

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

2 March 2000

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¹ Resigned 3 November 1999

² Elected 11 December 1999

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Thursday, 2 March 2000

The **SPEAKER** (Hon. Alex Andrianopoulos) took the chair at 9.37 a.m. and read the prayer.

MINISTERIAL STATEMENT

World Economic Forum

Mr BRACKS (Premier) — I am pleased to inform the house of my participation at the annual meeting of the World Economic Forum in Davos, Switzerland.

As members would be aware, I was afforded the rare opportunity as a state Premier to participate in the annual meeting 2000 of the World Economic Forum — rare because it is a forum that is generally confined to national political leaders and leaders of business.

The key theme of the annual meeting 2000, ‘New beginnings: making a difference’, could not have been more appropriate. I chose Davos for my first overseas trip as Premier because as a new leader I wanted to meet and hear the ideas of the best business brains in the world.

From the outset I identified three central aims of my attendance at the World Economic Forum. They were:

1. First, to promote new investment opportunities and secure and enhance existing investments in Victoria through meetings with chief executives of multinational companies.
2. Second, to discover new opportunities for Victoria through attending the seminars on the world economy, growth strategies, e-commerce and sustainable development.
3. Third, to seek support for the World Economic Forum East Asia–Pacific Economic Summit which will be held in Melbourne between 11 September and 13 September 2000.

Building better contacts

As members would be aware, the World Economic Forum is the world’s leading forum of leaders from business, government and academia. Its corporate members are drawn from the world’s top 1000 companies — each company having a turnover in excess of \$US1 billion. That is the requirement for entry into the forum.

This year, for the first top international meeting of 2000 and the World Economic Forum’s first gathering of the 21st century, 3000 global business and political leaders converged on Davos. The last Victorian Premier who attended the World Economic Forum came away feeling uncertain about Victoria’s place in the world. I have to say that I came away invigorated. I came away with a very positive view as to how Victoria fits into the global picture. Victoria does count, and that was reflected in the large contingent of Australian companies in attendance. As a parochial Victorian I was even more pleased to note the excellent representation from Victoria. Indeed, of the 32 Australian-based companies, 14 have their corporate headquarters in Melbourne. Davos also presented an opportunity for me as the new Victorian Premier to meet and renew acquaintance with the chiefs of those companies in the interests of Victoria.

I was fortunate enough to arrange and have one-off bilateral meetings with a large range of business leaders from multinational companies in Europe, North America and the Asia–Pacific to discuss potential investment opportunities in Victoria. Having business leaders from industries such as information technology and telecommunications, advanced manufacturing, biotechnology, food processing, mining and the finance sector in the one place presented a great opportunity to sell Victoria’s competitive strengths and to market Victoria as a brand name. From the discussions I had with those industry leaders I am very excited by the prospect of new investment opportunities for Victoria in the near future, and I am confident that those opportunities will be realised in the very near future.

I was also able to meet with representatives from a broad group of Swiss-based companies. As members should be aware, Switzerland is a very important market for Victoria. It is worth noting that Swiss investments account for 18 per cent of foreign investment committed to or under construction in Victoria. A recent survey of regional headquarters identified 11 Swiss companies with headquarters in Victoria.

It was pleasing that I could discuss those and other issues with the Australian–Swiss Chamber of Commerce. In fact, it was the first time that they had been addressed by a Victorian Premier. I am pleased to inform the house that they are doing terrific work behind the scenes in fostering better relations between Australian and Swiss businesses, and even more pleased to inform the house that Swiss investment worth \$550 million is projected in Victoria over the next five years.

In a general sense the many meetings I had made me acutely aware — perhaps more than ever before — of the continual need to ensure that Victoria is a desirable location in which to invest. From my numerous discussions with those business leaders some common threads emerged when we discussed the factors they were looking for when making decisions to invest.

Firstly, they are looking for a stable economic and political environment. In terms of public policy that means protecting the notion of sovereign risk. It is important that, regardless of administration, there is consistency in government decision making, and certainly that is what this government has adhered to.

Secondly, they are looking for cost-competitive locations. That means not only competitively costed, high-quality, prime office space but also access to world-class infrastructure.

Thirdly, they are looking to have access to a high quality of life. That means access to good health and education systems, an environment of clean air and water and a community that is safe for their families and work force.

Fourthly — and this is crucial in the new economy — business leaders are after access to a skilled and well-trained workforce. Without those key factors in place, attracting new investment in an extremely competitive global market is not possible.

A regular feature of the annual meeting is a global economic update. I am pleased to inform the house that the expert view put to delegates was one of a robust economic outlook. We are entering a period — which was consistently presented at Davos — of sustained growth.

After the East Asia financial crisis and two years of capital market uncertainty there has been a dramatic improvement in the global economic outlook, with buoyant conditions in America and improved prospects in Europe.

That heartening news is tempered only by the performance of Asia where, despite recovery by most of the tiger economies, Japan's economic prospects still provide analysts with some reason for concern. That was discussed regularly at the conference.

What does that mean for Australia? Essentially, unless there are Australian-specific conditions that may dampen our prospects, Australia too can expect a buoyant economy over the next few years. But economic gains do not come served on a plate. Victoria

has to work hard to translate favourable economic conditions into economic growth and jobs.

Our ability to maintain our standard of living depends almost entirely on our ability to attract new investment to this state. That means strengthening the competitiveness of the economy. We must be prepared to benchmark our productivity and competitiveness as a state not just against other Australian states but against other regions around the world.

Discovering new opportunities

For me two fundamental propositions dominated the annual meeting. The first was that the global economy is becoming smaller and smaller as the information technology revolution gains momentum. The second is that as we move to a new economy the challenge for governments and business is to equip their people to manage the enormous change they are confronted with.

We are only at the beginning of the third revolution — that is, the IT revolution. It is bringing tremendous changes to the way society is shaped and poses enormous challenges for government. The advances in technology are breathtaking. There is no doubt that it is bringing the world closer together. One staggering statistic that came out is that computer power is doubling every 18 months!

Through information technology and telecommunications (IT & T) we now have the potential to overcome the tyranny of distance. Location does not matter — people do. Investors are looking for people who embrace the new economy; people with the right skills; people who that are willing to look at old methods in new ways. From my meetings at Davos it is quite clear that successful economies are being built around the skills of people and through innovation and entrepreneurship. The challenge for Victoria is to create an environment where those qualities are nurtured.

Consistent with that objective one of the first programs that this government put in place was the Technology Commercialisation program, which commits funding of \$20 million over the next four years to support commercialisation of Victoria's science and technology base. The program is about turning smart ideas into good business. It is not the answer but it is a start.

If we have the right skill base, companies will invest in the state. At present there is an estimated shortfall of 30 000 skilled workers for the IT & T industry within this country. It is for that reason that two weeks ago the government placed 125 trainees in IT & T companies in our Go for IT pilot skills program which has been well

supported by the IT & T industry. Again, it is not the answer but it is a step in the right direction.

At Davos the gauntlet was thrown down to all governments to stop simply postulating the merits and benefits of e-commerce and instead get on and use it. In that regard Victoria has a better track record than other states and other places around the world — but we have to continue to keep in front and set the pace worldwide.

To meet that challenge we will shortly be announcing initiatives that will expand Victoria's Government Online program. It is the aim of this government to provide even more online transactions and interactive services and to make the Victorian Government Online program the best in the world.

There is no doubt that there are exciting possibilities. But there is also a danger of leaving some people behind — of dividing the state into winners and losers. Bringing people with you was a key theme of Davos. Davos founder, Klaus Schwab, who is currently out here in preparation for the World Economic Forum in September, Prime Minister Tony Blair and President Bill Clinton all pressed the point that there was a need to combine social progress with economic change.

Indeed, what struck me about Davos was that leaders from all around the world were grappling with the same problem — how to spread the gains of the new economy to the broader community. The message from last year's election, the need to grow the whole of the state, was echoed by many in Davos. The challenge, of course, is to put in place the strategies to deliver it.

The Melbourne summit

As members would be aware, Melbourne will be hosting the ninth East Asia–Pacific Economic Summit between 11 and 13 September this year. It is the first time this forum will be held in Australia and the first time it will be held outside an Asian country. Over 800 key businesses, government and academic leaders from around the world will be visiting Melbourne.

Melbourne will have the attention of heads of companies with a combined wealth of over \$US500 billion. That is the sort of input we will have, which is fantastic. This represents the largest mobilisation of capital in Australian history.

In addition, up to 300 senior media figures are also expected, each focusing on what Melbourne and Victoria have to offer.

This will also generate millions directly as invited guests and partners descend on — and spend in —

Melbourne; and, in addition, it will have the potential to attract billions of dollars in investment in the future.

I am pleased to inform the house that on behalf of the Victorian government the Minister for State and Regional Development is working closely with the Australian Davos Connection, Invest Australia, representing the Commonwealth government, and the Melbourne City Council in relation to the conduct of this conference. Through the combined efforts of these groups Melbourne's summit will be a great success. My government is absolutely committed to the summit, and I will be personally looking forward to showing off Victoria, as will other members of Parliament.

A very important event for Victoria in 2001 will be the Deakin Lectures, which will be part of the celebrations for the centenary of Federation. Melbourne Festival director, Jonathan Mills, was invited to Davos as part of the Emerging World Leaders program, a program that recognises the talents of a new breed of leaders.

Mr Maclellan — On a point of order, Mr Speaker, I ask for your ruling on whether the *Hansard* record will show the question mark at the end of the paragraph the Premier has just read.

The SPEAKER — Order! There is no point of order. The honourable member for Pakenham will get his answer when *Hansard* becomes available tomorrow morning.

Mr BRACKS — Jonathan busily promoted the Deakin Lectures and sought out potential participants. I was glad to be able to help him, as were all members of the Australian delegation, in his efforts to secure the participation of a range of people and to make sure the event will be a great success in 2001. It is yet another great opportunity to showcase Victoria, to show that Victoria is truly the intellectual and cultural capital of Australia.

Before I left Zurich I took the opportunity to visit Zurich's supervised drug-injecting facility.

Opposition members interjecting.

The SPEAKER — Order! The honourable member for Wantirna!

Mr BRACKS — I guess there has not been a tradition among former government members of reporting back after world trips or of being accountable to the Parliament. I am therefore not surprised to note, as the media will note, the behaviour of members on the opposition benches. Many were members of the previous government, a government that was never

held accountable for its actions overseas. Opposition members, as they are showing now by their behaviour, have no real commitment to the World Economic Forum. Let the cameras show what that crowd is on about.

Opposition members interjecting.

The SPEAKER — Order! I ask the house to come to order.

Mr BRACKS — Members may have heard of the infamous Needle Park in the heart of Zurich. Not so long ago it was littered with syringes, and the level of drug-related deaths in the precinct was close to the highest in the world. In an effort to arrest the problem a facility for drug addicts was set up right across Zurich to provide a non-threatening environment for drug users. Users had to bring their own drugs, and clean needles were provided. Users injected themselves under the supervision of a trained nurse.

Interestingly, the facility was placed in the same building as a police station which, I believe, provides an extra level of supervision that helps to deter those looking to push drugs or to profit from them in the future.

From what I saw the facility has worked extremely well. There is no doubt that it has worked to reduce the number of deaths and the amount of street drug use. It is a model that is well worth examining as we look to reduce the cost of the drug menace in Victoria.

Conclusion

Overall, Davos provided a terrific opportunity for me to put into perspective the many challenges facing the new government in Victoria.

We are not alone as we come to grips with the new economy; but we must be constantly prepared to look beyond our shores and examine what is happening elsewhere — whether it be adapting new technologies to old industries or dealing with social problems like drug abuse.

Finally, I urge all members to get behind the World Economic Forum — —

Opposition members interjecting.

Mr BRACKS — I know members on this side will do it, but as is obvious from their behaviour now, members opposite will not give a damn.

I urge all honourable members to get behind the East Asia-Pacific summit of the World Economic Forum

that will be held in Melbourne in September this year. It represents a tremendous opportunity to showcase Melbourne and the whole of Victoria at a time when the world's focus will be on Australia during the Olympics.

Members on this side are committed. We are accountable to the Parliament. The other side could not give a damn!

Honourable members interjecting.

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

Mr BRACKS — By leave, I move:

That the house take note of the ministerial statement.

Dr NAPHTHINE (Leader of the Opposition) — I have listened carefully to the ministerial statement made by the Premier.

Opposition members interjecting.

The SPEAKER — Order! The Minister for State and Regional Development will take his seat!

Dr NAPHTHINE — I hope the Premier brought home the hotel shampoo and soap, because he certainly did not come home with anything else!

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bentleigh!

