests of service providers are met by the insurance arrangements supported by the government. The Drug Policy Expert Committee considered this matter and recommended that the Victorian government's existing policy arrangements regarding civil liability should apply to the trial and there should be no general exclusion of civil liability. The government has accepted this recommendation, which best balances the interests of the service providers and potentially affected citizens.

The government has made a clear decision that children should not be allowed to use any injecting facility during the trial and provides in the legislation only for adults. We have done this for many reasons but largely because we do not believe that there would be community support or acceptance that this is appropriate.

We are aware, however, that, regrettably, there are drug users who are under 18 years of age. Injecting facilities will be required to have specific arrangements to refer young people who seek to use services to the Youth Substance Abuse Service or another qualified and appropriate service. The arrangement for each trial site will be set out in the service agreements to be tabled in Parliament. The government will provide additional funding to enable these kinds of services for young people to back up the injecting facilities in this way and to generally support and assist treatment of young drug users. The arrangement for each trial site will be set out in the service agreements to be tabled in Parliament.

The second tier of the government's strategy involves the *Framework for Service Agreements*, which details the government's overarching approach to managing the trial. The framework document, which members have, includes provisions detailing:

- the objectives of the trial;
- the requirements for an independent evaluation of the trial and the criteria to be used in the evaluation;
- the functions of the facilities;
- overall responsibility for the trial;
- trial site management criteria and selection of provider organisations;
- site identification;
- site selection processes;
- support services and police; and
- the terms and provisions of the formal agreement.

I am aware that there is considerable interest in the location of the proposed facilities and can confirm that the criteria which will be used in site selection will be:

the location is in close proximity to an existing street drug use area. In practical terms the facilities should be within a 5-minute walk of the current scene;

the location is not in close proximity to kindergartens, schools or other sensitive public facilities;

the location is not in an area primarily used for residential purposes; and

the premises are on the ground floor to ensure easy access for emergency services, and to reduce the likelihood of accidents on stairs.

Selection of the site will be done through a consultative process. Final responsibility for site selection will rest with the Minister for Health after a public consultation process set out in the *Framework for Service Agreements*.

I have already commented on the important role that Victoria Police play in dealing with drugs. It is clear that they will also have a key role with regard to the injecting facilities trial. Operational matters are always matters for the police. However, the Victoria Police have actively participated in the consultations leading to the development of this bill and they have agreed to the following arrangements:

police will maintain a high level of uniform patrols and other police activities in the vicinity;

police will maintain vigorous targeting of drug traffickers;

police will use discretion as to whether to charge persons found with small quantities of drugs near the facility and to assess the bona fides of potential users of the facility;

police will require protocols with the operators to facilitate police entry to the facility as required; and

police will be involved in decisions regarding site selection and any relevant issues arising in the management of the facility.

The protocols with individual operators will be established by the police after considering the local circumstances of the trial site. These protocols will be included in the service agreements to be tabled by Parliament.

It should be emphasised that the possession or use of drugs outside the trial premises will remain an offence. Police will use their discretion as to whether a person found with small quantities of drug near a facility should be charged and they will have the discretion to assess the bona fides of any potential users of the facility.

As I said earlier, service provider organisations seeking to manage a trial site will be required to develop detailed operating plans which, along with other matters such as the proposed location of the service, will be included in a local service agreement between the Minister for Health and the provider agency as provided for in sections 80B, 80C and 80D of the bill. This is the third tier of the government's approach to defining and managing the trial.

Local service agreements will need to be consistent with the statewide *Framework for Service Agreements*.

As outlined in that framework, the local service agreements will include:

defining and prioritising the functions that they intend to provide;

specification of the target population;

access criteria including definition of strategies to ensure that the facility is accessible to people from various cultural and linguistic backgrounds and Koori people;

opening hours;

staffing models and skill requirements including provision of counselling to users of the facility;

pre-service and ongoing training arrangements;

disease transmission control methods;

internal operating rules;

record-keeping agreements;

referral and linkage arrangements to treatment and support services;

provisions for ensuring that children who seek access are effectively linked to the Youth Substance Abuse Service or another appropriate youth service;

advisory and consultation structures including input from police, users, residents and traders; and

safety practices and procedures including first aid.

Operating agencies will also have to include in their local service agreements protocols with external agencies including Victoria Police, the ambulance service, treatment and health agencies to ensure that support services are available as needed throughout the trial. The framework for service agreements also requires that the Department of Human Services provide support and supervision for the trial.

The Department of Human Services will employ a medical supervisor to oversee the medical operational aspects of all services. The medical supervisor will also provide oversight during the trial and will regularly meet with staff and others involved to provide supervision and to monitor compliance with the service agreement.

In fulfilling this obligation the Department of Human Services will be preparing guidelines and protocols for each of the trial sites. The department will work collaboratively with the relevant municipalities, potential providers, police and other agencies in finalising such guidelines and protocols which will be part of the service agreements to be tabled in Parliament.

There will be an enormous amount of work and resources involved in preparing the various local service agreements in up to five municipalities. It is inappropriate to ask that this work be done in the absence of agreement to the legislation and an indication of support by the Parliament for the injecting facilities trial. The government has indicated that it will resource the round tables and the development of local service agreements but cannot require the level of detailed work to be done by councils, communities and potential providers without this level of legislative support.

The trial cannot commence until final acceptance by both houses of Parliament that the plans for each and every proposed trial site are acceptable. I believe that the government has provided a clear and transparent set of arrangements for all interested parties to be informed about this trial and for the Parliament to have adequate control over it.

The bill provides that the Governor in Council may only approve premises as an injecting facility if the approval is endorsed by the relevant local council. Local council endorsement will only take place after full consultation with the local community. This is currently getting under way with the round tables process outlined earlier.

The government has agreed to provide funding to each of the relevant municipalities to develop their local drug plan. As municipalities agree that they are prepared to support a trial in their area, additional funds will be provided to enable the preliminary work regarding the injecting facility trial to commence. When the legislation passes through Parliament these municipalities will be provided with further support to enable completion of the consultation and finalisation of local service agreements for tabling in Parliament.

Injecting facilities are contentious and difficult services. Overseas experience suggests that they can be effective and that communities can benefit from the service. There is a strong desire in some local communities to give these facilities a try to see if they can make an improvement as part of an overall drug strategy.

The bill will lie over until the spring sittings of Parliament to ensure that members of this house and the community have an opportunity to fully consider the bill and be engaged in debate. The government welcomes input on the bill and on the framework for service agreements from the opposition and from the Independents.

This bill is an important step in saving lives. It is important in linking users to rehabilitation and getting the drug nuisance off the streets. This bill reflects the government's commitment to save lives and to use all available opportunities to encourage people to reduce and eventually eliminate their dependence on drugs.

The consultation and preparatory work which has been done on this issue has involved many people and organisations. In particular the affected municipalities and police have made an important contribution and I am sure will continue to do so in the next stage of consideration of this proposal.

I would like to take this opportunity to thank Dr David Penington and the members of the Drug Policy Expert Committee for their work, as well as the many others in local government and the community who have constructively contributed to the debate on this issue. This bill represents an important step in moving forward to meet the challenge of drug abuse in our society.

I commend the bill to the house.

**Debate adjourned on motion of Mr DOYLE (Malvern).**

**Mr THWAITES** (Minister for Health) — I move:

That the debate be adjourned for two weeks.

**Mr DOYLE** (Malvern) — Obviously an adjournment of two weeks will allow the bill to lie over as the minister has suggested, and the opposition parties welcome that initiative.

I thank the minister for his commitment yesterday that during that time there will be full consultation. Opposition members will use the time to better inform ourselves of the practicalities of a complex piece of legislation and its accompanying *Framework for Service Agreements*.

In order to ensure the debate is informed and sensible I ask that the opposition and the Independents be allowed full and frank access to officers of the Department of Human Services and the police. I ask the minister to provide access during that time.

**Mr THWAITES** (Minister for Health) (*By leave*) — The government understands the bill can proceed only in a bipartisan manner. We will provide every opportunity to the opposition and the Independents for briefings with public servants. We also encourage opposition members to speak with Dr Penington and the drug expert committee. I am sure the police will be prepared to talk to the members, although that is a matter for them. The police have already set out a summary of arrangements for their involvement in the trial. I am sure the police will be happy to talk to the opposition as well.

The government wants to give every opportunity to every honourable member to have input into the process, whether it is the legislation, the framework or the detailed local plans. The bill can proceed only with the support and assistance of all honourable members.

**Motion agreed to and debated adjourned until Thursday, 15 June.**

**GOVERNMENT OF VICTORIA**

**INJECTING FACILITIES TRIAL**

**FRAMEWORK FOR SERVICE  
AGREEMENTS**

**31 May 2000**

**GOVERNMENT OF VICTORIA**  
**INJECTING FACILITIES TRIAL**  
**FRAMEWORK FOR SERVICE AGREEMENTS**

The Victorian government has announced that as part of a comprehensive development and enhancement of drug policy, a multi-site injecting facility trial will be conducted and evaluated. The trial, to be conducted over eighteen months, will be able to operate within any or all of the five municipalities detailed in government policy and named in the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill 2000. The five municipalities in which the injecting facility trial sites may only be located are:

- the City of Melbourne
- the City of Port Phillip
- the City of Yarra
- the City of Greater Dandenong
- the City of Maribyrnong.