Dr NAPHTHINE — It seems he must have brought home all the shampoo and soap from the hotel, because the ministerial statement is full of nothing but froth and bubble. There is no substance to it. It is the most disappointing, shallow ministerial statement I have ever had the displeasure of sitting through in my 11½ years in Parliament.

Where are the benefits to Victoria from this trip? How do the achievements measure up against the aims of attracting new investment as set out by the Premier in his ministerial statement? Where is the new investment? What new jobs have been created as a result of his trip?

He was supposed to discover new opportunities for information technology. I am glad he has discovered the 1980s! I am glad he discovered that information technology exists. Victoria needs to be moving into the 21st century. The Premier went overseas to discover information technology, but the previous government knew about it and acted on it for years. One of his first

acts as Premier was to get rid of the communications and information technology portfolio!

The third objective the Premier set himself was to seek support for the World Economic Forum to be held in Melbourne, and I support him in that. The forum, which will provide important opportunities for Victoria and Australia, was secured for Melbourne and Victoria by the former Premier, Jeff Kennett, who went to Davos — —

Opposition members interjecting.

The SPEAKER — Order! I ask the opposition benches to come to order.

Dr NAPHTHINE — I wish to make it clear that the opposition totally supports the Premier and other government members travelling overseas to major forums such as the World Economic Forum at Davos if they are able to secure direct benefits to Victoria. If by making overseas trips they are able to facilitate direct investment, job opportunities, growth and new social ideas for Victoria, the opposition will support them.

One of the important roles of the Premier is to be a positive ambassador for Victoria — to sell Victoria overseas and to make the most of its great strengths. Victoria will play an important role in the world in the 21st century. Its geographic position is significant because it is a major Western world state in an Asia-Pacific environment. That gives this state significant advantages. Victoria has great infrastructure, a highly skilled and educated work force and a significant multicultural base, which is to its advantage both culturally and economically.

Victoria has clean, green agriculture, and under the former government it was one of the world leaders in information technology and telecommunications (IT & T). The Premier should be on the world stage selling Victoria, because it has a lot to offer. But he needs to bring back a bit more than he has brought back according to the statement he made today.

The Premier presented a picture-slide show of a travel trip with no substance. Where are the direct benefits to Victoria as a result of the trip? Where are the bottom-line benefits? The Premier has been to Switzerland and tasted the Swiss cheese, but all he brought back to Victoria were the holes!

When the former Premier, Jeff Kennett, travelled overseas, including his trips to Davos, he brought back substantial, concrete benefits to Victoria. He secured the World Economic Forum East Asia-Pacific Economic Summit to be held in Melbourne in

September. That direct benefit to Victoria and Australia came as a result of his trip overseas. As the Premier said in his statement, there will be hundreds of delegates and world media representatives, creating huge worldwide media attention, visiting and spending money in Victoria as a result of the economic summit. The enormous opportunities for Victoria and Australia will be capitalised by long-term investment, economic growth and job creation. That was the work of the former Premier, Jeff Kennett, when he went to Davos.

Last year Jeff Kennett also brought back the concept of an Australian institute for depression. All honourable members will appreciate that mental health is a significant issue in our society and in other societies around the world. Depression plays a significant role in the mental health of many of our citizens. It is an illness that has not been studied sufficiently, and further research and effort is required to help people overcome that terrible problem. I am pleased that the Bracks government has supported the development of an Australian institute for depression. It has also received enormous support from the federal government and other state and territory governments around the world.

Premiers with vision and direction can go to economic forums, such as at Davos, and come back with ideas and concrete economic and social benefits, but according to the ministerial statement he made today this Premier does not appear to have done that. The former Premier's overseas trips created jobs and attracted major investments to Victoria, from companies such as Bosch, Yakult, Mitsui, Snow Brand and many others. He was able to do that because, as an ambassador for Victoria, he convinced people that Victoria is a good place to invest.

Mr Kennett also had the honour of being the first Victorian Premier to address the World Economic Forum on the forum's initial Australia night. The former Premier travelled overseas to other forums and events to secure direct social and economic benefits for Victoria. I did not hear anything in the ministerial statement made by the Premier today about direct benefits being achieved by his trip.

The Premier reports that international business leaders are looking for a stable economic and political environment. I could not agree more. Business leaders look for stable environments in which to invest so they can have confidence that their investments will be secure and reap dividends. It is no good for the Premier to travel overseas and trumpet Victoria if at home he is failing to provide the necessary leadership and direction to provide a secure environment for investors.

Attracting investment requires both maintaining a positive local business environment and playing an ambassadorial role when selling Victoria overseas — the two need to go hand in hand. While the Premier was in Davos world leaders searched the Internet — they understand information technology — and saw Victorian newspaper articles reporting on impending blackouts and restrictions in the electricity industry, construction industry unions making claims for a 36-hour week and a 24 per cent pay rise, and concerns about the government failing to provide leadership and direction.

Potential investors see no evidence of a government that provides the necessary leadership to say no to excessive claims by building industry unions so as to provide a secure investment base. They see no evidence of a government in Victoria prepared to say no to excessive claims that drive up the project and investment costs of construction to 10 per cent more than in New South Wales or Queensland.

Investors do not see a government providing the sort of drive and leadership that is needed to ensure the important ingredient of a stable economic and political environment.

The government is now considering significantly increasing the cost of employment through higher Workcover charges. Investors are concerned about those sorts of things. It is well and good for the Premier to go overseas to sell the state, as he should, but he must also provide the right sort of leadership and direction at home to ensure that Victoria has a secure environment in which people can invest with confidence.

Is it any wonder that concern is being expressed by the investment community, as I outlined yesterday, on issues such as Studio City, Mirvac, the Portland integrated technology park, and a whole range of potential investments that are on hold or in real difficulty under the current government? When the Premier was leaving to go overseas I was asked by the media if I supported the trip. I said, 'Yes, I support the Premier going to those forums to secure benefits for Victoria'. I am disappointed that he did not bring back any benefits.

However, I also said, 'While he is over there, why doesn't the Premier drop into London to see Richard Branson and help secure the deal to bring Virgin Airlines to Melbourne? Why doesn't he make that effort?'. The Premier failed to make that effort and failed to secure 750 jobs and the prestige that would have gone with having the headquarters of another

major airline in Melbourne. He could have made that effort when he was heading overseas to Switzerland. He could also have come back via America and talked to General Motors about securing its billion-dollar engine plant for Victoria. Those are examples of what the Premier must do.

Honourable members will recall the embarrassment to Victoria of the Queensland government's full-page advertisement saying, 'Queensland is the place to come to invest', enticing investors in Melbourne businesses to move to Queensland, as Virgin Airlines did. It is an indictment of the current government that it has not provided the leadership and direction that will ensure economic growth and maintain the economic momentum that was evident under the previous government. Significant opportunities have been missed.

In the Premier's own words, economic gains do not come served on a plate. Nothing could be closer to the truth. The government has to do the hard work, show leadership and deal with tough issues. The Premier has failed those tests in the first 130 days of his government. It is important that the Premier now take stock of himself and his government and provide the necessary leadership and direction.

The opposition is concerned about the direction in which Victoria is heading. Having spent seven years in government turning Victoria around from the rust-bucket state to the showcase state, the opposition now wants to work with the government to ensure that the economic momentum is maintained. It urges the government to show leadership and direction, deal with militant unions and provide the economic impetus and the right environment that will attract investment.

The Premier referred to the ninth East Asia-Pacific Economic Summit to be held in Melbourne. As I said previously, I greatly welcome the summit. It is an enormous feather in the cap for Melbourne and for Victoria, and all honourable members on this side of the house are strong supporters of it.

The summit is being held in Melbourne for one reason — because the previous government set an objective, went out and achieved it. The first time the summit is to be held in Australia, it is being held in Melbourne. As I said, it will provide a major economic opportunity for Melbourne and the state by bringing an enormous number of business leaders and international media representatives to Melbourne.

I urge the Premier to ensure that workshops are held as part of the summit in regional and rural Victoria and

that delegates are taken throughout the state — to Bairnsdale, Portland, Mildura, Bendigo, Ballarat, Shepparton, Wodonga, Wangaratta, the Latrobe Valley and all the other areas of great investment opportunities. The government has an excellent opportunity and challenge, and I urge the Premier to give all members of Parliament the opportunity to have input into the design of the program by submitting suggestions from their areas as to how the summit could be maximised to benefit all of Victoria.

I repeat that the summit is being held in Melbourne, Victoria, Australia, because of the strong hard work and dynamic leadership of Jeff Kennett and the previous government.

The second main plank of the Premier's report was information technology and telecommunications. He had a major focus on the knowledge economy and its importance to the governments of the new century. Welcome to the new world in the 21st century! It appears to have come as a surprise to the Premier that IT & T is important for the new century. It is vital that all Victorians understand that the opportunities for economic growth and improvement in quality of life all hinge on improvements in IT & T.

It is no good just mouthing IT & T rhetoric; that rhetoric must be put into action. The actions of the Bracks government do not match the rhetoric. Where is the minister responsible for IT & T? Victoria led the world by appointing the first minister for information technology and multimedia, the Honourable Alan Stockdale. He was the first minister in the world responsible for that area, and Victoria was recognised for it. Under the ministerial structure of the current government, that ministry has gone — it has disappeared! There is no leadership, no direction, and no-one with hands on ensuring that Victoria maintains its world leadership in that area.

Victoria has been among the world leaders in IT & T — so much so that when Bill Gates held a forum in Seattle on the very issue, only two elected politicians were invited.

Mr Mildenhall — We are still waiting for the report on that one!

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Melton!

Dr NAPHTHINE — The honourable member for Footscray seems to mistake written reports for action. The actions of the former Victorian government on

IT & T speak for themselves — they speak louder than the written word. Who were the two elected politicians invited? One was Vice-President Al Gore, who coined the phrase 'information superhighway', for his leadership and expertise in that area. The only other elected politician — chosen from 6 billion people around the world — was Alan Stockdale, the first minister for information technology and multimedia in Victoria. That is an enormous accolade for the previous government's leadership in IT & T.

I will briefly summarise other initiatives that reinforce that leadership. Victoria was the first jurisdiction anywhere in the world to introduce free Internet access to all its citizens through the public library network.

Mr Seitz — We want to know what you're going to do!

Honourable members interjecting.

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

Dr NAPHTHINE — The previous government initiated the very successful Skillsnet project. I am pleased that the current government is continuing that project. The project was specifically and deliberately designed to target for training programs people who would otherwise have difficulty in learning and accessing information technology and to provide continuing access to that technology for people from the multicultural community, Kooris, older citizens, and the unemployed.

The Skillsnet program was a world first, and it continues to be a success. It has now been adopted in similar veins in other jurisdictions around the world.

Honourable members may be interested to learn that when the Victorian government introduced the laptop program for teachers in Victorian schools, Victoria was the second largest single purchaser of laptop computers in the world. Laptops provided Victorian teachers with the entree into the 21st century and the world of information technology.

Bill Gates espoused the view that Victorian schools led the world with their innovative programs for information technology and multimedia, in providing both educational opportunities and access for students. The previous government was a world leader in information technology, but the current Premier comes back from a world economic forum, having discovered that information technology and telecommunications is relevant for the 21st century. I hope he translates that

new-found knowledge and inspiration on IT & T into action.

Not only has the Bracks government axed the position of minister for information technology, it has axed the advisory council on information technology and broken a promise to re-establish information technology advisory groups. There is no doubt that the government has a real challenge in re-equipping its employees to manage the enormous challenges that the new information age offers to them.

But how can we be confident that the government is committed to the new information technology age when it has scrapped the former Premier's multimedia task force? The best brains and leaders in multimedia and IT & T in Victoria used to sit down regularly with the previous Premier to ensure that the government was on top of the issues and leading the world, yet one of this Premier's first actions was to get rid of the ministry!

The Bracks government promised to replace the previous committee with an information industry advisory committee to oversee the development plan. It promised to appoint the chair of the committee by the end of November last year, but so far we have seen no evidence of who is the chair, of any action being taken, and no evidence that the committee has even been appointed!

The same goes for the information and communications technology skills task force. The government promised to consult widely and appoint that task force, but so far we have seen no evidence of the consultation process and no evidence of any appointments by the Premier, who comes in here talking about IT & T as being absolutely vital in the 21st century.

His own actions undermine his rhetoric. I was absolutely flabbergasted when he said in his ministerial statement:

At Davos the gauntlet was thrown down to all governments to stop simply postulating the merits and benefits of e-commerce and instead get on and use it.

Victoria has been getting on and using it, and in fact has been a world leader in developing online services for its citizens. Indeed Bill Gates, somebody well-known to the IT & T industry, said:

The state of Victoria in Australia has been a real pioneer in driving electronic service delivery.