Section 80 D of the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill 2000 requires that the Minister for Health table in Parliament, agreements which are to be used to allow the trial to proceed. This document details the overarching framework and guidelines for preparing these local service agreements. The framework for service agreements is based upon the material included in the Drug Policy Expert Committee's first stage report.

This framework applies to all trial sites and ensures consistency with government requirements where necessary and allows local flexibility where that is desirable. It will assist proponent organisations, in collaboration with the Department of Human Services, preparing their local service agreement for signing by the Minister for Health.

**A. Objectives of the trial**

The trial of injecting facilities is intended to remove heavy and public street drug usage to a private space where drug users can be provided with counselling and supervision during the period in which they are at risk from the effects of drug overdose and access to a secure and clean environment in which they can inject. As such the target group for this service are adult injecting drug users who regularly use in visible public places.

The objectives of the trial are to achieve:

- a reduction in the number of deaths and serious injury due to overdose among street-based drug users accessing the facilities;
- a reduction in the public nuisance resulting from drug use, evidenced by a:
  - reduction in incidence of injecting in public places;
  - reduction in injecting equipment litter on the streets;
  - reduction in the disruption to businesses and their customers by people suffering from the effects of drug overdose including bodily fluids on, in and around buildings and public spaces; and
  - greater availability of access to public spaces that had been at risk of being 'taken over' as a result of the drug use.
- facilitation of access, through the staff of the facility, to drug withdrawal and treatment, and other health services as appropriate including housing, education, employment, social welfare, child and family services, legal, and recreational services; and

a reduction in the number of infections among drug users, particularly hepatitis B and C, HIV and bacterial infections including abscesses.

## **B. Evaluation**

An independent evaluation will be commissioned. The brief for the evaluation will require that the achievement of the objectives outlined above is assessed. The evaluator will be required to report regularly to government to ensure that any amendments to the trial required can be included.

The final report of the independent evaluator will be made public.

In assessing the achievement of the objectives of the trial the evaluation must also include information and analysis of the following matters.

### **1. The effectiveness of the service in dealing with users of the facility and in particular the:**

total number of attendances to the facility on a monthly basis;

estimated number of clients attending on a monthly basis;

proportion of these clients attending regularly;

incidence of drug overdose among service users;

any deaths from drug overdose compared with prior or current record of deaths in the streets or home situations in the local government area;

number of referrals on a monthly basis for counselling or other social support, and for detoxification or treatment;

results of treatment referrals where this data is available;

evidence, if attainable, of incidence of hepatitis B, hepatitis C, or HIV infections in clients on first testing, and on any subsequent testing on three or six-monthly intervals.

### **2. The impact of the injecting facility's operation on the surrounding community. Measures to be used would include:**

changes in level of 'public nuisance' associated with the operation of the centre;

levels of concern about the extent of street trafficking of drugs in the vicinity of the centre;

changes in street-injecting behaviour or incidents of public nuisance due to people under the influence of drugs;

changes in public littering with syringes or needles; and

the adequacy of the planning process.

### **3. The evaluators will also be required to:**

undertake appropriate benchmarking surveys prior to the trial on relevant topics outlined above;

gather data and provide analysis regarding the operation of similar facilities interstate and overseas; and

provide comment and analysis regarding management and operational issues which might inform community and government decision making regarding the outcome of the trial.

The Drug Policy Expert Committee will be asked to participate in the finalisation of the brief for the evaluators and to nominate a member to participate in the selection of the evaluators.

## **C. Functions of injecting facilities during the trial period**

The primary functions of injecting facilities, during the trial period, will be:

providing and disposing of injecting equipment;

supervision of the injecting room;  
providing an overdose response, if necessary, in a clean and secure space;  
providing information and counselling regarding the risks of injecting; and  
linking users to community and primary health services and treatment and providing basic counselling.

It should be noted that the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill 2000 requires that, among other things, the operator of an injecting facility trial site:

**must provide for ... satisfactory arrangements for counselling and access to treatment services for users of the facility.**

Potential providers will be required to demonstrate that they are capable of providing these functions and ensuring the necessary linkages are made with treatment and other service providers in their service proposal. The criteria for selecting the provider organisation are outlined in section E of this framework document.

The government will consider proposals from local government and potential provider organisations to include additional functions which are consistent with and complement the primary functions outlined above. Any such proposals would have to demonstrate that:

the additional function does not reduce or compromise the core functions; and  
can be carried out without negative consequences for other community members.

The government will also consider supporting a complementary trial of buprenorphine in tablet form for treatment of heroin dependent people with the object of initiating treatment and reducing use of heroin. Buprenorphine is a new drug currently undergoing research trials in Victoria. Evidence from the local trial and usage of the drug overseas suggests that it may facilitate the movement of some users into treatment and reduced criminal activity. Further investigation of the potential application of this drug in injecting facilities is under way. Provider organisations will be invited to join an implementation trial if the investigations confirm that this would be practical, appropriate and safe.

The injecting facilities bill also provides that each injecting facility trial site will be approved to provide needles and syringes to users of the facility. It may be appropriate that some or all sites also act as a needle and syringe service. Provider organisations will be required to define what the added benefit of a needle and syringe service would be should they wish to provide this additional service.

#### **D. Program responsibility**

Consistent with Australia's obligations under international treaties the trial will be conducted by the Minister for Health with the Department of Human Services having administrative responsibility. The trial will be medically supervised by a senior clinician appointed by the Department of Human Services.

The department will be responsible for:

implementing this framework document;  
commissioning and overseeing the work of the independent evaluator;  
selecting the organisations to take responsibility for management of each trial site;  
negotiating, on behalf of the minister, the preparation of local service agreements with potential site managers in consultation with relevant municipalities;  
arranging training programs for staff of the injecting facilities;  
developing a common registration and record keeping system to be used by each site; and  
providing guidelines on operational matters including staff rotation protocols, principles of client interface, criteria for client admission or exclusion.

The role of the medical supervisor to be employed by the Department of Human Services will be to develop guidelines which provider organisations must follow on matters which include:

- protection of the health and safety of staff and users;
- staff skill requirements
- daily operating procedures, particularly relating to overdose management and disease control;
- emergency procedures; and
- the requirements for the buprenorphine trial if this is to be offered.

The medical supervisor will also provide oversight during the trial and will regularly meet with staff and others involved to provide supervision and to monitor compliance with guidelines.

The medical supervisor will be a senior clinician employed by the Department of Human Services with authority through both the Health Act 1958, and as necessary the Drugs, Poisons and Controlled Substances Act 1981 to fulfil the tasks outlined above.

The Department of Human Services will establish consultative arrangements which ensure that relevant municipalities, provider organisations, drug users and treatment and support providers are informed about and have input to the trial.

#### **E. Trial site management**

The Minister for Health, in consultation with the relevant municipality, will be responsible for selecting the agency or organisation to take responsibility for management of each trial site.

Organisations with an interest in managing a trial site are to be assessed using the following criteria:

- local support and acceptance from key stakeholders including potential service users. This includes a demonstrated capacity to liaise with local residents, users, Police and others in their management of services;
- demonstrated capacity to develop networks and linkages with support services likely to be associated with the facility;
- quality of the preliminary management plan and development strategy for the service; and
- record of achievement in service provision.

#### **F. Local service agreement**

In order for a trial site to be established the Minister for Health must agree to sign an agreement with the selected provider organisation. The Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill 2000 specifies that:

An agreement must provide for —

- (a) the service to be provided by the operator in the operation of the injecting facility including, but not limited to, satisfactory arrangements for counselling and access to treatment services for users of the facility;
- (b) the objectives and performance standards in relation to the operation of the injecting facility by the operator;
- (c) a plan of operation and management of the injecting facility.

In order to meet the requirements outlined in the legislation the provider organisation will prepare a local service agreement consistent with the requirements outlined in this framework.

The local service agreement will include an operational plan which details the approach to:

- defining and prioritising the functions that they intend to provide;
- specification of the target population;

access criteria including;

- a screening protocol which ensures that only people included in the target group are able to access the service;

- definition of strategies to ensure that the facility is accessible to people from various cultural and linguistic backgrounds; and

- culturally appropriate ways to deal with Koori people;

opening hours;

staffing models and skill requirements including provision of counselling to users of the facility;

pre-service and ongoing training arrangements;

disease transmission control methods;

safety practices and procedures including first aid;

internal operating rules including issues such as;

- management arrangements for people entering and leaving the facility;

- ensuring that no one interferes with someone in the process of injecting;

- dealing with disruptive behaviour;

- defining the criteria for exclusion of users; and

- security arrangements.

record-keeping arrangements;

referral and linkage arrangements to treatment and support services;

provision for ensuring that children who seek access are effectively linked to the Youth Substance Abuse Service or another appropriate youth service; and

advisory and consultation structures including input from users, Police, residents and traders. There will be specific requirements as to the frequency of meetings.

The local service agreement will also include the formal arrangements and protocols between the provider and other key services such as police, local government, treatment and support providers, ambulance and general practitioners. The local protocol with police will be based upon the statewide approach outlined in section G of this framework and will ensure that police have clear rights to enter the premises in agreed circumstances including where the operator believes that there is dealing occurring.

Material detailed in this plan will be required to be consistent with other aspects of this framework and the guidelines prepared by the trials medical supervisor. In particular provider organisations will be required to comply with:

- a standardised disease control standard to be prepared by the medical supervisor;

- consistent rules designed to ensure that no drug dealing is tolerated on site.