Bill Gates says Victoria is the pioneer in electronic services — or was. It is no good the Premier saying, 'We must get on and use it. We must do things about e-commerce and provide electronic service delivery'

when the previous government was doing it, and Victoria was ahead of the pack. It is now up to the government not to drop the ball but to kick it faster, to keep ahead of the world because the world is certainly moving fast and you have to be ahead of the issue.

The government made a ministerial statement in November entitled 'Connecting Victoria', but it has failed to deliver on the most basic of promises in that statement. It said it would refer to a parliamentary committee the issue of how to use new technologies and open up the process of Parliament and government to the people of Victoria.

Honourable members interjecting.

Dr NAPHTHINE — I note that when the Premier is getting some decent advice on IT & T he walks out of the chamber. It is about time he listened. He does not need to go to Davos to be told that IT & T is important for the 21st century. He should be listening to the community around him, which is demanding he show leadership and direction on this issue.

One of the first things he can do when he has his cabinet reshuffle in a few short weeks — when the honourable member for Richmond becomes the Minister for Planning — is to take the bold strategic step of making the honourable member for Coburg the minister responsible for multimedia and IT & T. The honourable member for Coburg understands the issue and wants to continue the good work of the previous government. He knows and understands that IT & T needs daily monitoring, involvement and commitment, to provide the sort of leadership and direction that ensures Victoria is ahead of the pack.

The Premier referred to the revelation that he had discovered Moore's law. That law has actually been around for decades with respect to the pace of change in the IT & T industry, but it has now been challenged. Moore's law said that revolution took place fundamentally every 18 months, but it is now suggested that there is a complete revolutionary change in IT & T as frequently as every 6 months.

We need to be on the ball. We were leading but now we run the risk of slipping behind. We need a dedicated minister for IT & T to provide leadership and direction, and I suggest with the cabinet reshuffle — which will and must take place in the interest of Victorians — that the honourable member for Coburg is promoted on merit for his talents and made the minister for IT & T.

I was disappointed when I listened to the ministerial statement today. I expected the Premier to outline in specific terms the achievements that he had gained for

Victoria during his trip overseas — investments he had attracted, jobs he had created, opportunities that he was able to deliver immediately in direct benefits for Victoria.

I was disappointed that that did not come. I was disappointed that what we got was a travelogue, a daily diary-type report rather than a report of substance that outlined a vision for the future of Victoria.

Governments should rightly be judged on their actions. The Bracks Labor government's record on industrial relations, lost investment opportunities, decisive government and strong leadership is poor at best. The Bracks government has just discovered IT & T, and I hope it translates that discovery into real action and appoints an IT & T minister instead of, as has been the case in its first four months of operation, allowing Victoria's leadership in this area to be jeopardised.

The opposition will support the Premier when he travels overseas to sell Victoria and convince people to invest in this state, thereby improving the Victorian economy and creating jobs. The opposition will strongly support him in those efforts and will not take the cheap political shots about overseas travel the Labor Party took when in opposition. The opposition has the interests of Victoria at heart, and that is its foremost goal — to help promote Victoria. We will happily work with the Premier and help him promote Victoria. But if the Premier travels overseas and, as has been evidenced today, comes back empty-handed without meeting the goals he set for himself, all Victorians can justifiably be critical of him.

Victoria has enormous strengths and a significant role to play on the world stage. There are important opportunities if we can convince others of the worth of investing in Victoria and thus help to grow the state and businesses in partnership. Victoria has the knowledge base and ideas to go ahead.

The 21st century is clearly about having knowledge, ideas and vision and being able to translate growth opportunities into a benefit for all Victorians, whether they be in regional or rural Victoria or metropolitan Melbourne, whether they be older or younger citizens or citizens with disabilities. We must capitalise on decisive leadership and real vision and direction. The government is already failing those tests.

I can assure you, Mr Speaker, that members on this side of the house under a Napthine government would deliver that vision, leadership and decisive government and would continue to build Victoria.

Opposition members applauding.

The SPEAKER — Order! I remind honourable members on the opposition benches that applause is considered disorderly in the house.

Debate adjourned on motion of Mr BATCHELOR (Thomastown).

Debate adjourned until later this day.

Mr Leigh — On a point of order, Mr Speaker, last night during the adjournment debate the Minister for State and Regional Development quoted from a series of letters that he said he would make available to the Parliament. As recorded in *Hansard* last evening, I asked the minister to make the letters and correspondence referred to available to the house.

Mr Batchelor interjected.

Mr Leigh — If the minister reads *Hansard* he will see quite clearly that I said 'letters'. The Minister for State and Regional Development said he would make the correspondence available and he then quoted from a number of letters, of which at least three were placed on top of the table.

Only one letter, dated 26 November, has been made available to the house. One can see at page 95 of *Daily Hansard* that the minister quoted from letters dated 26 November and a number of other dates. I am sure the minister inadvertently took parts of the correspondence back. I ask you, Mr Speaker, to make sure the minister makes available the rest of the correspondence I requested last evening.

The SPEAKER — Order! I was in the Chair when the request was made by the honourable member for Mordialloc to make available a document from which the minister was quoting. I am advised that the document has been made available. However, I will examine the record and give a ruling on the matter at a later stage.

PETITION

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

Forests: woodcutting

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 wishes to draw to the attention of members the fact that we deplore the restrictions on wood collection for heating and cooking at the Won Wron, Mullungung and Alberton

West forests, as proposed by the Gippsland Regional Forest Agreement.

Restrictions to woodcutting will seriously hinder the ability of the many residents in the area of the forests mentioned to adequately heat their homes during winter, or to cook throughout the year. This applies to at least 70 per cent of the population. The above results of the proposed restrictions will apply especially to older people, for whom the problem of hypothermia presents real issues of safety.

Your petitioners therefore pray that members will give this matter their consideration and that legislation be introduced to halt the restrictive actions of the Gippsland Regional Forest Agreement.

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

By Mr RYAN (Gippsland South) (873 signatures)

Laid on table.

PAPER

Laid on table by Clerk:

Fair Trading and Business Affairs — Report of the Office for the year 1998–99 — Ordered to be printed.

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Transport) — I move:

That the house, at its rising, adjourn until Tuesday, 14 March.

Motion agreed to.

MEMBERS STATEMENTS

Premier: club membership

Dr NAPHTHINE (Leader of the Opposition) — Tomorrow night I will have the pleasure of watching the National Rugby League champions, Melbourne Storm, take on St George Illawarra at the Melbourne Cricket Ground. I was thrilled to accept the Storm's invitation to watch the grand final replay and support that successful Victorian club. But I will not be supporting the Sydney club playing against Melbourne Storm — I will not be supporting St George at all! Like the thousands of other Victorians who will be there, I will be supporting Melbourne Storm.

But one person there will be supporting the Sydney-based club — that is, the Premier of the state, who sold his soul so he can be no. 1 ticket holder for

St George. That would be like the mayor of Geelong becoming no. 1 ticket holder for the West Coast Eagles. The Premier of Victoria has sold his soul to become the no. 1 ticket holder for the dreaded enemy of the Melbourne-based Victorian club, Melbourne Storm — the only Victorian club in and the current champion of the National Rugby League.

I will be proud to be at the MCG tomorrow night supporting Melbourne Storm — not supporting the Sydney-based club playing against Victoria! The only reason why the Premier did not support the Brisbane Broncos is that he thought he had already given Brisbane enough, having given it Virgin Airlines!

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

Ballarat Begonia Festival

Ms OVERINGTON (Ballarat West) — I bring to the attention of the house the wonderful work and dedication of the numerous people associated with the Ballarat Begonia Festival, which all honourable members would know is Australia's most prestigious regional festival. The festival will be opened tomorrow by the Premier and will run for 10 glorious Ballarat days.

The festival does not happen by itself. It is supported by more than 250 volunteers. I acknowledge the work of Councillor Liz Sheedy, Ron Egeberg, Ian Rossiter and Helen Todd, who steer the event. I also pay tribute to three wonderful volunteers — Elaine Crompton, Joyce Taylor and Henry Capell — who each have worked for more than 30 years mainly in the creation of the floral carpet.

I extend a warm Ballarat invitation to all honourable members, and particularly to a critical member on the other side, to visit Ballarat in the next 10 days and experience the Ballarat Begonia Festival.

Electricity: Basslink

Mr RYAN (Leader of the National Party) — I am proud also to barrack for Melbourne Storm, and I am proud to barrack for the mighty Demons. I rise to speak on behalf of the many Gippslanders who are likely to be impacted upon by the Basslink project. A petition has been prepared by some of those folk but unfortunately, because of a technical deficiency, it cannot be tabled. The petition is addressed to the Speaker and states:

The humble petition of the undersigned citizens of the state of Victoria ask support for their position that the proposed

Basslink project will not involve overhead cables through Gippsland.

The plea I make on behalf of Gippslanders is that their circumstances be accommodated in the course of the construction of what they regard to be a marvellous project; they simply do not want overhead pylons to be used. Gippslanders have been impacted upon significantly by three or four years of drought. They have seen their flocks wasted by ovine Johne's disease. They have been living under the threat of the development of this project for years, which has worried them terribly. They are concerned about potential loss of property value.

I will hand the petition to the Minister for Planning with a view to having the interests of those people taken into account and given paramount consideration when planning decisions are finally made by the government.

Joe Bartolo

Mr SEITZ (Keilor) — I place on record my support of Joe Bartolo, a citizen of the electorate of Keilor. Joe Bartolo, who has a quiet nature, has worked tirelessly as a volunteer in the Keilor area and particularly within the St Albans Maltese community, so much so that his work was recognised by the former City of Keilor. In 1990 he was awarded the title Citizen of the Year. Mr Bartolo was recently awarded the Maltese community's prestigious Manoel de Vilhena Award. Last Australia Day the City of Brimbank awarded Mr Bartolo the Mayor's Recognition Award for his continued involvement.

Mr Bartolo has not only worked continuously within the municipality of Keilor and the City of Brimbank; he has also worked across the state with the Maltese Community Council. Mr Bartolo has been Chairman of the Maltese Community Centre in Parkville and Chairman of the West Migrant Resource Centre at St Albans for 10 years. At the age of 72 years he has stepped down from that job.

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

Seal Rocks Sea Life Centre

Ms DAVIES (Gippsland West) — The venue known as the Seal Rocks Sea Life Centre was built as a result of the previous government's blind love affair with the idea of selling off public assets to private interests. It is in the middle of what is possibly the most important tourism icon in Victoria — namely, the penguin colony on Phillip Island.

The penguin colony generates \$96 million per annum for Victoria. Nothing can be permitted to put that asset at risk. Late traffic puts penguins at risk and that must not be allowed to continue. A message must be finally and irrevocably sent to whoever runs the Seal Rocks venue in the future. Whatever needs to happen to improve visitor numbers to the centre, late traffic must not be a part of the solution.

I strongly urge the government to restate and reinforce that message on behalf of the people of Phillip Island; for the good of the nature park, including the koala centre, Churchill Island, Cape Woolamai, the Rhyll and Rowell wetlands and the southern coast, which are all developing with the income generated by the penguin parade; and on behalf of Victoria and our tourism industry as a whole. Nothing must interfere with that penguin reserve.

I will take on a guided tour any member of the opposition who feels a need to know more. I fear that at present they are taking the lazy way out and relying on the perspective of one of the more intellectually and socially challenged members of the Parliament, as they well know him to be — the invisible man from the other place.

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

Ascot Vale Community Day

Mrs MADDIGAN (Essendon) — I take this opportunity to congratulate all those involved in the Ascot Vale Community Day, which was held last Saturday. The community day is held at the Ascot Vale housing estate, which is a good example of a successful, multicultural society. The festival is a reflection of that multiculturalism.

The community day was established in 1997 and has gone from strength to strength. The community day is designed to bring together people living in the area. The festival is supported by Union Road traders, the Office of Housing — a little more money from that office would not go astray — and a number of community groups in the area.

The multiculturalism of the area was evident in the entertainment provided on the day. All the entertainers gave of their time free of charge. They included Joseph Nkodo, who performed African drumming, the Ascot Vale Primary School choir and a number of other musical entertainers. I congratulate Margaret Rutherford, the officer in charge of the community centre, and the many other people from the centre who conducted stalls and participated in the day's activities.

The festival is a worthwhile activity and illustrates how communities can work together in a happy, entertaining and friendly manner.

Bellarine Highway–Banks Road intersection: upgrade

Mr SPRY (Bellarine) — I raise for the attention of the house the concerns of the Marcus Hill community about a notorious traffic black-spot intersection on the Bellarine Peninsula that has had an appalling record of death and injury over the past 10 years. Following community outrage after a horrific triple-fatality accident in November 1998, a decision was made to install an offset-T configuration at the crossroads.