The local service agreement will also include:

- agreement regarding funding and payment arrangements;

- specification of reporting and accountability requirements;

- arrangements for reporting of incidents;

- a requirement that the provider organisation maintain information appropriate to the requirements of the independent evaluation; and

- provisions for termination of the approval to conduct the trial.

On the basis of an agreed operating plan the provider organisation and the Department of Human Services will agree on a budget. Subject to these discussions the government will meet the cost of providing the service for the duration of the trial.

The selected provider will also be required to work with the relevant municipality to identify a preferred site for the trial.

**G. Site identification**

The criteria for selection of injecting facilities trial sites are that:

the location is in close proximity to an existing street drug use area. In practical terms the facilities should be within a 5-minute walk of the current scene; and

location is not in close proximity to kindergartens, schools or other sensitive public facilities;

location is not in an area primarily used for residential purposes; and

premises are on the ground floor to ensure easy access for emergency services, and to reduce the likelihood of accidents on stairs.

The premises selected should have the capacity to provide the intended services and include:

a waiting area for users;

a reception facility;

an injecting area;

interview and counselling room; and

storage areas.

In order to assess the appropriateness and adequacy of the identified site a formal consultation process will be undertaken as outlined in Section H of this framework document.

**H. Site selection**

The final decision regarding trial site selection rests with the Minister for Health. The minister will require that the following procedures are followed before a recommendation regarding a site can be approved;

Process	Time limit
The relevant municipality and service provider select a site.	
The municipality should then advertise the proposal to use the site as an injecting facility.	14 days
Any affected parties should have an opportunity to make submissions to the municipal council about the proposed site.	28 days
A ministerial advisory committee should be established to consider the proposal and any submissions received. The Ministerial Advisory Committee should include people with experience in local planning decisions, drug issues and community service provision.	Establishment of the committee: 21 days. Consideration by the committee: 30 days.
The ministerial advisory committee’s recommendation should be provided to the relevant municipality to consider at its next council meeting. Following this meeting, the recommendation, comments and advice from local government should be provided to the Minister for Health.	14 days

Process	Time limit
The Minister for Health should make a decision on the location of the facilities with the benefit of the committee's and the council's recommendation; however, the minister should not be bound by those recommendations.	14 days

## I. Support services

The injecting facilities trial has been developed as part of a comprehensive drug policy and as part of a local drug strategy. The facilities will have linkages with a wide range of agencies. The details of these local linkages will be developed by the preferred provider and be detailed in their operating plan and local service agreement. The trial will be supported by statewide arrangements including;

### *Policing*

The Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill 2000 provides a clear legal framework for the operation of the trial. The Bill provides that adults who use the facility will not be guilty of possession and use offences within the approved premises and staff and others responsible for the service will not be guilty of aiding and abetting or conspiring by allowing injecting to take place within the facility.

Victoria Police will:

- maintain a high level of uniform patrols and other police activities in the vicinity;
- maintain vigorous targeting of drug traffickers;
- use discretion as to whether to charge persons found with small quantities of drugs near the facility and to assess the bona fides of potential users of the facility;
- require protocols with the operators to facilitate police entry to the facility as required; and
- be involved in decisions regarding site selection and any relevant issues arising in the management of the facility

The provisions outlined here will be further developed by police command in the lead up to the trial. These provisions will support the development of local protocols for inclusion in the local service agreement.

### *Treatment and support*

The government has announced that additional funds will be made available to enhance drug treatment and rehabilitation services in the areas around potential trial sites. The Department of Human Services will ensure that these funds facilitate necessary access to treatment for those people referred by an approved trial site.

The Department of Human Services will adjust funding levels and accountability requirements accordingly to accommodate the change in service demand.

### *Youth services*

The Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill 2000 excludes children from having access to injecting facilities during the trial. It is recognised that some young people may seek access to the services. As outlined in section E the provider organisation will be required to have in place arrangements to directly refer such young people to alternative services including the Youth Substance Abuse Service.

The government will, before the commencement of the trial, have provided additional funding to relevant agencies and negotiated service agreements that ensure that such young people are supported by these organisations after an initial assessment of their needs.

***Other operational protocols***

In addition formal arrangements will be defined to:

detail circumstances in which an ambulance should be called and to foster sound working relationships between service providers and the Metropolitan Ambulance Service;

provide the opportunity to enhance access to services the target population may not normally use and to develop an agreed referral protocol with local primary health care agencies and services; and

develop referral arrangements with mental health, intellectual disability and child protection services.

***Mediation and conflict resolution***

The government will put in place a mechanism for dealing with disputes which arise at the local level about the operation of the injecting facility.

**J. Formal approval to operate**

The Minister for Health must make a recommendation to the Governor in Council in order to enable the establishment of a trial site. Before the Governor in Council can make that order, the following criteria must be met:

the premises must be in one of the five municipalities identified in the injecting facilities bill;

the relevant municipality must have indicated its support for the trial to proceed; and

the Parliament must have had an opportunity to disallow the service agreement and have not done so.

Dated: 31 May 2000
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**PLANNING AND ENVIRONMENT  
(RESTRICTIVE COVENANTS) BILL**

*Second reading*

**Mr THWAITES (Minister for Planning)** — I move:

That this bill be now read a second time.

This government made an election commitment to improve the coordination of decision making on permit applications to use or develop land burdened by restrictive covenants. It foreshadowed action to make sure an applicant had completed steps to remove or vary the covenant before the permit was granted.

The commitment to improve coordination was restated in *State Planning Agenda* in December last year. In introducing the Planning and Environment (Amendment) Bill earlier in these sittings, the government announced an intention to introduce a bill before the end of these sittings. This bill delivers on these commitments.

In 1988 the then Labor government introduced groundbreaking legislation to allow covenants to be removed or varied by planning processes. This introduced a simple alternative to complex Supreme Court proceedings.

In 1993 the Kennett government introduced amendments to the legislation that made it very difficult to remove or vary a covenant by grant of a planning permit. Most applicants then opted to apply for a permit to use or develop land, before subsequently acting to remove or vary the covenant.

This caused a variety of problems. Covenants beneficiaries had to participate in two applications to defend a covenant. They also found that relying on the covenant in support of their objections was an irrelevant planning consideration. Applicants lost the chance for simultaneous consideration of both development and covenant matters. Responsible authorities and the now Victorian Civil and Administrative Tribunal lost opportunities to act as a one-stop shop. At times, responsible authorities felt obliged to grant permits even though they supported the covenant.

This bill implements a simple principle to end these problems — that a permit to use or develop land must not be granted if the permit would result in the breach of a covenant. It may only be granted if authority to remove or vary the covenant is given either before or at the same time as the grant of the permit.

There are now three choices for applicants:

1. obtain a court order under the Property Law Act 1958 to remove or vary a covenant before applying for the permit, or
2. concurrently apply for a permit to remove or vary the covenant and a permit to use or develop the land, or
3. ask a planning authority to prepare an amendment to a planning scheme to authorise removal or variation of the covenant and concurrently consider an application to use or develop the land.

The bill implements this principle and provides for these methods.

While method 1 currently exists, the bill ensures that a permit can only be determined if the court order has first been granted. It ensures that applicants no longer seek a permit before seeking the court order. Method 2 currently exists but, in absence of the prohibition on granting a permit that would result in a breach of a covenant, there is no incentive for applicants to use it. The bill introduces the prohibition, so the incentive is provided. Method 3 does not currently exist and the bill provides for it.

The bill also ensures that responsible authorities are aware of covenants before they make decisions on permit applications. It requires an applicant to disclose a covenant at the outset. It then ensures that proper notice is given to owners of land benefiting from the covenant. It allows these owners to make objections and submissions about the application to use or develop land — as well as the application or amendment relating to the covenant removal — so that questions of standing are put aside in favour of smooth and integrated decision making of both matters.

The joint permit application and scheme amendment method puts municipal councils in a central position to decide whether the proposed application and amendment ought to proceed.

Benefiting owners will get appropriate notice. They will be able to inspect the application, the amendment and the proposed permit, including its conditions, and make submissions about them. Submissions must be considered by both the municipal council as planning authority and, unless all are accepted by the council, an independent panel appointed by the minister. The panel must conduct a public hearing. The panel will also be expert — only appropriately qualified members will be chosen.

Enforcement of covenants is properly left to the courts. However, the bill makes sure the covenant is removed or varied before the use or development commences. A mandatory condition must be included on relevant permits for use or development requiring the owner to ensure the relevant action by the register of land titles to remove or vary the covenant is complete before the permit is effective.

Any failure by an owner can then be pursued by either the responsible authority or another person as a prosecution or enforcement question under the Planning and Environment Act 1987 before the Magistrates Court or Victorian Civil and Administrative Tribunal. They are both more convenient forums than the Supreme Court. As well, penalties for planning offences, such as breach of a permit condition, are to be significantly increased under the Planning and Environment (Amendment) Bill 2000. For these reasons, it will now be much easier to ensure permit holders do the right thing.

Restrictive covenants impose a wide variety of restrictions. Common ones relate to boundary fencing, number of dwellings, building materials, excavation of soil and rock, size and location of buildings, and use of the land. The provisions of the bill only apply if the proposed use or development would result in a breach of a covenant. There is no public benefit to make the provisions apply to all covenanted land. For example, an owner intending to build a home on land affected by a covenant which prohibits quarrying is obviously unlikely to breach the covenant.