The highway is earmarked for duplication and people are convinced that the proposed offset-T configuration will be equally hazardous. Therefore I have lobbied on behalf of those communities for a safer and more permanent upgrade to a roundabout.

Last year the Labor government promised during campaigning to spend some \$240 million on traffic black spots across the state. As a consequence Marcus Hill residents have reasonably expected that the problem intersection would be upgraded in accordance with their wishes. My letters and faxes sent on their behalf to government ministers since 17 November last year have been acknowledged but otherwise ignored. However, following a vigorous campaign by frustrated communities, it has been indicated recently that the Minister for Transport is finally prepared to review the situation.

It concerns me therefore to learn this week that work on the offset-T configuration is being progressed in spite of the anticipated review. I refuse to believe the minister would allow the works to proceed with the cynical expectation that the issue will become a fait accompli and thus resolved. Could he be that devious? I trust that my and the community's faith in his integrity is not misplaced.

Woodend: Pride of Place

Ms DUNCAN (Gisborne) — I refer the house to the Pride of Place program which was launched in January at Woodend, a beautiful small town in my electorate. That day, when the Minister for Planning came to my electorate, was magnificent. We were standing in the streets of Woodend overlooking Mount Macedon in all its glory.

Woodend has received funds amounting to \$250 000 from the program. Nearly 70 per cent of the fund has been allocated to such towns in small rural areas of

Victoria. The Pride of Place committee in Woodend consists of four working groups. I congratulate the committee members of the Woodend Alive Committee, particularly Mr Leon Stryker, its chairman, for their ongoing work and dedication and the sense of community they have shown in working towards their goal.

As honourable members would be aware, the Calder Highway duplication is due to go through Woodend, which will have quite an impact on the town. The fact that this government launched the Pride of Place program in Woodend is testimony to its commitment to small rural towns.

Federation Square

Mr CLARK (Box Hill) — The Bracks government came to office with promises to remove restrictions on freedom of speech for those employed under government contracts. However, yesterday we read of the manifest fear of retribution held by Mr Damien Bonnice, project director for Federation Square, for blowing the whistle on the possible illegality of the government's actions in scrapping Federation Square's western shard. In addition to those apparent threats to Mr Bonnice, the government has also gagged the architects for the Federation Square project from speaking to the media or other interested parties.

Some time ago I arranged with Mr Donald Bates, one of the square's two architects, to meet with him on 23 February to discuss the project. However, on 21 February Mr Bates phoned me to say that following his public remarks about the government's scrapping of the western shard, he had received a letter from the government telling him that any further contact with the media or other interested parties could only take place with the prior clearance of the Premier's office — clearance which to date has not been received for our meeting.

If the government is to have any credibility, this gag on the architects must be lifted immediately, and the Attorney-General must implement his whistleblower policy and guarantee protection to Mr Bonnice.

Drugs: Footscray methadone clinic

Mr MILDENHALL (Footscray) — Honourable members may recall that on a number of occasions last year I raised the issue of the drug-dealing convicted accessory to a double murder named Helmut Kirsch who opened a private residential methadone clinic in Barkly Street, West Footscray. Drug dealing and other

criminal activities sprung up overnight in the neighbourhood around the facility.

I am pleased to report to the house that on 10 January this year the Maribyrnong City Council, assisted by the Department of Human Services, gained an enforcement order from the Victorian Civil and Administrative Tribunal (VCAT) to close the infamous Barkly unit down. I congratulate both the council and the department, but particularly the council, which spent more than \$20 000 of ratepayers' money in legal fees. They persevered in the face of intimidation and threats — to the extent that one officer was moved to a new residence for his own safety.

Helmut Kirsch announced at the hearing that he was changing his name back to Gregory Middap, the name under which he scored his string of convictions, and was taking up a position as secretary of a national right-wing organisation, as he is a well-known Nazi sympathiser. Typically, as the enforcement order took effect the building was trashed and syringes were dumped on the front yards of the objectors who had presented themselves at VCAT — —

The SPEAKER — Order! The honourable member's time has expired. The time for members statements has also expired.

FIRST HOME OWNER GRANT BILL

Second reading

Mr BRUMBY (Minister for Finance) — I move:

That this bill be now read a second time.

The purpose of this bill is to assist first home owners by providing them with a grant of \$7000 where they enter into a contract to purchase or build their first home on or after 1 July this year.

As part of the Intergovernmental Agreement on the Reform of Commonwealth–State Financial Relations, the states and territories agreed to assist first home buyers, through the funding and administration of a new, uniform first home owner grant to offset the impact of the GST on home purchases. The scheme provides significant benefits to first home buyers and aims to ensure that home affordability for this group is maintained at existing levels. The framework principles on which the scheme is based were set out in the intergovernmental agreement. The government is committed to honouring this agreement to ensure full receipt of the GST revenue.

Each state and territory will implement separate, but consistent, legislation to give effect to the scheme. Eligibility criteria for the grant have been jointly developed by all jurisdictions in line with the principles contained in the intergovernmental agreement, including the fact that eligibility for the grant will not be subject to any form of means test.

In Victoria the scheme will be administered by the State Revenue Office (SRO), which also administers a means-tested stamp duty benefits exemption scheme for pensioners and low-income earners with dependents. Under the intergovernmental agreement states and territories agreed that they would not introduce or vary any taxes or charges associated with home purchases with the intention of reducing the benefits for grant recipients. Accordingly, the current scheme will continue to operate in conjunction with the first home owner grant. To improve service to applicants, the SRO proposes to enter into agreements with financial institutions to assist in the administration of the scheme.

The Victorian government expects to provide substantial grant assistance through the scheme. In the first year an estimated \$193 million will be paid to first home owners.

This bill therefore establishes the first home owner grant scheme. It details the entitlement and eligibility criteria, the process for making applications and payment of the grant, objection and appeals provisions and the administration and other provisions necessary for the effective operation of the scheme.

The scheme will provide a once-only grant of \$7000 to eligible persons buying or constructing their first home in Victoria. Applicants will be eligible if they have purchased a home, where the contract to purchase or build has been entered into on or after 1 July 2000 or, in the case of owner builders, where construction commences on or after 1 July 2000.

I now turn to the specifics of the bill.

Clause 4 provides that the home must be a fixed dwelling which can be used as a place of residence. The home may be a house, home unit, flat or other type of self-contained fixed dwelling that meets local planning standards.

To qualify for the grant, an applicant must have title — or other acceptable security of tenure — to the land on which the dwelling is situated. The applicant will, therefore, be required to have a relevant interest in the land on which the dwelling is located. Clause 5 contains details of acceptable relevant interests.

Clauses 8 to 12 set out the applicant eligibility criteria as follows:

The applicant must be a natural person. The grant will not be available to home purchases by trusts or companies;

the applicant must be an Australian citizen or permanent resident. The exception will be that where there are joint applicants, at least one must fulfil this criterion;

the applicant — or the applicant's spouse — must not have previously received a grant under this scheme;

the applicant or the applicant's spouse must not have previously held a relevant interest in residential property prior to 1 July 2000. This includes ownership of an investment property, even though the applicant may not have lived in the property; and

generally the applicant must occupy the home within 12 months. The bill provides limited exemption from this criterion where not all of the joint applicants are able to fulfil the residence criterion, and for extenuating circumstances.

Clause 13 of the bill details what constitutes an eligible transaction, which determines both the point at which an applicant is eligible to apply for the grant and the point of eligibility for payment. The commencement and completion dates of eligible transactions cover the period between the date of contract for the purchase of a home, or commencement of building work in the case of owner-builders, and the date of possession in the case of existing homes, or occupation in the case of newly constructed homes. This clause also removes eligibility if a purchaser unfairly attempts to obtain the grant by entering into an option to purchase a home and moves into the residence under a lease or right of occupation prior to the commencement of this legislation.

Clause 14 provides that an application for a grant must be made to the Commissioner of State Revenue. The application may only be made in the period between the commencement date of the relevant transaction and twelve months after its completion. The commissioner will have discretion to extend this period in extenuating circumstances.

Clause 15 requires that all persons who will have a relevant interest in the home must be applicants. Clause 16 allows a guardian to make application on behalf of a person under a legal disability. Clause 18 provides that the full \$7000 assistance grant will be

paid where the consideration paid for the home is \$7000 or greater. Where the consideration for a property purchased or constructed is less than \$7000, the applicant will be entitled to a grant equal to the value of the consideration.

Clause 19 provides for payment of the grant to the applicant, or at their direction, to a third party. The grant will be paid at the time of settlement or after the completion of the eligible transaction. The applicant may request the commissioner to offset part or all of the amount of the grant towards stamp duty associated with the purchase of the property.

Payment of the grant will be made on the basis of the first home owner occupying the home within 12 months. Where this does not subsequently occur, the bill provides for repayment of the grant.

Clauses 26 to 34 of the bill detail the objections and appeal processes and the obligations on the applicant, the commissioner and the reviewing authorities. These provisions are similar to those contained in the Taxation Administration Act 1997 relating to taxpayer objections and appeals.

Part 3 of the bill provides the authority for the commissioner to administer the act and to delegate his functions or powers to revenue officials. Clause 38 provides that the commissioner may enter into agreements with financial institutions or other persons in carrying out administrative aspects of the grant. This would streamline the administration of the scheme and assist applicants by offering convenient outlets to access the grant.

The administration agreement between the commissioner and financial institutions will detail the conditions with which financial institutions must comply in undertaking their responsibilities. Negotiations are currently under way with financial institutions in relation to their involvement in the administration of the scheme.

Clause 50 contains privacy provisions to ensure that confidential information relating to the administration of the act is not disclosed to unauthorised persons.

With that background and as part of the Intergovernmental Agreement on the Reform of Commonwealth–State Financial Relations, as agreed to by the former government, I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 16 March.

NATIONAL TAXATION REFORM (CONSEQUENTIAL PROVISIONS) BILL

Second reading

Mr BRUMBY (Minister for Finance) — I move:

That this bill be now read a second time.

The purpose of this bill is to implement the state's obligations under the Intergovernmental Agreement on the Reform of Commonwealth–State Relations, which was signed by the commonwealth and all states and territories in late June 1999.

The Bracks government is concerned about the impact of the GST in many respects, in particular the impact of the commonwealth's tough stance of expecting the state to achieve embedded tax savings of \$100 million per annum. But the GST is a tax that the commonwealth government is determined to introduce and for which legislation has been passed in the commonwealth Parliament. The Victorian government is obliged to honour the previous government's commitments which were made under the intergovernmental agreement.

The intergovernmental agreement formalised several important changes to commonwealth–state financial arrangements and committed the states and territories to certain changes in their tax arrangements. The measures of the IGA include the following:

all GST revenue will flow to the states and territories;

the commonwealth will cease to apply the wholesale sales tax from 1 July 2000;

the temporary safety net arrangements for the taxation of petroleum, liquor and tobacco which were established by the commonwealth on 6 August 1997, and which have provided an important source of revenue for the states and territories, will cease on 1 July 2000;

the payment of financial assistance grants by the commonwealth to states and territories will cease on 1 July 2000;

the states and territories will cease to apply financial institutions duty and stamp duties on quoted marketable securities from 1 July 2001;

the states and territories will cease to provide support for off-road diesel use, as the commonwealth will be providing a complete rebate of its petroleum excise and customs duty in the case of off-road diesel from 1 July 2000;

the states and territories will adjust their gambling tax arrangements to take account of the impact of the GST on gambling operators;

to offset the impact of the GST on first home buyers, the states and territories will fund a first home owners grant scheme;

the commonwealth will legislate to require the states to withhold from any local government which does not register for GST and make voluntary GST payments a sum equivalent to the unpaid GST; and

the GST will be applied to government fees and charges which are not declared GST-free by determination by the commonwealth Treasurer.

It is necessary for the Victorian government, like the governments of all other states and territories, to make legislative changes and initiatives that arise directly from the previous government's signing of the intergovernmental agreement, and as a consequence of the Victorian government's desire to alleviate some adverse impacts of the GST on some parties which are subject to state taxes.

I now turn to the particulars of the bill.

Part 1 establishes the purposes and commencement dates pertaining to this bill.

Part 2 of the bill serves as a record of the states' intention to comply with and give effect to the intergovernmental agreement, which is attached as a schedule to the bill.

Part 3 establishes the capacity for state entities — including local governments — to pay voluntary GST equivalents and for the Treasurer to direct them to do so.

Part 4 of the bill provides the scope for the Governor in Council, on the recommendation of a minister, to make regulations providing for a fee or charge set by a statutory rule to be increased by an amount up to the amount of the GST. The intergovernmental agreement provides for the commonwealth to make payments to the states in the transitional years of national tax reform when it is estimated that the states' budgets would be worse off without the so-called guarantee payments to be made by the commonwealth.

Among the factors which the intergovernmental agreement provides to be taken into account in calculating the necessary guarantee payments is a 'clawback', by the commonwealth, of embedded tax

savings realised by state entities as a result of abolished wholesale sales tax and reductions in other taxes and excises. The Victorian government has carefully assessed the embedded tax savings which the commonwealth government expects this state to achieve, and believes that they are very difficult to attain while maintaining key government services. Victoria is expected by the commonwealth to save \$100 million from state entities through embedded tax savings in 2000–01. The state has been given no choice but to achieve these savings. This provision of the intergovernmental agreement restricts the capacity of the state to pass the embedded tax savings on to consumers of general government goods and services which are subject to GST, and as a result many fees and charges will be likely to increase by the full GST amount of 10 per cent.

Part 5 of the bill provides for the cessation of the application of the financial institutions duty.

Part 6 of the bill is concerned with the impact of the GST on labour services. The GST will apply to the labour services which are provided by contractors and employment agents, but not to the labour services of ordinary employees. The state government is concerned that the application of payroll tax to the labour services of contractors and employment agents would place them at a competitive disadvantage. The government has decided that payroll tax for these parties should apply to their 'deemed' wages exclusive of the GST.

Part 7 of the bill relates to stamp duty amendments, including the cessation of the application of stamp duty on transfers of quoted marketable securities from 1 July 2001. In addition, this part provides for stamp duty on rental agreements and cattle sales to apply to values exclusive of GST. While the commonwealth has amended its GST legislation so that the GST will now apply to insurance premiums that are exclusive of the states' stamp duty, thus avoiding an instance of what we call circular taxation, it has not to date been prepared to do so with respect to taxation of rental business. The state is not able to eliminate stamp duty from some other tax bases on which GST will also apply, as the abolition of the wholesale sales tax means that there could be an overall net loss to state revenue. Because the wholesale sales tax base on motor vehicles is large, after 1 July 2000 the state would experience a substantial fall in its stamp duty on motor vehicle transfers if it were to apply it to GST-exclusive prices, because of the impact of the abolition of wholesale sales tax. There would also be significant falls in other state stamp duties if the duties were applied to GST-exclusive prices. The overall gain to state revenue from the application of stamp duties to GST-inclusive

prices has been calculated by the Department of Treasury and Finance to be very small.

Part 7 also provides for an amendment to the Stamps Act 1958 to transfer the liability for stamp duty from used car dealers to the persons acquiring the vehicles in order to avoid another source of circular taxation.

The government is required by the intergovernmental agreement to adjust its gambling tax arrangements to take into account the impact of the GST on gambling operators. In the case of bookmakers, the level of the turnover tax was already quite low, and reduction of the tax to take exact account of the GST would have left a rate of taxation which collected very little revenue whilst continuing to impose an administration burden on both bookmakers and the state. Taken together with the more difficult conditions that bookmakers have experienced in recent years, this consideration has caused the government to decide to abolish the duty on bookmakers' statements, as provided for in part 8 of the bill.

With respect to the various gambling activities conducted by Tattersalls and Tabcorp in Victoria, the government has decided to exactly offset the impact of the GST with an equivalent reduction — that is, 9.09 percentage points or one-eleventh — in their tax rates. The arrangements to effect these decisions are provided in part 9 of the bill. In the case of the casino, the government will be providing credits against state taxes for GST paid. This will be provided for in a later bill.

Miscellaneous amendments are effected in part 10 of the bill. The first of the two most important amendments in this part is the cessation of state off-road diesel subsidies from 1 July 2000, as required under the intergovernmental agreement because the commonwealth will be introducing 100 per cent rebates of customs and excise duty. Any continued support by the states would be unnecessary and wasteful.

The second important amendment relates to cellar door and mail order sales of wine. The government will continue to offer subsidies equivalent to 15 per cent of the wholesale price to these wine sales. The amendments allow for this continuation under the auspices of the Commissioner of State Revenue who will continue to operate according to guidelines issued by the Treasurer as to eligibility for this support.

This bill provides for the important measures that must be taken by the government as a consequence of the previous government's signing of the

intergovernmental agreement and the inevitability of the GST.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 16 March.

GAMBLING LEGISLATION (RESPONSIBLE GAMBLING) BILL

Second reading

Mr PANDAZOPOULOS (Minister for Gaming) — I move:

That this bill be now read a second time.

The government is very much focused on its election commitment to policies that swing the pendulum back to better gaming regulation that will ameliorate the adverse impacts of gambling on all communities.

For its part, the government is not opposed to the gaming or casino industries in Victoria. But we want an industry that is acutely aware of its special place in the community, and committed to fulfilling its obligations to the people of Victoria.

The bill introduces key areas of our election commitments relating to the better regulation of gambling in order to:

- secure a better balanced approach to gambling; and
- better protect the community from the adverse effects of gambling.

Part 1 of the bill sets out the preliminaries, including commencement mechanisms.

Part 2 of the bill amends the Casino Control Act 1991 to:

- limit the number of gaming machines permitted in the Melbourne casino to 2500;
- remove the object of the Victorian Casino and Gaming Authority to 'promote tourism, employment and economic development generally in the state';
- add the objective of fostering responsible gambling in casinos in order to:
 - minimise harm caused by problem gambling;
 - and

accommodate those who gamble without harming themselves or others; and

provide for the making of regulations with respect to the provision of relevant information to players of gaming machines in the casino.

Part 3 of the bill amends the Gaming Machine Control Act 1991 to widen the purpose of the act to include fostering responsible gambling, and also to establish the conditions under which:

regional caps are initially and subsequently determined by the authority, and gaming operators directed to meet them;

new and existing metropolitan gaming venues can seek approval for 24-hour gaming operations, and non-metropolitan venues must have an enforced break from gaming of 4 hours after every 20 hours.

Part 3 of the bill also provides that the authority's consideration of an application for approval of premises or for additional gaming machines at an existing venue must now include an assessment of the net economic and social impact of the application on the wellbeing of the community of the municipal district in which the venue is located. In making this assessment the authority must take into account the views submitted by the relevant municipal council.

Part 3 of the bill also amends the Gaming Machine Control Act 1991 to provide for the establishment of an independent gambling research panel, and establishes the conditions under which it may operate. The bill provides that the budget of the panel shall be met from the Community Support Fund.

Part 3 of the bill also amends the Gaming Machine Control Act to provide for the making of regulations with respect both to the advertising of gaming and the provision of relevant information to the players of gaming machines in gaming venues.

The bill is a significant move, which will restructure the regulation of the gambling industry in Victoria. It establishes a rigorous legislative framework to:

- provide for the determination of the maximum numbers of gaming machines in regions of the state;
- provide that the views of a municipal council are to be taken into account when the authority is considering the placement of gaming machines in the municipal district;

provide for the establishment of a gambling research panel;

provide for users of gaming machines to receive accurate information about gaming and gaming machines; and

provide for the regulation of advertising in relation to gambling.

The bill furthers the government's commitment to a well-regulated gaming industry and is consistent with the government's stated policy objectives.

Statement for the purposes of section 85 of the Constitution Act

I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons why clause 28 of the bill alters or varies section 85 of that act.

Clause 28 inserts a new subsection (2) into section 158 of the Gaming Machine Control Act 1991. That subsection provides that it is the intention of section 12AB of the Gaming Machine Control Act to alter or vary section 85 of the Constitution Act 1975.

The proposed new section 12AB of the Gaming Machine Control Act 1991 provides that no compensation is payable by the Crown in respect of anything arising out of three categories of actions by the Victorian Casino and Gaming Authority.

The first category of action is a direction given under the proposed new section 12AA of the Gaming Machine Control Act 1991 to a gaming operator requiring compliance with a regional cap on the number of gaming machines.

The second category of action is any action taken by the authority under the proposed new section 27(2AB). That action would cover the proposal by the authority of an amendment to the conditions of a venue operator's licence to vary the number of gaming machines permitted in an approved gaming venue. Such an amendment would be proposed as a result of a request in writing by a gaming operator, for the purpose of complying with a regional cap.

The third category of action is a decision made by the authority arising out of such a proposed amendment. This would be a decision to amend the conditions of a venue operator's licence to amend the number of gaming machines permitted in an approved gaming venue.

The reason why the Supreme Court is not to have jurisdiction in these matters is as follows.

By enacting this bill the Parliament has indicated that it is a matter for the government, acting in the interests of the community as a whole, to determine the most appropriate distribution of gaming machines throughout the state. Therefore, no compensation right should exist in respect of the removal of gaming machines as a result of directions made by the Victorian Casino and Gaming Authority, or proposals for amendments to venue operators licences, or approvals of amendments to those licences.

I commend the bill to the house.

Debate adjourned on motion of Mr STEGGALL (Swan Hill).

Debate adjourned until Thursday, 16 March.

FINANCIAL MANAGEMENT (FINANCIAL RESPONSIBILITY) BILL

Second reading

Mr BRACKS (Treasurer) — I move:

That this bill be now read a second time.

This government was elected with a vision for a prosperous Victoria — a Victoria in which the rewards of prosperity are shared across the whole state.

This vision is founded on a platform of sound economic management. The government's agenda is unashamedly pro-growth, pro-business, and pro-jobs.

The government's key priority is to maintain a substantial budget surplus. We aim to be socially progressive but financially conservative.

To achieve this we have set ourselves four important goals.

The first is to maintain and enhance the state's financial position. Obviously a surplus cannot be maintained without a commitment to financial responsibility.

Secondly, we want to grow the whole state — making sure the rewards of Victoria's prosperity are spread across all sectors of the Victorian community, including rural and regional areas.

Another priority is to restore democracy, transparency and accountability in Victoria.

And finally, we will deliver improved services to the community, particularly in key areas of health, education and law and order.

The financial responsibility legislation that the government is introducing today is primarily aimed at meeting the first of these goals. It will also increase the transparency and accountability of our financial management. Meeting these goals of financial strength and accountability are the keys to achieving our other two goals — reaping the benefits of unprecedented world economic growth for all Victorians.

Adhering to sound financial management underpins every other goal of my government. Our success — Victoria's success — rests on sound financial management.

This government is not afraid of exposing its financial operations to scrutiny.

Our election commitments were independently costed by Access Economics.

Since coming to government, we have been able to demonstrate that our commitments are achievable, and there will still be a substantial operating surplus.

In the first few weeks of office I spoke at length with rating agencies Moody's and Standard and Poor's. I explained our policies and showed the rigorous costings of our election platform. I showed them our agenda.

Both rating agencies understand our commitment to strong financial management. A few weeks ago Moody's rating agency decided to upgrade Victoria's credit rating to AAA. Only three jurisdictions have ever regained a lost AAA rating from Moody's — Ontario in the 1970s and, more recently, Western Australia and Norway. Standard and Poor's also announced back in December that they will maintain our AAA rating.

The ratings are important because they send a clear signal to investors that Victoria has got its fundamentals right — that Victoria is a good place to invest.

The mid-year budget review, released on 7 January, was our first chance to demonstrate our commitment to open and accountable reporting of the state's finances.

The Financial Management (Financial Responsibility) Bill establishes a legislative framework for that commitment. The bill has as its objective improved scrutiny of Victoria's financial operations. It is the first legislation of its type in Australia and it contains world-first provisions.

One of my government's first acts was to restore the powers of the Auditor-General to act as an effective watchdog over state financial affairs on behalf of the Parliament. This bill will build on that reform.

The Auditor-General will be given additional powers to conduct a review of the financial fundamentals of the state budget. The Auditor-General's principal role will be to review the integrity of the economic assumptions and estimated financial statements incorporated in the budget — in private sector terms he will conduct a prospectus audit — and he will do that on budget day.

Honourable members will appreciate the important role financial reporting has for the state of Victoria. One of the objectives of prudential supervision of private enterprise is to regulate for maximum availability and flow of information. For this purpose there are numerous regulatory mechanisms aimed at informing the market through the Australian Securities and Insurance Commission and the Australian Stock Exchange.

In government, similar mechanisms generally have not existed, and that creates uncertainty. The Financial Management (Financial Responsibility) Bill will provide a framework to allow for the freest possible flow of information.

The government's commitment to substantial budget surpluses during this term and beyond will be open to external assessment against standard accounting criteria, not simply the internal scrutiny of the public servants. The acknowledged high quality of their work and expertise is not the issue; what is fundamental is that true accountability can only come through independent and open scrutiny.

This bill will do the following:

First, it enshrines in legislation the basic principles of sound financial management that the government adheres to, including:

- managing financial risks, including the levels of debt and other liabilities, in a prudent manner;

- pursuing tax and spending policies that are consistent with stability and predictability in the level of the tax burden;

- maintaining the integrity of the tax system;

- considering the financial effects of today's decisions on future generations; and

providing full, accurate and timely disclosure of financial information.