The bill introduces important reforms. They are an important part of the government's policy for a sensible balance to be restored to decisions about the development of Victoria, and make sure that people who are entitled to the benefit of covenants do not get overlooked in those decisions. Consequently, the bill provides for prompt commencement and ensures that transitional matters are dealt with under the act as amended by this bill.

Finally, there are some existing provisions relating to special types of covenants. They include statutory covenants under the Heritage Act 1995 and the Victorian Conservation Trust Act 1972 and covenants affecting projects of declared state or regional significance under part 9A of the Planning and Environment Act 1987. The bill does not affect these provisions or these covenants.

This bill will lie over until the spring sittings. The government, consistent with an express wish in the minister's *State Planning Agenda* of 13 December 1999

to consult the community, intends to invite public comment on the bill before the matter is considered by the Parliament in the spring sittings. Notice will be published shortly that submissions should be sent to the Department of Infrastructure by about the end of July. The department will be notifying key stakeholders.

All submissions received will be reviewed by an independent legal expert on restrictive covenants and a report will be prepared for the minister in time for the spring sittings. The report will be made publicly available.

I commend the bill to the house.

**Debate adjourned on motion of Mr CLARK (Box Hill).**

**Debate adjourned until Thursday, 15 June.**

## CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL

### *Second reading*

**Mr BRACKS (Premier) — I move:**

That this bill be now read a second time.

Mr Speaker, the bill before the house is the second of the major constitutional reform bills introduced into this Parliament in these sittings. As members will be aware, this bill and the Constitution (Amendment) Bill replace the Constitution (Reform) Bill and cover the areas of constitutional reform covered in that bill.

The primary purpose of this bill is to reform the upper house by:

- introducing proportional representation; and
- reducing the membership of the Legislative Council.

### **Reduction of Council members**

Currently the Legislative Council is comprised of 44 members elected from 22 provinces — each province electing 2 members for a term equal to two terms of the Legislative Assembly, 1 each election. The bill will reduce the number of provinces to eight and each province will return 5 members each election, bringing the number of members to 40.

Members should note that amendments to the Electoral Boundaries Commission Act 1982 by the bill ensures that three of the eight provinces will be primarily outside of the metropolitan area.

Members should also note that, unlike the Reform Act, there is to be no change to the number of members in the Legislative Assembly as a result of this package of constitutional reforms. The relationship between the new eight provinces with districts will be significantly different, as the bill provides that each province is to consist of 11 complete and contiguous districts.

### Proportional representation

The bill before the house will, for the reasons detailed in the reform bill second-reading speech, introduce proportional representation to the upper house.

The provisions for the introduction of proportional representation are substantially the same as those in the reform bill and require a number of amendments to the Constitution Act Amendment Act which are modelled on those in the commonwealth Electoral Act in relation to Senate elections.

### Other issues

#### *Minimum election period*

As members will recall, the reform bill sought to alter the minimum election period from 25 to 32 days, to allow proportional representation elections to be conducted. Since that time, discussions with the Electoral Commissioner have been held which have allowed the current minimum period of 25 days to be preserved. However, it is necessary to alter the way that minimum period is made up. The period until the nomination close will be reduced from 10 days after the writ to 8 days, while the period from the close of nominations to the polling day will increase from 15 days to 17 days.

#### *Repeal of two-member preferential system*

Members will recall that in the Constitution (Amendment) Bill provisions were introduced to allow for elections to two-member provinces. These provisions were included to cater for the unlikely scenario that the current bill will not pass.

**An honourable member** interjected.

**Mr BRACKS** — We live in hope.

As these provisions will not be required with the passage of this bill, it is necessary to repeal those provisions.

I commend the bill to the house.

**Debate adjourned on motion of Dr DEAN (Berwick).**

**Mr BRACKS (Premier)** — I move:

That the debate be adjourned for two weeks.

**Dr DEAN (Berwick)** — On the matter of time, Deputy Speaker, the opposition understands that allowing the bill to lie over will give the opposition around two months or thereabouts in which to consider the bill. Nevertheless, I am sure the Premier would agree that changing the structure of the upper house is a very important matter that involves a great deal of complexity. Legislation has already been introduced along those lines, but it is different from this legislation.

To allow it to complete all the inquiries it needs to complete during the two-month period, I ask the Premier whether he would be happy for the opposition to contact those people in the government who are responsible for giving legal advice — people such as Ian Killey and so on — to enable it to have free, open and immediate consultation on the bill during that time so it can facilitate its deliberations.

**Mr BRACKS (Premier)** (*By leave*) — On the question of time, Deputy Speaker, there will be no problem with facilitating the opposition — the National and Liberal parties — the Independents or any other member of Parliament with legal advice and support on the bill. The government will ensure that that is available. The Department of Premier and Cabinet and its staff and legal advisers will be available for those functions.

Clearly two months is sufficient time for that to occur. The matter has been in public debate — not this particular part of it, but the general issue — for some time. Debates on the question of time are usually about the restriction of two weeks to enable further opportunity — and clearly a further opportunity is afforded with the bill. It was introduced on the last day of sitting deliberately for the purpose of allowing for the maximum possible time. It will lie over the winter period until the resumption of Parliament in the spring sittings. I would have thought two months on any bill was ample.

On this bill, with the additional offer that a facility will be available for the opposition and others to have consultation and full and proper briefings on the matter, two months is sufficient time.

**Motion agreed to and debate adjourned until Thursday, 15 June.**

**CONSTITUTION (AMENDMENT) BILL***Second reading*

**Mr BRACKS** (Premier) — I move:

That this bill be now read a second time.

Madam Deputy Speaker, as members will recall, the Constitution (Reform) Bill was introduced in the last sittings of this house. The primary objectives of that bill were to:

- reform the upper house;
- end the ability of that house to block supply; and
- establish a fixed four-year term of Parliament.

As members will also recall, that bill lay over to allow for public comment and consultation.

As a result of receiving that comment on the bill and following consultation with a number of persons, including the Independent members of this house and the non-government parties, the government has decided to alter some of the proposals in the reform bill and to replace that bill with two bills — the bill before the house and the Constitution (Proportional Representation) Bill.

The present bill deals with three issues of parliamentary reform:

- the term of Parliament;
- the duration of the Legislative Council;
- ending the ability of the Legislative Council to block supply.

**Term of Parliament**

The provisions in this bill concerning the term of Parliament are substantially the same as those in the reform bill. As members will be aware, the current position is that the Assembly expires four years after its first sitting day. However, the Governor is empowered to dissolve the Assembly in certain circumstances:

- three years have expired;
- a supply bill has been rejected;
- a bill of special importance under section 66 is twice rejected by the Council; or
- a vote of no confidence has been passed by the Assembly.

The bill before the house, for the reasons detailed in the second-reading speech of the reform bill, will ensure that the following principle is put in place — a Parliament elected for four years will serve for four years unless the government has lost the confidence of the lower house.

This will be achieved by providing that the only ground upon which His Excellency can dissolve the Assembly is if a resolution is passed by the Assembly expressing no confidence in the Premier and ministers. In the absence of such a resolution, the Parliament will run for its full term of four years.

This bill, like the reform bill, also ensures that the four-year term commences, not from the first sitting day of Parliament but from the date of the general election. As a result of these measures, the gap between general elections will always be, unless there is a vote of no confidence, four years plus the election period — which will be between 25 and 58 days.

These provisions will operate from the next Parliament.

**Duration of the Legislative Council**

Currently, the term of legislative councillors is equal to two terms of the Legislative Assembly. This bill will, however, reduce the term of legislative councillors to a term equal to the term of the Legislative Assembly.

Members will note that these provisions will operate from the next election and, for that purpose, the terms of all members of the Legislative Council will cease when the current assembly expires or is dissolved.

As members will appreciate, this bill is designed to operate in conjunction with the Constitution (Proportional Representation) Bill. However, should the passage of that bill be delayed whilst this bill is passed, the result will be, from the next election, that each of the 22 provinces is to return two members. As the Constitution Act Amendment Act provisions are not applicable to such elections, provisions to enable such elections to be conducted are included in the bill. These provisions are based on provisions in the Local Government Act.

**Supply**

Madam Acting Speaker, the reform bill introduced provisions to end the ability of the Legislative Council to block supply by providing that annual appropriation bills are to be presented for assent once passed by the Legislative Assembly. Following concerns that this will deprive the upper house of its ability, as a house of review, to debate and comment on supply bills, the bill

before the house has adopted the approach adopted in New South Wales and in the United Kingdom. This approach allows the Legislative Council to consider and debate annual appropriation bills, but provides that should the Council reject or fail to pass such a bill within one month of it being passed by the Assembly, the annual appropriation bill must be presented for assent.

Madam Acting Speaker, the issues in this bill, together with those in the Constitution (Proportional Representation) Bill represent a package of major constitutional reforms — reforms which have been long sought by the people of Victoria and which deserve speedy passage through this Parliament.

I commend the bill to the house.

**Debate adjourned on motion of Dr DEAN (Berwick).**

**Mr BRACKS (Premier) — I move:**

That the debate be adjourned for two weeks.

**Dr DEAN (Berwick) — On the question of time,** Madam Acting Speaker, for the same reasons I referred to in relation to the previous bill, I also seek the Premier's assurances that opposition and Independent members will have the same free and open access.