Second, the legislation will require government to produce twice yearly a statement of financial policy objectives and strategies, and to disclose the reasons for changes in these objectives and strategies. The statement of financial policy objectives and strategies will encompass both the long-term policy framework within which the state will be managed, and the shorter term policies and objectives governing the preparation of the annual budget and forward estimates.

Included in this statement will be a set of specified financial measures, with the numerical results that the government expects to achieve. They are the key measures that the government has identified as being important, and against which the success of its financial policy will be assessed.

The government's financial policy objectives and strategies will be required to relate to the principles of sound financial management set out in the bill.

Third, the bill requires the government to state the economic and other assumptions and risk assessments on which the budget is based. The bill also requires the government to publish details of the sensitivity of the budget financial statements to changes in these underlying assumptions.

And for the first time in Victoria, the government is required to provide estimates of tax expenditures: that is, the revenue that the government has forgone through exemptions and concessions included in tax legislation. These requirements will enable more informed debate and discussion on Victorian financial policy options and priorities.

Fourth, the bill incorporates a detailed and consistent reporting regime. For the first time, this legislation will require the publication of quarterly budget sector financial reports and half-yearly budget updates midway through the annual budget cycle.

The bill also requires the government to produce whole-of-government financial statements covering the first six months of each financial year.

The bill also extends the range of information required to be reported in the annual financial report. From 2000–01 onwards, the government will be required by law to publish details of payments made from the advance to the Treasurer, and payments made or money recovered under any guarantee or indemnity issued by the government.

While it is true that some of the additional information required by this bill has been published in previous years, this was not obligatory. The fundamental change introduced by the bill is to place these discretionary disclosures in legislation, so that the range of information that any future government must by law provide to the people of Victoria is greater than ever before.

The bill also makes provision for publication of whole-of-government and budget sector financial reports when Parliament is not sitting. The bill provides that if a report has not been laid before either house on or before a specified release date, and Parliament is not sitting on the release date, the report must be given to the Clerk of each House. The Clerks must then arrange for each member to receive a copy of the report and to table it when each house next sits. The bill also ensures that normal parliamentary protections apply to reports published in this way.

These provisions follow from the government's acceptance of a recommendation to this effect made by the Public Accounts and Estimates Committee in their 1999 report on annual reporting in the Victorian public sector.

Fifth, the bill will require the Secretary of the Department of Treasury and Finance (DTF) to publish a pre-election budget update once a general election has been called. This means that the true current financial position of the state government must be revealed to the people of Victoria before they cast their votes. No longer can governments, or oppositions, hide behind the excuse that they cannot be specific on policies because they do not know the financial position of the state at the time of an election.

Sixth and most significantly, for the first time the most important document of a government — the state budget — will be required to be based on conventional accounting principles and will be subject to professional review by the Auditor-General.

Under this legislation, the Auditor-General will review the budget as it is developed and will report to the Parliament on budget day whether it appears that:

the budget financial statements have been prepared consistent with the stated accounting principles;

the estimated statements are consistent with the targets for the government's key financial measures;

the statements have been properly prepared on the basis of the assumptions that underlie them; and

the methodologies used to determine the assumptions are reasonable.

These requirements will enable readers of the budget to have confidence that the budget has been independently scrutinised to ensure that it properly represents the projected financial performance of the budget sector.

It is important to appreciate that these provisions do not purport to require the Auditor-General to express an opinion on whether the projected budget results will be actually achieved. The responsibility for delivering the budget result remains with the government, where it belongs. It is the government's role to monitor the budget performance during the financial year and, if necessary, adjust its policies and priorities to cope with the inevitable changes in circumstances that occur in human affairs. With the passage of this bill it will also properly be the government's responsibility to report publicly and promptly those changes in circumstances and any consequent changes in policies or priorities.

The Auditor-General has been extensively consulted from the beginning of preparation of this legislation. He has expressed the view that the bill will strengthen the accountability of the executive government to Parliament and the public, and will enhance transparency over Victorian public finances. He has advised the government that his office will be in a position to fulfil its new responsibilities under the legislation.

The Financial Management (Financial Responsibility) Bill is about making sure that the best information is available on the state's financial position so that the public and investors have a clear picture of the state's finances at all times.

As I stated earlier, our agenda is unashamedly pro-growth, pro-business, and pro-jobs. Sending the right signals to investors is a key element of continuing Victoria's solid economic performance. We are all familiar with the observation that international investment is attracted to those economies with minimum sovereign risk and an open, robust political system.

The same holds for regional or state economies. There is a clear competitive advantage to be had in establishing an open, accountable and transparent financial management regime in Victoria that will allow potential investors to determine for themselves, against objective criteria, the financial environment in which their investment is to be made.

The government is committed to pressing on with the next waves of establishing excellence within

government. For example, we have not yet garnered the full benefits of accrual accounting, reporting and management. The government will be introducing other legislation to implement further reforms in financial management.

Victoria's ongoing economic prosperity gives us the opportunity to achieve a higher standard of living and a better quality of life. Prudent financial management leads to better social outcomes. It is the foundation on which we will deliver our commitments to restore essential services in areas such as health, education and law and order and reinvigorate the whole of Victoria.

This bill is another important step in entrenching prudent financial management within the Victorian government.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 16 March.

COURTS AND TRIBUNALS LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 16 December 1999; motion of Mr HULLS (Attorney-General).

The ACTING SPEAKER (Mr Phillips) — Order! I am of the opinion that the second reading of this bill requires to be passed by an absolute majority.

Dr DEAN (Berwick) — Yes, this is another section 85 bill. I recall the number of times I stood in this house and was berated by the current Attorney-General for the shocking number of bills with section 85 statements flooding through the house. Some one-third of the bills that have already been introduced by the Attorney-General include a section 85 statement. How things change when one goes from opposition to government!

I am not here to berate — —

The ACTING SPEAKER (Mr Phillips) — Order! I point out to the honourable member for Berwick that the bill may not include a section 85 statement. It is a direct amendment of the constitution.

Dr DEAN — Amending the constitution yet again?

Honourable members interjecting.

Dr DEAN — It is the central document that sets out the nature of our existence. Looking at the bill one might think that as it is a small document it is probably insignificant. However, it is not because it touches on an essential and probably one of the most important cornerstones of our civilised society in Victoria — the separation of powers.

In the past some people in high office have had difficulty with that concept. The current Attorney-General has spoken about it a number of times. It is extraordinary that at the moment the Attorney-General is not doing anything to provide representation for the Metropolitan Ambulance Service at the current royal commission. Such a directive is clearly an interference by the executive in the capacity of a judicial body to undertake its work. A big separation of powers issue is hanging over the Attorney-General. It is ironic that the Attorney-General, who is never in the house when his bills are being debated, has introduced a bill that goes right to the heart of the separation of powers. The Liberal Party does not oppose the bill because guess who — —

An honourable member interjected.

Dr DEAN — It is amazing — government members are starting to fill in the gaps for me! All but one provision in relation to the Court of Appeal was drafted by the previous government, and I still have all the papers on the then proposed legislation that I introduced to the former bills committee. The current opposition parties and — I am pleased to say — the government have expressed their support for the separation of powers effected by the bill.

It is important to pause because the amendment will ensure that the payment of judges and magistrates does not come from the executive — namely, the department — but comes automatically from consolidated revenue, and therefore there can be no suggestion that a judge or a tribunal member is in any way under pressure from the executive.

Honourable members should reflect on the separation of powers and its importance. It is one of those things that can mean all things to all people. At one end of the scale certain members of the judiciary and perhaps the legal profession in general might say that what it really means is that the entire court system should have no commercial input or control whatsoever by the executive. At the other end of the scale, the completely rock bottom requirement, others might say, is that there must be absolutely no interference, control or financial pressure on individual judges within the system. Those two separate views have still not been reconciled.

Different systems apply in different states. In some states the courts are absolutely independent — they control their own budget, including determining whether courts are built. In Victoria the executive still has input into the structure of the court system and to some extent that is commercial control of the courts.

As you know, Mr Acting Speaker, I am not backward in expressing my opinion on matters on which there are differing views. I am happy to put it on the record that there needs to be a partnership. One reason is because if ever there were a time when our court system needed to undergo reform because of the changing world around it and its effect on the system's functions and the cost of justice, it is right now. It can be a problem if the separation of powers is defined to effectively disallow any input from government.

It is a ticklish question. Judges quite rightly say that the issue concerns their procedures, which they should control, and that therefore they should be entirely responsible for the reform. I sympathise with that view. On the other hand, there is a Parliament. Taxpayers' money is used and members of Parliament are close to those by whom they have been elected to look after their money. Tension exists.

The answer to this difficult question is in the hands of the Attorney-General. That is why the position of Attorney-General is unique; it is different from most ministerial responsibilities. The Attorney-General must walk that tightrope and must work in cooperation with the courts, which are protective of their independence. At the same time the Attorney-General must engender reform and keep the process moving in the right direction. It is a hard act to get right. An Attorney-General might be too interventionist or he or she might be too unwilling to take a stand and may act as simply a rubber stamp. Then issues dissipate and nothing is done.

The separation of powers is a shield for the courts. When it becomes a barrier to reform it requires careful consideration. Members of the legal profession constantly compare tribunals and courts. Tribunals are entitled to the same separation of powers as the courts have. There is truth in the suggestion that the extent and manner of reform the tribunals are going through is greater than that of the courts.

One reason for the more reformist position of the tribunals is that they — certainly the Victorian Civil and Administrative Tribunal (VCAT) — are a fairly new creation. Its members are looking to modernise the provision of a service to the community. Members of the judiciary are a separate entity and it is difficult for

them to consider themselves part of a customer service. I have said to many lawyers that they simply provide legal services but they disagree and say, 'No, we are professionals; we do not do only that'. However, I will not enter into that debate!

When travelling through regional Victoria it is clear that VCAT is incredibly progressive in striving to provide its service to regional Victoria. At times, because of the nature of a particular hearing, the tribunal has had to find a place to sit and has moved the entire tribunal there. That cannot be done every time, of course, because cost restrictions apply. However, I believe that VCAT's attitude is permeating the judicial and court structure.

Reform needs to be undertaken in a partnership between the government and the judiciary with great sensitivity to the independence of the judiciary. Its members must be sure and happy that there is neither any government influence nor appearance of it.

Speaking about the government's role in reform leads to fear among the judiciary that one may be crossing the separation of powers barrier. Complete and absolute independence of the courts, financially and in every other way, is the cornerstone of a civilised society. Put simply, without it a society is not civilised.

If the legislative, executive and judicial powers are vested in the same body the result is tyranny and a breakdown or destruction of democracy — and then the state is one step away from terror. That may seem strange to Australians who are so used to protecting the separation of their institutions, but there are people in some European countries who would never have thought those barriers would be broken down. They were — and they paid a terrible price. No matter how safe or comfortable we all feel, it is always a good thing to make the statement and reaffirm how important that independence is.

How does the bill affect that procedure? In several ways, but an important aspect is ensuring that acting magistrates are paid as determined by the independent Judicial Remuneration Tribunal. Fees should be dictated by that body independently of any government. Payment by the Attorney-General's department could lead to all sorts of inappropriate outcomes.

The government should think carefully about clause 10, which inserts proposed section 16A into the Victorian Civil and Administrative Tribunal Act. I am not sure whether the government realises what it has done. It may be a policy decision, but I place it on the table for discussion.

VCAT is a combination of tribunals under one administrative structure for flexibility. It provides capacity for tribunal members to be spread around the various lists and is a great success. I pay tribute to the work of Justice Kellam and the members of VCAT.

Opposition members are happy to praise the government when it does good things and I know the government will acknowledge that VCAT was a good idea of the former government and has worked well. It saves money and places more services into the community.

Proposed section 16A(2) is interesting. I do not know whether the problem it rectifies was in the legislation enacted by the former government. The act contains no provision for promotion following the appointment of a VCAT member for five years. Currently a member must wait until the expiration of his or her contract before a promotion can occur with the signing of a new contract. The bill amends that anomaly.

However, a difficulty is that the current act provides that the Attorney-General, through the Governor in Council, makes the new appointment, as tribunal members were originally appointed. However, proposed subsection (2)(b) requires the president to also recommend the promotion.

The bill does not require that the Attorney-General confer with the president and take his position into account but that the Attorney-General must have the agreement of the president. A promotion under VCAT will now not take place unless both the Attorney-General and the president agree. Even if the Attorney-General wishes to make the appointment, he cannot do so if the president does not agree.