**Mr BRACKS (Premier) (By leave) — As with the previous bill assurance is given to the shadow Attorney-General, the members of the opposition parties and the Independent members that they will have access to advice and legal counsel within the Department of Premier and Cabinet on this bill.**

**Motion agreed to and debate adjourned until Thursday, 15 June.**

## COMMONWEALTH TREATY DOCUMENTS

**Mr BRACKS (Premier), by leave, presented the following treaty documents:**

**Agreement between the government of Australia and the government of the Slovak Republic on trade and economic cooperation — 23 April 1999**

**Agreement on social security between Australia and the Republic of Italy and exchange of notes constituting an agreement between Australia and the Republic of Italy, amending and clarifying the agreement of 13 September 1993**

**Agreement between Australia and the Kingdom of Denmark on social security — 1 July 1999**

**Agreement for cooperation between Australia and the United States of America concerning technology for the separation of isotopes of uranium by laser excitation, agreed minute and exchange notes — 28 October 1999**

**Agreement between the government of Australia and the government of New Zealand on child and spousal maintenance**

**Agreement between Australia and Romania for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and protocol — 2 February 2000**

**Convention on the Safety of United Nations and Associated Personnel — 9 November 1994**

**Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations — 2 October 1973**

**United Nations Convention on the Elimination of All Forms of Discrimination Against Women — partial withdrawal of Australia's reservation concerning women in combat and combat-related duties.**

**Laid on table.**

**Remaining business postponed on motion of Mr CAMERON (Minister for Local Government).**

## ADJOURNMENT

**Mr CAMERON (Minister for Local Government) — I move:**

That the house do now adjourn.

### **Australian Barley Board: export powers**

**Mr STEGGALL (Swan Hill) — I refer the Minister for Agriculture to the Australian Barley Board's review of whether to extend the sunset of the board's single-desk export powers beyond 30 June 2001. I urge the minister to quickly make a decision to ensure that the industry is best placed to cope with whatever change is introduced. I ask the government to extend the single-desk power to 2004 to align the barley board with the Australian Wheat Board, which is commencing its review process.**

The Australian Wheat Board has the same influence in the grains industry as Victoria has in the Australian dairy industry inasmuch as the AWB is the major driving force in the marketing of Australian grains. All rural industry reforms need time, and the grains industry reforms will be built around the Australian Wheat Board.

Changes should not be made in the smaller barley industry ahead of any changes in the larger wheat industry. With the Australian Barley Board and the Australian Wheat Board on the same timetable, the grains industry will be best placed to cope with change — if any major changes need to be made.

As was the case with the dairy industry, the grains industry should be given the opportunity to reform itself in a reasonable and timely manner. Time is needed so that the industry players in Victoria and South Australia can put themselves in the best position to cope with any changes.

### **Fitzroy Secondary College site**

**Mr WYNNE** (Richmond) — I refer the Minister for Education to the Fitzroy Secondary College site and in so doing ask that she take action to support public education in my electorate. Along with the Richmond Girls High School and the Richmond Technical School, the Fitzroy Secondary College was closed by the former government in 1992 as part of its pillaging of the public education system.

The school has received massive community support, which has resulted in a 14-month occupation of the site. The determined Fitzroy community was able to convince a totally unsympathetic government that the site should be used for educational purposes, and it was subsequently leased to the Batman Institute of Technical and Further Education. The Batman TAFE was ultimately amalgamated with Kangan TAFE, leaving the site empty for the past two years.

The community's resolve to fight for an education facility on the site has not diminished. Last week I held a public meeting in North Fitzroy that confirmed that the community wants the site to remain in public ownership for educational purposes. I ask the Minister for Education to say what action she can take to assist the local community to ensure that the site is retained for educational purposes.

### **National gallery: stolen Jewish art**

**Mrs SHARDEY** (Caulfield) — On behalf of the Jewish community of Victoria I raise an issue for the attention of the Premier in his role as Minister for Multicultural Affairs. I refer the Premier to an article in today's *Herald Sun* headed 'Nazi poser for gallery', which states:

The National Gallery of Victoria could be harbouring artworks stolen by Nazis during World War II.

At least 24 items have incomplete ownership records relating to the 1933–45 era when the Nazis plundered artworks from private and public collections in Europe.

I call on the Premier to take the appropriate steps to ensure that the National Gallery of Victoria checks that the titles and backgrounds of paintings and other artworks are honest and clear.

I have spoken about the issue to the Australian Asia-Pacific Jewish Restoration Committee, headed by Norman Rosenbaum, and to Nina Bassat, the president of the Executive Council of Australian Jewry. An international group called the European Commission for Looted Art has been established to check such works. What has occurred here is typical of the first step that is taken to identify artworks taken from members of the Jewish community by the Nazis during the Shoah.

It is important that the gallery document paintings that have incomplete provenance or unclear titles and arrange for a comparison with the register established by the European Commission for Looted Art. It should also allow the commission to trace their true ownership to see whether they should have been on the register.

This huge issue has been running internationally for some years. Most reputable galleries have checked their collections to ensure they do not include works stolen from Jews by the Nazis during World War II.

### **Lake Eildon**

**Ms ALLEN** (Benalla) — Will the Minister for Major Projects and Tourism advise what action the government is taking to address the issues affecting Lake Eildon's tourism operators?

### **Apprentices: transport concessions**

**Mr VOGELS** (Warrnambool) — I ask the Minister for Post Compulsory Education, Training and Employment to examine and take action on the enormous difficulties faced by apprentices, particularly those in rural areas, in meeting the cost of travelling to trade school.

I will applaud any programs the government implements to assist in the recruitment of apprentices and trainees, as many industries are suffering from a skills shortage. An increase in apprenticeship training will expand people's skill base, especially in rural Victoria, where there is a noticeable shortage of qualified tradespeople. Most businesses and tradespeople will recruit apprentices and trainees if they are given the incentive to do so. Employers must be

encouraged by way of incentives and increased subsidies. That will enable continuity of training and culminate in more qualified tradespeople in the field.

I received a letter from a constituent about travel costs for apprentices living in rural Victoria who must attend TAFE colleges and trade schools to complete their training but are not entitled to travel concessions. It is not an isolated case but affects many apprentices in rural Victoria. In the letter my constituent refers to his 16-year-old son who has just commenced a four-year furnishing and cabinet-making apprenticeship. The son is earning \$155 a week and has a health care card but is not entitled to rail travel concessions from Warrnambool to Melbourne and return. The son needs to attend the TAFE college in Broadmeadows for 8 weeks every 10 months to complete his training. He travels to Melbourne on Sundays and returns on Fridays. The TAFE college has arranged accommodation for him at a boarding house in Coburg, which means he has associated travel costs to and from school. The train fare from Warrnambool is \$68.30 return and a Met card costs \$16.

It would be of enormous benefit to all apprentices and trainees, particularly those living in rural Victoria, if concessions cards could be issued to them until the completion of their training.

### **Gippsland: bottled gas concession**

**Ms DAVIES** (Gippsland West) — ‘Hear, hear!’ to the previous contribution to the debate.

I ask the Minister for Community Services to negotiate with her government to seek urgent redress of a current inequity affecting rural people who do not have access to mains gas. South-west Gippsland is one of the few areas in Victoria where there has been no progress on that. Currently, under the utility relief grants scheme administered by the Minister for Community Services, consumers of electricity, mains gas and water are eligible to receive emergency grants to pay those bills in times of crisis.

However, there is no provision for users of bottled gas to seek that assistance. That is an appalling inequity. The only relief available to bottled gas users is a once-a-year payment of \$48. Users of mains gas can receive the winter energy concession of 17.5 per cent on three gas bills. For many families on bottled gas the \$48 they are currently eligible to receive covers much less than 17 per cent of their gas usage.

A family could use a bottle of gas each week. In 1996 a bottle cost \$39; now a bottle of gas costs about \$61. That huge increase has caused real distress in many

rural areas. The Shire of Bass Coast has one of the highest take-up rates in Victoria of the non-mains gas winter energy concessions, with 1000 people having applied for that concession in 1998. The Shire of South Gippsland had 800 people seeking that concession.

I ask the minister to ensure that equitable utility relief is available to all Victorians including those who are currently without the privilege of mains gas supply.

### **Hazardous waste: management**

**Ms GILLETT** (Werribee) — I ask the Minister for Environment and Conservation to advise on the spectacular progress she has made in the management of hazardous waste in Victoria and in particular her efforts to ensure that the community is fully consulted about the future direction of the management of hazardous waste.

Members who are new to the chamber may not be aware that in the last Parliament there was an issue of enormous proportions concerning the management of toxic waste in my constituency of Werribee. The issue continues to be extremely important in the electorate of Werribee. The community is keenly interested in such issues. It demonstrated its commitment to a proper and appropriate strategy for the management of hazardous waste by making the previous government physically aware of its thoughts and feelings about the matter on a number of occasions.

I place on the record my appreciation of the work of Mr Harry van Moorst, a local constituent. I am sure the minister shares my appreciation. Harry has worked tirelessly with other members of the Hazardous Waste Consultative Committee for many months. We hope that committee will now set the standards, show us the way ahead and ensure that no other community will ever have to suffer through the sorts of ridiculous arrangements that were allowed to be put in place in the seven years that the Kennett government reigned supreme.

### **Phoenix companies**

**Ms McCALL** (Frankston) — In the absence of the Attorney-General I raise a matter for the attention of the Minister for Gaming. I am happy to make a full set of the documents I have available to the Attorney-General.

The issue relates to white-collar crime; a particular individual by the name of Rodney Laski; a constituent of mine; and some level of inactivity on the part of a number of current ministers of the government in not responding to letters sent to them and giving my

constituent any peace of mind about whether any action can, should or will be taken.

I will take the house through a chronology of events. My constituent first wrote to the then Office of Fair Trading and Business Affairs last July. Members will recall that that office had some difficulties in responding to correspondence. In the letter my constituent said that Mr Laski has been a director of more than 50 companies and has a history of civil legal actions against himself and/or many of his companies. I have here a nine-page list of bankruptcy dealings, unlisted companies and defaulted payments, along with other information about Mr Laski. That letter, dated 26 July 1999, was never responded to.

That led my constituent to write to the current Premier on 26 October. My constituent said he would appreciate some sort of action. I will paraphrase the letter but I am happy to table the documents I have. The purpose of the letter to the Premier was to ask whether the newly elected government of Victoria was committed to addressing white-collar crime. My constituent was appalled by the deafening silence that ensued after a fast response signed by P. Mullane per David Adams, assistant secretary, saying that the matter had been referred to the Honourable Marsha Thomson, the Minister for Consumer Affairs in another place. To date my constituent has not received a response from the Honourable Marsha Thomson.

My constituent then wrote to the member for Frankston East, thinking that as a member of the government he might move the issue along. As of today, 1 June, no response has been received other than a telephone call in which it was indicated that the matter is being looked at. After that there was a nasty void.

I am delighted to raise the issue in the chamber. I ask the Attorney-General if he could, first, in the politest possible terms, put a bomb under other government members to get them to respond to my constituent's letters; and, second, pursue white-collar crime. Clearly there appears to be a very difficult issue with a very elusive gentleman called Rodney Laski, who seems to reappear with alarming regularity to re-register companies, start trading and then — to use the vernacular — suck members of the community into investing in various companies without any hope of retrieval of their money.

**The ACTING SPEAKER (Ms Barker)** — Order! The honourable member's time has expired.

### Melton: Ombudsman's inquiry

**Mr NARDELLA (Melton)** — I ask the Minister for Local Government to inform the house of the status of the inquiry by the Ombudsman's office into the Shire of Melton and what action he will take after the finalisation of the inquiry.

I understand the Ombudsman has investigated general allegations about the conduct of the Melton shire and some specific instances in which inappropriate action was allegedly taken by the shire. The Ombudsman has investigated the matter over many months since an allegation was made by one of the local residents about the building of an extension to a road, the cost of which was borne only by the Melton shire residents and not by the people who benefited from the extension.

The commissioners of the Shire of Melton are responsible for the actions of their officers and staff and are therefore ultimately responsible for the cover-up. The commissioners had the matter brought to their attention many months ago and could have taken appropriate action but decided not to do so.

Melton residents and ratepayers are the salt of the earth. They work hard and pay their rates. They pay for the services they get from the shire with the sweat of their brows. It is not fair that my constituents, many of whom are paying for the roads and infrastructure, not only have to do that but also have to pay for other roads and infrastructure which will not benefit them but which are for the sole benefit of others. That is of absolute concern to me.

The commissioners are the custodians of ratepayers' money and of the other revenue of the Shire of Melton and must be held to account in this instance, so I ask: what action will the minister take to restore the reputation of Melton residents and ratepayers in this instance?

### Students: identity cards

**Mr LEIGH (Mordialloc)** — I raise a serious matter with the Minister for Post Compulsory Education, Training and Employment about the fraudulent production of Melbourne University student cards and their misuse. I will make the document from which I quote available. It is the *Higgins News* dated November–December 1998, in which the following comments appear:

Young Labor was disbanded last year after the network group was caught hiring a laminating machine and a motel room in which Melbourne University student ID cards were forged to give unwarranted representation at youth conference. At a meeting I attended at which one of the leaders of the network

group was queried about the incident by another Higgins member, his response was that 'the adults are corrupt too'.

I have no problem with the person who produced that particular newsletter — the honourable member for Burwood, as the assistant secretary of the Higgins division of the federal electorate assembly of the Labor Party, was the co-author of the document. My concern is as to who — —

**Mr Helper** — On a point of order, Madam Deputy Speaker, the honourable member for Mordialloc has been speaking for approximately one and a half minutes and I have still not heard any indication of what action he is asking for.

**Mr Perton** — On the point of order, Madam Acting Speaker, the honourable member is required to ask for action. As the rulings last week clearly indicated, that request for action can come at the end of the 3 minutes, and that is the appropriate time when it ought to come. You ought to rule there is no point of order.

**The ACTING SPEAKER (Ms Barker)** — Order! It is correct that the action can be called for at the end. There is no point of order. I will listen carefully to the honourable member for Mordialloc.

**Mr LEIGH** — Thank you, Madam Acting Speaker. I am asking for an investigation into the misuse of those cards, which are obviously valuable to Melbourne University students. Even worse, after a great deal of examination I have been able to uncover what was taking place, where it was taking place and who was involved. Obviously the incident took place at a motel near Melbourne University.

Most disturbing is the individuals involved. Firstly, clearly members of the Centre Unity faction of the Labor Party were involved in the production of the identity cards, so I am sure the minister will be even more interested in this than she may have been; and, secondly — and I must say I regard this as outrageous in view of the often slanderous attacks being made on people in this chamber by others — none other than the honourable member for Springvale has been a participant in organising the behaviour.

**Mr Nardella** — On a point order, Madam Acting Speaker, under standing order 108 it is inappropriate for the honourable member to impugn the reputation of another member of this house. I ask you to bring the honourable member back to order, because if he has finished then he has taken the coward's way out by trying to ruin the reputation of the honourable member for Springvale and he should be brought to account.

**The ACTING SPEAKER (Ms Barker)** — Order! I thank the honourable member for Melton and I uphold the point of order. I ask the honourable member for Mordialloc to withdraw.

**Mr LEIGH** — It was done prior to the person becoming a member of Parliament.

**The ACTING SPEAKER (Ms Barker)** — Order! I have asked the honourable member for Mordialloc to withdraw his remarks.

**Mr LEIGH** — On a point of order — —

**The ACTING SPEAKER (Ms Barker)** — Order! I have asked the honourable member for Mordialloc to withdraw his remarks.

**Mr LEIGH** — On a point of order — —

**The ACTING SPEAKER (Ms Barker)** — Order! I have asked the honourable member for Mordialloc to withdraw his remarks. He refuses to withdraw.

**Mr LEIGH** — I refuse to withdraw.

**The ACTING SPEAKER (Ms Barker)** — Order! I will call the Speaker.

**The SPEAKER** — Order! The rules of the house require that when an honourable member is making a contribution he or she must not impugn another member of Parliament irrespective of the historical circumstances. Impugning a current member of Parliament is unacceptable. The Acting Speaker has advised me that the honourable member for Springvale was impugned during the contribution of the honourable member for Mordialloc. I ask him, as did the Acting Speaker, to withdraw his remarks. If he wishes to continue with the issue he must do so by way of a substantive motion. The honourable member for Mordialloc, withdrawing his remarks.

**Mr LEIGH** — On a point of order — —

**The SPEAKER** — Order! The honourable member for Mordialloc, withdrawing his remarks.

**Mr LEIGH** — I withdraw, but I make the point that the matter occurred prior to the person becoming a member of Parliament.

**The SPEAKER** — Order! The honourable member for Mordialloc has withdrawn his remarks. The issue is resolved. Does he wish to raise a point of order?

Before calling the next speaker I remind the house that at times lively debate occurs in this chamber. However,

the house should be cognisant of the rules of the house and the authority of the Chair, even if the Chair is an acting chairperson. I will have discussions with the acting chairpersons on how to handle situations of this nature. However, honourable members should also examine their behaviour. The honourable member for Sunshine has the call.

### **GST: community grants**

**Mr LANGUILLER** (Sunshine) — I refer to the attention of the Minister assisting the Premier on Multicultural Affairs a matter concerning community grants. Given the adverse effect the goods and services tax (GST) will have on community grants, I ask the minister to provide a report on that impact and advise what steps the government will take to alleviate those adverse effects, particularly for communities from non-English-speaking backgrounds.

Mr Speaker, you would know that for the first time since 1991 the government increased community grants to approximately \$880 000. I repeat, community grants were increased for the first time since 1991. In effect, the GST means that grants provided to communities from non-English-speaking backgrounds will be reduced by something like \$88 000. In other words, of the approximately 1000 communities that could have benefited from the grants around 150 will not receive the grants after the introduction of the GST on 1 July.

As you know, Mr Speaker, community grants are a substantial help in the administration and servicing of those humble communities. Within their own cultural environments and using their own languages those communities run medical assessment awareness programs and hold senior citizens activities and cultural events — an example is the activities at the Errington community centre and Castley's hall.

The Howard GST is a tax on culture, it is a tax on language, it is a tax on knowledge, it is a sexist tax because it taxes women more than men, and it is a racist tax because it taxes communities from non-English-speaking backgrounds more than other communities.

I ask the minister to take action to try to alleviate the problem by reporting to this house on the negative impact the GST will have on communities from non-English-speaking backgrounds, particularly in relation to community grants.

### **Responses**

**Ms KOSKY** (Minister for Post Compulsory Education, Training and Employment) — The

honourable member for Warrnambool raised with me the matter of apprenticeships and traineeships in his community, along with some concerns about the cost of travel from Warrnambool to a training campus in Melbourne.