It may be intentional — and it probably was in the original act — but it is a big change. Has the Attorney-General recognised that this is a giant step? If through the Governor in Council process the Attorney-General — not the president — is able to make appointments, why can a promotion not be granted at the Attorney-General's discretion? The bill allows the president to veto a decision of the Attorney-General if he does not agree with it.

One of the reasons the heads of any courts do not make appointments or determine promotions is because it places them under pressure. For example, if someone wants to become a member of a court in which they are appearing before the Chief Justice, there may be a conflict between that person's client's interests and what the Chief Justice is clearly indicating. Will a person in such a situation push his or her client's

interests to the nth degree — as duty requires — or hang back because to anger the person who makes appointments to the court would not be a good thing to do?

I am not saying it would happen, but it is one of the bases for the Attorney-General being given that responsibility. The Attorney-General should be asked whether he intended to change the system for the promotion of Victorian Civil and Administrative Tribunal members. I would have no difficulty if the legislation said that he must confer with the president of the VCAT. It is a big step from where we have been for a long period to say that the decision cannot be made through the Governor in Council unless the president agrees. Effectively the VCAT president has an influence on the Governor in Council. The Governor in Council may want to promote a person but the president could say, 'I'm the president of the VCAT and I say you cannot'. That is a big change.

The current president of the VCAT is a man whom I admire and a man who has done a fantastic job. I have said that to him personally on many occasions. This matter has nothing to do with his position, it is the principle that must be examined closely.

I turn to the amendments affecting the Court of Appeal. The Court of Appeal advised the Attorney-General of the previous government that it was being smothered by appeals. I do not believe any Court of Appeal member would mind my saying that. It was a clear and direct indication of what was happening. Members of the court feared that it was becoming the generally held view that if you were convicted of a criminal offence it was in your interest to lodge an appeal, however frivolous, because it meant that while the appeal was in train, which could be a long time, you were not in jail but in the remand centre or even on bail, and at least you had your day in court, or even three or four days in court, and that was a lot better than sitting in jail. Such appeals were clogging the court system.

Section 18 of the Sentencing Act makes it clear that the Court of Appeal had no discretion. Only the trial judge had a discretion to ignore a period spent in custody. When the Court of Appeal was determining a sentence it had to include the time already spent in custody. The previous government tried to solve the problem and said to the Court of Appeal, 'We will give you a discretion, when you think an appeal is vexatious or frivolous, not to take into account up to three months spent in custody when determining the sentence'. It was designed so that if the Court of Appeal concluded that an appeal had been lodged frivolously or vexatiously, the period the appellant was enjoying in custody

waiting for the appeal to be heard could effectively be added to the sentence.

The provision was criticised, but the key word was 'discretion'. I said at the time that if the Court of Appeal had the responsibility every day to decide people's fate — for example, to decide whether someone should go to jail for 10 years or for life — I had no difficulty with it also being given the responsibility of exercising that discretion. I said I did not believe the court would use the discretion unless it believed the appeal was a cut-and-dried example of abuse. I do not believe the discretion has been used.

Although the opposition is not supporting the bill, it is not opposing it. Supporting a bill means saying, 'This is great. We are with you all the way', but when one does not oppose a bill one says, 'We are not with you all the way in what is being introduced'.

The opposition when in government inserted the discretion provision to solve a Court of Appeal problem. The then opposition, the current government, said it did not agree with the way the government was trying to solve the problem because it could stop people from appealing. Now the provision is being taken away the problem will become worse. The government has an obligation to try to solve the problem of the Court of Appeal being swamped with appeals that abuse the system, because people want to be held in custody rather than in jail.

We showed leadership when in government. Now that the amendment has been withdrawn, the problem is still there. The government has to show some leadership: it must provide another solution. We will note how long it takes for a solution to be determined. The government has been in office for about four or five months and all it has done is take away measures the former government put in place. The coalition government turned the rust bucket state into a showcase, and now this government wants to take that away. What will it put in its place?

I have already commented on the amendments affecting salaries and wages of acting magistrates and others, which are appropriate. The bill also enforces the separation of powers. It is important that promotion take place while someone is still within the contract period, but the bill makes massive changes to the usual procedures involved in the Attorney-General making a decision. Does the Attorney-General realise what he has done to the Court of Appeal? The opposition is waiting for leadership.

Mr WYNNE (Richmond) — I thank the honourable member for Berwick for his contribution which, as usual, was comprehensive. I shall deal with a number of issues raised by him, particularly access to justice.

I remind the house that in the short time since he accepted his new responsibilities the reforming Attorney-General has blown a breath of fresh air through the legal system. I particularly refer to the recent excellent appointment of two women magistrates; an appointment to the County Court; and his reformist zeal to reconstitute the Law Reform Commission. I hope legislation will be introduced during this sessional period to effect that change.

I was delighted to be able to assist the Attorney-General in the proposed reinstatement of crimes compensation. I hope a bill will be introduced during this session to amend the appropriate legislation. The Attorney-General is a reformer, and it is a pleasure to be working with him on those issues.

I turn now to the particulars of the Courts and Tribunals Legislation (Amendment) Bill. As the honourable member for Berwick said, at first blush the bill appears to be relatively straightforward. Many aspects of it deal with the cleaning-up of some administrative arrangements particularly in relation to tribunals. The bill also amends the Sentencing Act. I will deal with each provision in detail.

Firstly, the bill provides that the employment-related expenses of judges, masters and magistrates are paid from the consolidated fund. The provision goes to the fundamental question of the separation of powers — that is, the separation between the legislature and the judiciary.

Secondly, the bill gives the Judicial Remuneration Tribunal jurisdiction over acting magistrates, and thirdly, it allows members of the Victorian Civil and Administrative Tribunal (VCAT) to be appointed to a higher office for the balance of their terms of appointment.

As I speak the responsible officers are seeking advice about the query made by the honourable member for Berwick. I may be able to provide that advice to the house during my contribution; otherwise, I will ensure that the Attorney-General provides that advice during his summing-up on the bill.

As to employment-related expenses of judges, masters and magistrates, the impartial administration of justice is fundamental to the rule of law in a democratic society. Impartiality requires that the judicial arm of government be independent of the legislature and the

executive. That independence preserves the separation and integrity of the judiciary and provides a guarantee against unwarranted intrusion by the legislature and the executive.

Judges need certain guarantees about their conditions of service so as to maintain their independence. They are guaranteed secure and adequate remuneration. An important and long-standing constitutional convention relating to the guarantee is that judges' salaries are paid from the consolidated fund rather than from departmental budgets. The appointment and conditions of employment of judges must be independent; there must be no opportunity for any politicisation.

The convention was established by the Act of Settlement 1701 and has been observed in Victoria for over 150 years. At present, salaries and pensions of all Victorian judges are paid from the consolidated fund. The bill extends this ancient constitutional principle to provide that the employment-related expenses of judges and masters of the Supreme Court and County Court, and magistrates are also paid from the consolidated fund. In that way the bill enhances judicial independence.

Employment-related expenses include payroll tax, Workcover premiums, fringe benefits tax and, in the case of magistrates, employer's superannuation contributions. Expenses of that type are integral to modern employment practices but could never have been envisaged either by the English Parliament 300 years ago or by the founders of responsible government in Victoria. The bill clears up an existing anomaly.

The bill amends the Judicial Remuneration Tribunal Act to give that tribunal jurisdiction to inquire into and report to the Attorney-General on whether the salaries of acting magistrates should be adjusted. The tribunal was established to ensure that the salaries and allowances of judicial officers are determined at arms length from government. That also goes to the question of the separation of powers. The bill continues to ensure no conflict arises over any attempt to pollute the process by altering the salaries or conditions and terms of employment of judicial officers. Acting magistrates are required to act impartially, as are other judicial officers. For consistency they should therefore have their salaries determined in the same way.

Thirdly, the honourable member for Berwick referred to the provision about the internal promotion of VCAT members. At present, the system contains a loophole. The bill allows the Governor in Council on the recommendation of the president of VCAT to appoint

current VCAT members and senior members to higher offices for the balance of their terms.

At the moment any changes in a member's appointment require him or her to commit to a further five-year term. A member of the tribunal may be thinking about retirement and may not want to be appointed for a further five-year term but may wish to continue to use his or her expertise gained on the tribunal for a shorter period. The bill allows VCAT greater administrative flexibility and provides an opportunity to recognise significant and superior performance by a VCAT member.

Section 18 of the Sentencing Act allows the Court of Appeal the discretion to order that any time less than three months served by a prisoner should not count as time served. In other words, section 18 of the 1991 legislation allowed the court to recognise the period of time an offender had been held in custody prior to sentence, and enabled that prior jail time to be taken into account in determining the sentence.

In early 1999 the previous government amended that provision to deter what the honourable member for Berwick described as 'frivolous and unmeritorious appeals' to the court. The amendment applied only to persons sentenced to prison — obviously. A court of appeal was given discretion to order that up to three months of the time spent in custody between the lodging of an appeal and its unfavourable determination is not to count as time served under the sentence.

The original provisions were, of course, much criticised for eroding the fundamental right to challenge a conviction by exposing the person to the risk of additional punishment for doing so, and they seem to me manifestly unfair because they give the court the power to punish someone for appealing as well as for committing the original crime. Those provisions also discriminate against prisoners, because no equivalent power exists where a person has not received a custodial sentence. And lastly, they have a particularly unfair effect on unrepresented appellants — people who have not had the benefit of legal advice about the merits of their appeal. That is fundamentally unfair.

In a former life I worked for the Adult Parole Board in an area then called the special supervision unit, which worked with the state's most dangerous incarcerated criminals. One of my responsibilities was to make assessments of them for consideration by the parole board. It was a most interesting area of work, but it was quite onerous because it involved extensive and regular reviews of the circumstances of those people. In the couple of years I was involved in that work I believe

there was not one convicted person who did not believe his sentence should not be brought to appeal. The merits of many of those cases would no doubt have been found to be suspect if they had been brought forward.

Nevertheless, it is important for prisoners to have the right to bring matters forward and have them tested at appeal. Legislation currently in force has been a significant impediment to a prisoner wishing to bring a matter forward to appeal.

The honourable member for Berwick has indicated that there is a significant backlog of appeals of that kind and has thrown up a challenge to the Attorney-General to demonstrate how the proposed amendment will roll out over time. Obviously the government will monitor the effects of the amending legislation on the backlog. The important thing to remember, however, is that people need to be provided with the opportunity to go to appeal and should not have the potential impediment of a further three months hanging over their heads as a result of lodging an appeal. That is a fundamental question of justice.

Mrs Fyffe — Do you need some help?

Mr WYNNE — No, I do not need help. The honourable member for Berwick earlier asked for clarification of a matter he had raised. I sought that clarification and have just now received a note of advice on the matter from the departmental officer. I choose not to go into it at the moment. Instead, I will make sure the officer apprises the Attorney-General of the department's answer to the question asked by the honourable member for Berwick, and the matter will be addressed when the Attorney-General sums up.

The sentencing provisions of the act were amended in 1999 to confine the power of applicants to the ability to appeal only against sentence and to expressly provide that jurisdiction to exercise the discretion would arise only where a court of appeal was satisfied that the applicant's leave to appeal was frivolous, vexatious or brought without there being any reasonable, arguable grounds.

Even as amended, the power remains impossible to justify. Prisoners convicted and sentenced for serious criminal offences should not face the prospect of extra jail time simply because they want the Court of Appeal to review decisions affecting their liberty. I thought that was fundamental. Appeal rights are fundamental to our system of justice and are part of the checks and balances that ensure the system operates fairly. I would have thought the honourable member for Berwick, as

shadow Attorney-General, would sign up to that concept.

Dr Dean — I certainly do.

Mr WYNNE — The existence of that power endangers the integrity of the system, because the threat of extra jail time can potentially deter appellants from lodging their appeals.

The bill abolishes the previous government's amendments to section 18 of the Sentencing Act and should be supported. If the legislation has the potential to create some backlog in the court system, that must be balanced against the right of appellants to be heard without having the impediment of an extra three months jail hanging over them. That check and balance is not unreasonable and goes to the heart of that aspect of the bill.

The bill is straightforward. The opposition has made it clear that it supports the amendments being proposed to deal with administrative matters, including the employment-related expenses of judges, masters and magistrates, giving the Judicial Remuneration Tribunal jurisdiction over acting magistrates and clearing up questions about promotion procedures within the VCAT. I gather, however, that on the matter of sentencing the opposition neither opposes nor supports the provisions. I think that is how the honourable member for Berwick put it. Opposition members seem to have indicated to the Attorney-General that they are not opposing the sentencing provisions, but they are not supporting them. They are somewhere in between the two positions.

The bill is good legislation, and it is important that we give it speedy passage. It is part of the Labor government's drive to clean up important aspects of the legal process.