I am pleased to inform the house that I met only last night with a wide range of people from industry, unions, community organisations and training providers to pass on to them information about a new private sector employment package. The program will commence from the beginning of the financial year and is funded to provide \$47 million worth of additional apprenticeships and traineeships in areas of skill shortage. The program will make a real difference to young people trying to get into training as well as in the areas of skill shortage.

The government hopes to target 6000 young people in those areas over a four-year period and is providing incentives for employers to take on young apprentices and trainees to redress skill shortages.

**Mr Baillieu** interjected.

**Ms KOSKY** — The honourable member for Hawthorn obviously missed his opportunity to raise a matter during the adjournment debate and is attempting to do so now across the table. I will ignore him and respond instead to the honourable member for Warrnambool, who showed a real interest in young apprentices and trainees.

The government will also provide incentives to employers to take on people who have been unemployed for a long period or who are disadvantaged. That program will assist employers in the provision of additional training for those people, which could make a real difference to young people who have been out of employment for a long time.

**Mr Baillieu** interjected.

**Ms KOSKY** — I am sure the honourable member for Warrnambool will also be pleased, as I am — even though the honourable member for Hawthorn is showing no interest at all — to learn that at least a quarter of those positions have been designated for rural and regional Victoria. In addition, in the case of rural and regional Victoria the government has broadened the list of skill shortage areas to ensure that skill shortages that exist in specific parts of the state, even though they may not exist in metropolitan Melbourne, are responded to.

Small business, agriculture, hospitality and other areas including automotive manufacturing will all benefit from this new initiative of the Bracks government.

The honourable member for Warrnambool also referred to student travel concessions. I know the honourable member is new to the house, but he should be aware that the Bracks government has made a commitment to reducing the cost of travel concession cards, something the previous government would not do. The former Kennett government was happy to charge tertiary students well over \$100 for the concession card that is needed before students can be eligible for concession fares.

The Bracks government has provided \$2.2 million towards reducing the cost of those travel concession cards. I am not sure at this stage, Mr Speaker, whether that reduction will extend also to apprentices and trainees travelling from country centres to metropolitan education and training venues. I would have thought that to be the case, but I will provide the information to the honourable member. The government is certainly reducing the cost of the travel concession card for all people connected with tertiary education throughout Victoria — something, as I said, that the previous government would not do. I will attempt to assist the constituent of the honourable member for Warrnambool and will provide him with more detailed information.

The honourable member for Mordialloc referred to Melbourne University student cards and included a number of specific queries that make it difficult for me to respond fully. I believe the matter is the responsibility of Melbourne University and does not come within my ministerial responsibility. The university has its own committee. Further, the honourable member said the matter arose in 1998. I would assume, therefore, that the minister responsible at the time, the honourable member for Warrandyte, would have taken up the matter if it had in fact been a legitimate ministerial concern.

**Mr Leigh** interjected.

**Ms KOSKY** — The honourable member is out of date — in a range of ways, I must say, but particularly on this matter. He was also so far out of order he had to withdraw some of his remarks. In the event, I find it not very sensible for me to stray down that muddy path. Given that as minister I might well not have jurisdiction anyway and given that it happened some two years ago, it is difficult for me to respond.

**Mr HULLS** (Attorney-General) — The honourable member for Frankston raised a matter on behalf of one of her constituents, a Mr Schulz, who, she alleges, was part of a phoenix scam as I understand it — a scam in which a person by the name of Rodney Laski had been setting up companies, ripping people off and then bolting. She is apparently seeking some action on the matter. I had a brief conversation with the honourable member after she raised the matter, and she said she will write to me enclosing the relevant details. Once I receive that letter I will be more than happy to look into the matter.

I can absolutely confirm that the Minister for Consumer Affairs in another place, the Honourable Marsha Thomson, is hell-bent on getting the shonks and charlatans out of that industry and any other industry within her portfolio. She is doing some magnificent work with real estate agents and LPG pricing issues. I am sure she will do whatever she can regarding any allegations that are made about shonks and charlatans in business and industry. When I get that information from the honourable member for Frankston I will act on it, no doubt with the Minister for Consumer Affairs in another place.

**Ms DELAHUNTY** (Minister for Education) — The honourable member for Richmond, a good local member, raised with me the matter of the former Fitzroy Secondary College site. Honourable members would recall the dark days of education under the Kennett government, when our schools were cut down with a machete. Back in 1992, along with Richmond Girls College and Richmond Technical School, the Fitzroy Secondary College was closed down. But the local community fought a magnificent battle for the site, occupying it for 14 months. The community would not let go of what it believed was the jewel in the educational crown of that area.

The honourable member has raised the use of the site and asked that the government consider retaining it for educational and community purposes rather than flogging it off, as did the previous government in the case of other school sites left vacant after schools had been closed down. The site holds marvellous memories and arouses emotions associated with not just the great battle to maintain it but also the great educational achievements of the school. I know the community wishes to maintain access to the gymnasium on the site, and I understand the lease for the building is due for renewal in February 2001.

The security of that unoccupied site is of great concern to the government and, I know, to the local member. Recently there was a break-in. Thanks to prompt

community action both on the site and in informing the minister and the department, some of the old documents still being stored there were saved. The question of the security of the site is important. The Emergency and Security Management Branch of the Department of Education, Employment and Training and the region have acted to maintain security on that site.

However, the question raised goes to the future of the site. The government has decided that the most effective way of deciding what to do with it is to engage with the community. A review panel will be assembled to assess, in consultation with the community, the future use of the former Fitzroy Secondary College site. I have asked the review panel to examine the existing and future educational needs of the surrounding communities. The panel will be composed of local community leaders, particularly the principals of Collingwood College, Princes Hill Secondary College and Fitzroy Primary School. There will be representatives from higher education, the Fitzroy, North Fitzroy and Collingwood communities, and the Department of Education, Employment and Training.

The review panel has been asked to report back to government within a couple of months. A three-month time frame would be appropriate so we can make decisions based on the best use of the site. The government is thinking laterally about the provision of education, unlike the last government, which simply wanted to cut off options for students in government schools. This government believes it has an obligation to offer alternative forms of educational provision so the needs of all students are catered for. I hope that, with the excellent assistance and leadership of the honourable member for Richmond, that can be achieved. An educational and community facility on that site will be an outstanding result.

**Ms GARBUTT** (Minister for Environment and Conservation) — The honourable member for Werribee raised with me the management of hazardous wastes in Victoria and in particular the future direction of management in response to the report of the hazardous waste management committee. The previous government did not understand that communities are very concerned about the management of hazardous wastes in Victoria. The community of Werribee in particular has been enormously concerned about that issue. The government recognises that communities deserve and want to be consulted on the management of hazardous wastes. Communities such as those at Werribee and Niddrie showed the previous government

what they thought about its lack of consultation and its arrogance.

I am pleased to release today the report of the Hazardous Waste Consultative Committee for community comment. The report supports the government's commitment to reducing waste generation at the source, and it is groundbreaking in its calling for a shift in the way we think about and manage our hazardous wastes.

The report has identified three issues the government believes warrant further consideration by the public. It is on those issues that I am asking the community to provide me with further comment. The issues are as follows: buffer distances around hazardous waste treatment facilities, the proposed timetable for implementing key recommendations of the report, and mechanisms to ensure involvement and effective ongoing consultation with all stakeholders in policy implementation. Those key issues are fundamental to the way the community and the government of Victoria will manage hazardous waste in the future.

I would like to receive any comments on the report's recommendations by 30 June. Also I thank the members of the Hazardous Waste Consultative Committee for their hard work and commitment to producing a comprehensive report on such an important issue. I encourage the honourable member for Werribee and constituents of her electorate to make further contributions on those issues.

**Mr PANDAZOPOULOS** (Minister for Major Projects and Tourism) — The honourable member for Benalla raised with me the matter of tourism in the Lake Eildon area. I thank the honourable member for Benalla for her work with the community on the need to diversify tourism opportunities in that fantastic part of Victoria.

In question time today members of the opposition spoke about the government pork-barrelling the area. They neglected to look at Labor's tourism policy, which indicates that the Mansfield and Bright areas in the Delatite and Alpine shires would be the focus of Victoria's adventure tourism. That commitment was made clear in the election campaign for two good reasons.

The water levels at Lake Eildon have been historically low because of the years of poor rain. Also high country tourism is dependent on snow, and that can vary as well. To support year-round tourism opportunities in that region Labor focused on what the community is already doing and has enhanced that with

support from Tourism Victoria, developing a new adventure tourism plan for Victoria that focuses on that area.

Only a few weeks ago the tracks and trails conference was held at Pinnacle Valley Resort just outside Mansfield. The focus was on developing an ongoing plan for tracks and trails and recognising how important they are to tourism in that region.

The government has worked with communities around Bonnie Doon and Eildon to assist them in utilising the unique tourist opportunities offered by the current low water levels, with old homesteads and bridges revealed. Over Easter the area was packed with people.

The quantity of water the lake contains is potentially five times the amount of water in Sydney Harbour. The shame is that it cannot be seen from the highway at Bonnie Doon. The government is diversifying the tourism product in the region. I am pleased to invite the member to attend the adventure tourism workshop to be held in the region on 15 June at Mount Buffalo. Tourism operators from the shires of Delatite and Alpine and others in the business of adventure tourism should turn up to the all-day workshop so together with industry and the local community the adventure tourism plan can be developed to fit into the ongoing management arrangements of Tourism Victoria.

The government has also allocated an additional \$500 000 a year for regional events that will benefit the Eildon area and the Benalla electorate. The Truck, Ute and Hotrod Show of Alexandra, which received a grant recently, will be held over the Queen's Birthday long weekend. Other great events are held all year round.

I thank the honourable member for Benalla for her interest. She has been in the house only for a short time, and there is now more happening in the Benalla electorate because the honourable member is in Parliament and takes an interest in the area. All government members are working together. Commitments were given before the election not because the government thought it would win the seat of Benalla but because they are good for business. That is why we are supporting adventure tourism and diversity of tourism in the area.

The honourable member for Sunshine raised an important matter on the effect of the federal government goods and services tax (GST) on ethnic communities and particularly on the government community grants program. For a number of years ethnic community organisations have been advocating an increase in the level of funding. The government

gave the commitment before the election and announced additional resources as part of the budget.

As part of the Victorian Multicultural Commission (VMC) grants program the government has allocated \$880 000 a year. There are three types of programs: operational grants; ethnic schools grants; and special projects grants. There are also new grants under the VMC — a minor capital works program for disability service upgrades, kitchen upgrades and so on to assist communities that own buildings; and an ethnic youth web page program. The shame is that unless community organisations have an Australian business number (ABN) they will have to meet the total cost of the GST.

The level of resources and support for communities is higher than has been available for eight years but 10 per cent will come off because most ethnic organisations service aged communities. They are not in a position to get ABNs. It is not worth their while because they do not turn over enough per annum. The Australian Taxation Office has provided little information to ethnic communities about GST compliance. They will be hit on grants and on fundraising in a manner similar to what happened with schools, as reported by the Minister for Education in the house today — ethnic communities will face the same burden. For every dollar raised there will be a 10 per cent GST. They put their hands in their pockets much more than the government does, so the value of the grants and the fundraising will be diminished.

As a result of the absence of information to ethnic communities the ATO was approached by the VMC. There was no real program from the ATO to support communities that might be eligible for ABNs or to advise them on how best to organise the finances.

Even though it is a state agency I have authorised the VMC to help the federal government get information, but it is late. I am disappointed that this is happening. Action has been taken supporting the VMC to undertake with the ATO to provide better services and information to communities. The shame is that as a result of the 10 per cent GST the increase in grants will be diminished. It is a great shame for the federal government, which in the end does not care about communities.

**Ms CAMPBELL** (Minister for Community Services) — The honourable member for Gippsland West raised the issue of bottled gas and the importance of the utility relief grants scheme reflecting the true cost to rural communities of bottled gas. I am happy to take up the matter for the people of Gippsland West.

Some weeks back I met with Mr Mumford from that electorate. He is articulate and presented a strong case for the importance of appropriate utility relief grants for people with bottled gas. I will follow up on the matter and continue to pursue it with Treasury. I administer the utilities relief grant, but it is based on Department of Treasury and Finance allocating the money.

I will be delighted to take up the matter for the honourable member for Gippsland West and continue to push Treasury on the matter. For people who do not have access to mains gas or electricity for their heating it is a high impost, and I will continue to work to ensure they have a better relief scheme.

**Mr CAMERON** (Minister for Local Government) — The honourable member for Melton raised a matter concerning a report by the Ombudsman into the Shire of Melton. I advise that I have received a copy of the report from the Ombudsman today.

As background I will provide information on the allegations being dealt with by the Ombudsman. The investigation was into irregularities in events from early 1998 regarding the sealing of a section of road in the Melton shire. The Ombudsman found a failure to keep records of meetings and arrangements; failure to obtain agreement from the landowner requesting the roadworks to cover the cost of the works; failure to record the true nature of the works; and failure to ensure payment was received from the landowner. After inquiries the landowner visited the chief executive officer and a cheque was written which was not receipted. After inquiries from the Ombudsman it was found that funds in the account of the landowner were not sufficient to enable payment to be recovered.

The Ombudsman advised that he originally intended to report the matter to the Victoria Police. However, because of some provisions in the Ombudsman Act he did not believe it was an appropriate course of action. He also took the view that there was no need for a further costly and time-consuming investigation.

I have no doubt that the Ombudsman was conscious of the extreme difficulty in trying to bring a criminal prosecution given the events occurred so long ago. However, he concluded there was abundant evidence upon which immediate action could be taken. The Ombudsman states:

In my view there is very clear evidence of serious maladministration almost totally under the control of the CEO Mr Pennell. These matters have been compounded by the failure to address the matters when they were brought to the attention of the shire.

These issues raise the very serious question of whether Mr Pennell is a competent person to remain to the chief executive officer of the shire.

The Ombudsman recommends that the appointment of the CEO be reviewed — honourable members may be aware that the CEO was reappointed during that time. I know that because I wrote to the commissioners telling them I believed an Ombudsman's investigation was under way and suggesting that they not proceed down that path. I suspect that, as a matter of courtesy, the Ombudsman had originally informed the local government department of his view during the time of the previous government. It now appears evident from the Ombudsman's report that the inquiry was in full stream at the time the commissioners reappointed the CEO.

The report belongs to the Ombudsman. I understand the complainant will receive a copy, as will the commissioners of the Shire of Melton, and obviously it is up to them to take appropriate action. A copy of the report has also been sent to me as the minister responsible for the Local Government Act. I will write to the commissioners asking them what action they intend to take to implement the Ombudsman's recommendations. The honourable member for Melton is obviously aware that the report places the Shire of Melton in disrepute. He wants to protect the reputation of the Shire of Melton.

*Opposition members interjecting.*

**Mr CAMERON** — Opposition members say this should be the benchmark. As you are aware, Mr Speaker, most appropriately, matters raised by the Ombudsman must be followed through. When matters are not followed through the Ombudsman will often draw that to the attention of Parliament. In addition, the Ombudsman's annual report to the Parliament refers to some of his inquiries. He may do that in this particular case, although obviously I cannot speak for the Ombudsman.

The honourable member for Caulfield directed a matter to the attention of the Premier, and I shall refer that matter to him.

The honourable member for Swan Hill directed a matter to the attention of the Minister for Agriculture, and I shall refer that to him.

Mr Speaker, I take this opportunity to wish honourable members well during the winter recess.

**Mr McArthur** — On a point of order, Mr Speaker, I seek your clarification on an issue, and I make it clear

that I am not seeking an immediate clarification; I am happy to wait until the house resumes in the spring session. The matter relates to the dispute that took place a few moments ago and the circumstances surrounding it. The Acting Speaker who was in the chair at the time found that the honourable member for Mordialloc had breached standing order 108 in comments he made about the honourable member for Springvale.

I ask you, Mr Speaker, to do a number of things. Firstly, I ask you to look at the *Hansard* record of what was said in order to determine whether the remarks of the honourable member for Mordialloc impugned the motives of the honourable member for Springvale or whether he was simply being critical of the past actions of the honourable member for Springvale.

Secondly, Sir, I ask you to look at previous Speakers' rulings, the standing orders and *May's Parliamentary Practice*. Having looked at those references myself, it seems to me that it is not clear whether the standing orders and previous Speakers' rulings apply to criticism of the actions of members prior to their being elected to this place. I ask you to clarify to the house at some stage whether it is in order for any honourable member to criticise the actions of a member prior to his or her election or to impugn the motives of a member in taking certain action prior to his or her election to this place.

*May's Parliamentary Practice* makes it clear that one can be critical of a member after he or she has left this place; that is not a breach. However, so far as I can find at this stage, it is not clear whether that also applies to criticism of a person's actions prior to his or her election.

Most of us in this place have had a fairly long history; some of us have had quite colourful pasts; some of us have been criticised for private and public actions we have taken prior to being elected to this place; and many of us have been local councillors, union officials, business leaders or advocates on behalf of some cause or other and have been criticised in this place for actions we have taken in those roles.

Mr Speaker, I invite you to reflect on the possibility that in future the only way those sorts of comments should be able to be made — and they have been made regularly in the biffing and give and take in this place over the years — is by way of a substantive motion or a string of censure motions. Members of one side may seek to criticise members of another side for actions they took as recently as 2 years ago or possibly as long ago as 10 or 20 years in the past. If that were to happen it would make people smile in a wry fashion. It would

also tend to bring the house into disrepute and promote contempt for the practices of the place.

I would be grateful if you could look at the issues in light of the precedents and after consulting *May* and advise whether or not the rule applies to criticism of members for actions they took prior to being elected to this place.

**The SPEAKER** — Order! On the point of order raised by the honourable member for Monbulk, standing order 108 reads:

No member shall use offensive or unbecoming words in reference to any member of the house and all imputations of improper motives and all personal reflections on members shall be deemed disorderly.

It seems to me that on a literal interpretation standing order 108 would, by necessity, limit any remarks, and any remarks that could be deemed to be imputations or reflections on a member in respect of any point in time — not necessarily while a member of this house — would be deemed to be disorderly.

However, I would be loath to make a ruling that would so restrict debate that honourable members would not be able to offer any critique on the comments or conduct of other honourable members. I will take the suggestion of the honourable member for Monbulk on board and research *May* more closely to see whether it can provide some guidance on the matter.

**Motion agreed to.**

**House adjourned 6.03 p.m.**