I am delighted that our reformist Attorney-General is here today to take part in the debate. I hope we proceed with haste to clear up some obvious anomalies in the administration of justice, especially in sentencing. I commend the bill to the house.

Mr McINTOSH (Kew) — Without doubt every member of this house regards an independent judiciary as a hallmark of the rule of law. A fearless, independent and impartial decision-maker is a mechanism available to our democracy and to our citizens to enforce their rights, whether statutory, fundamental or otherwise.

Many mechanisms have been introduced by this Parliament and by virtue of the common law to ensure a substantial foundation for the independence of the

judiciary. The honourable member for Berwick said one aspect of that foundation is the mechanism used to remunerate judges and that mechanism should be removed from the political process. The honourable member for Richmond and the Attorney-General in his second-reading speech said since the settlement of Australia it has been a practice in Victoria and other countries in the commonwealth to ensure that the remuneration of judges is paid out of consolidated revenue. Another mechanism to ensure an independent judiciary is the Judicial Remuneration Tribunal, which investigates and inquires into the rate of pay of judges and makes certain recommendations to the Attorney-General.

The bill reinforces and strengthens the mechanisms by which Victoria's judicial officers are paid. The bill, with the exception of the amendment to section 18 of the Sentencing Act and the minor amendment dealing with Victorian Civil and Administrative Tribunal (VCAT) membership, was introduced last year by the previous Attorney-General. As I said, it reinforces the mechanisms that preserve an independent and impartial judiciary. That raises the question of why it has taken so long for it to be reintroduced into the house.

One part of the bill deals with ensuring that acting magistrates are paid in the same way as magistrates and judges. The Victorian Bar Council has always been sceptical about the use of acting judges and magistrates, not because of their decision-making abilities but because it is a short-term solution to the chronic lack of court resources. However, the power to appoint acting judges and magistrates exists, and I support the proposition that their remuneration should be dealt with in the same way as that of other magistrates and judges.

The bill also provides that the payment of employment-related expenses to judicial officers should be dealt with in the same way as their remuneration. There is nothing mysterious or complicated about what employment-related expenses are; they were outlined in the second-reading speech. They are payroll tax, fringe benefits tax and Workcover premiums, and they should all be paid from consolidated revenue rather than from the recurrent budget of a particular department. Those provisions are in the bill largely prepared by the former Attorney-General, which also raises the question of why it has taken so long for this bill to come before the house. It is an indication that the government is devoid of any vision or agenda.

There are two substantive amendments to the previously drafted legislation: one deals with the appointment or promotion of VCAT members for the remainder of their terms and the other deals with

section 18 of the Sentencing Act. The legislation prepared by the former Attorney-General contained a similar provision dealing with the appointment or promotion of VCAT members for the remainder of their five-year terms. The alternative under the existing legislation was to appoint them as acting deputy presidents or otherwise for a three-month period. There is nothing unusual about the provision of the bill that states that the Attorney-General will make a recommendation to the Governor in Council for the promotion.

The difference between the principal act and the bill is that under the bill the recommendation is given only if the president of the VCAT has recommended the appointment to the minister. There may be a logical explanation for that. The honourable member for Berwick asked the government to explain why that is so, because an explanation does not appear in the second-reading speech. It is a dramatic alteration, because judicial officers in Victoria have never formally participated in the appointment or promotion of judicial officers. The method of appointment of judicial officers is one of the foundations upon which the independent and impartial judiciary operates. The house is owed an explanation for the amendment, because it involves tampering with a cornerstone of an independent and impartial judiciary.

The second substantial amendment deals with section 18 of the Sentencing Act. Before I became a barrister I was an associate to a judge of the Supreme Court. Before the creation of the Court of Appeal — a monument to the success of the previous government that has received accolades from around Australia, particularly from within the profession and from litigants — appeals were made through the Full Court. The Full Court involved three judges sitting for a month. Three weeks of that month were usually taken up dealing with criminal appeals. That was the minimum time spent; quite often the whole month would be spent dealing with criminal appeals.

The honourable member for Richmond said the right of appeal was a fundamental right, but that is incorrect. The right of appeal is a statutory right — there is no fundamental or common-law right of appeal. Many of the people exercising that statutory right of appeal were unrepresented, and the problem does not appear to have abated. Indeed, the Attorney-General in numerous debates last year referred to the number of appellants in the Court of Appeal who did not have any form of legal representation. The Attorney-General referred in one of those debates to a report of the Supreme Court that gives thanks to many members of the Victorian Bar Council for appearing on behalf of people on short

notice and on a pro-bono or amicus curiae basis. So the Attorney-General has been aware of the problem since March last year. Although the bill will repeal section 18 of the Sentencing Act, I would like to know whether the Attorney-General believes there is no longer a problem with unrepresented appellants. Does the problem still exist?

When I was a practising barrister before the last election I was aware of the concern of many in the profession that unmeritorious and vexatious appellants were a drain on court resources. Concerns were being expressed by members of the profession, including the judges and the Registrar of the Court of Appeal, about the drain on court resources. Vexatious appeals take up the time of not only three judges but also associates, tipstaves, court reporters and prison officers who transport the prisoners to the court.

Mr Wynne interjected.

Mr McINTOSH — The honourable member for Richmond is doing precisely what I am suggesting he should be doing — he and the government must answer the question. Is it a problem? Has it evaporated since last March when the honourable member spoke about it?

Government members interjecting.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Kew has the call. I will not tolerate interjections across the chamber from two other honourable members engaged in a separate discussion. The honourable member for Richmond has made his contribution and the honourable member for Springvale will get the call when the honourable member for Kew finishes. I invite all honourable members to listen to the contribution of the honourable member for Kew in silence.

Mr McINTOSH — As I was saying, the government must provide the house with an answer. The provision under discussion was introduced by the previous Attorney-General to address a problem existing in the Court of Appeal and the current Attorney-General is repealing that provision. No explanation for the repeal appears in the second-reading speech. The Attorney-General must explain why the provision is being repealed and what he will do about the serious problem if it still exists.

The honourable member for Richmond was correct in saying that no-one is doubting that people have a right to exercise their statutory right to appeal to test a conviction and the appropriateness of a sentence. I accept the view of the honourable member for

Richmond that Victorians have a fundamental right to be properly represented in the Court of Appeal. The fundamental right to be represented in all our courts and tribunals is a right we hold very sacred. However, if a problem arises, what is he going to do about it? If the problem has abated, it appears to have abated in very short compass.

Mr HOLDING (Springvale) — I am pleased to make a contribution on the important Courts and Tribunals Legislation (Amendment) Bill. I listened very carefully to the contribution of the honourable member for Kew. Before I take up a few of the points he made, I will give a brief overview of what the bill proposes.

The bill essentially has four key elements. The first, and probably most controversial, repeals certain provisions of the Sentencing Act 1991 as they were amended by the previous government in relation to the discretion given to the Court of Appeal for taking into account time spent in custody in determining applications for leave to appeal against sentences.

The second element of the bill — which, from listening to the contributions of the honourable members for Berwick and Kew, does not appear to be controversial — relates to the employment-related expenses of judges, masters and magistrates being paid from the consolidated fund. The third element of the bill gives the Judicial Remuneration Tribunal jurisdiction to set allowances and payments for acting magistrates. The fourth element allows members of the Victorian Civil and Administrative Tribunal (VCAT) to be appointed to higher office for the balance of their terms of appointment.

It appears that the clauses relating to section 18 of the Sentencing Act and to the promotion of VCAT members are the two elements of the bill with which the opposition does not agree. Nevertheless, I had trouble coming to grips with exactly what is the opposition's position on the bill. The shadow Attorney-General said that the opposition neither supports nor opposes the bill. I am not sure what that means. I am not sure how the opposition will vote when the bill comes to a vote, if it comes to a vote. We will find out in the fullness of time.

I was puzzled in particular when the shadow Attorney-General interjected across the chamber claiming that the proposed legislation was drafted by the opposition, and yet it is not sure whether it opposes or supports it! The truth is that the most significant part of the bill was drafted not by the former government, now the opposition, but by the current Attorney-General. It seeks to remedy a deficiency in the

Sentencing Act that was introduced by the former Attorney-General and was eroding the fundamental rights of prisoners when they sought leave to appeal against their sentences.

I will deal with that part of the bill at some length because when the former government's Magistrates' Court (Amendment) Bill was introduced it was the subject of considerable debate. The then opposition had concerns about the impact it would have on the rights of prisoners. It was also the subject of consideration by the Scrutiny of Acts and Regulations Committee. When the then Attorney-General introduced that bill, part of which the bill before the house now repeals, the following appeared in the second-reading speech read on her behalf by the then Minister for Education, Mr Gude:

Appeals from the County and Supreme Courts to the Court of Appeal.

In recent years, the Court of Appeal has expressed concern that some appeals are being brought before the court which are totally without merit. Such appeals delay the hearing of meritorious appeals, waste valuable court time and increase the burden on legal aid resources.

The Sentencing Act 1991 is being amended to deter frivolous appeals. Section 18 provides a mechanism for recognising the time an offender has been held in custody prior to sentence as well as treating such terms as a period of imprisonment already served under the sentence. The bill provides the Court of Appeal with a discretion to order that time spent in custody (up to a maximum of three months) between lodging the appeal and its unfavourable determination will not count as time served. This power will ensure that potential appellants carefully consider their position prior to lodging an appealing.

That last sentence is the most important.

The former government was trying to put pressure on those people who might have wanted to exercise a right to appeal against a sentence and have it tested in a court. The former government wanted those people to think that if they brought an unsuccessful appeal — that is, if the Court of Appeal, in its wisdom, determined that the appeal was not pathetic or frivolous but without merit — the court could affect the prisoner's liberty by ordering that he or she be detained for a longer period. The amendment introduced by the former government had that effect.

Not five minutes ago the honourable member for Kew said that an appeal right is a statutory right granted by Parliament, not a fundamental right of people in a democratic society. That view is nonsense! Honourable members who are trained in or who have studied the legal system would know that it is a fundamental principle of Australia's legal system that a person who is unhappy with a decision of a lower court can appeal

that decision to a higher court to obtain a review of the decision. That is how the Australian court hierarchy works. It was inherited from the United Kingdom as part of our system of common law. The role of the legislature in appeal rights and the appeal process is not in articulating whether a right of appeal exists but in regulating how that right of appeal will be exercised, the exact circumstances in which a court will hear certain appeals, the sorts of things that the courts can take into account, and so on.

The right of appeal is a fundamental tenet of our judicial system and fundamental to the court hierarchy that we enjoy in Australia. People can appeal from one court to a higher court in the legal hierarchy if they are dissatisfied with the decision or processes of the lower court. That right is not just through implication via the common-law system; it is also written into our commonwealth constitution, which creates a set of appeal rights that at one stage unfortunately went all the way to the Privy Council. It is written into the constitution and not created by statute.

The Australian constitution is not just an ordinary statute. It is a far more profound document than an ordinary statute, and to say that an appeal right is a statutory right is nonsense. It goes to the heart of understanding why the opposition got this wrong when it was in government. It does not understand what an appeal right is — that when the state deals with the question of the liberty of its subjects it has a particularly onerous and sensitive responsibility to get the balance right.

What did the Scrutiny of Acts and Regulations Committee say about the previous government's amendment to section 18 of the Sentencing Act?

The committee believes that the amendment —

that is, the former government's amendment —

may impinge on the right of access to justice by some prisoners and may act as a deterrent to the bringing of meritorious appeals by some prisoners.

The committee is specially concerned that the impact of the amendment may fall more heavily on unrepresented appellants.

The committee will write to the Attorney-General seeking her comment in relation to its concerns in respect to this amendment.

The committee refers the matter to Parliament for its consideration.

In other words, the view of the shadow Attorney-General and the honourable member for Kew — that this will in no way prejudice a meritorious

appeal — was contradicted by the Scrutiny of Acts and Regulations Committee in the last Parliament. The then government had a majority on that committee. The government's own members were telling it that if it pursued and persisted with this amendment to section 18 of the Sentencing Act the government would be prejudicing meritorious appeals being brought by prisoners. Former government members on the committee found that. What else did the committee find? It found that:

The amendment may fall more heavily on unrepresented appellants.

The Parliamentary Secretary for Justice made it clear that for any person who is unrepresented — not only those affected by the cuts to legal aid — appealing against a sentence imposed under the Sentencing Act, the court has a particular obligation to ensure that the person's rights are not in any way infringed upon or diminished as a consequence of the fact that he or she is unrepresented.

The court has a particularly sensitive responsibility to ensure that that occurs. What does the opposition say about that? Basically nothing. The shadow Attorney-General and the honourable member for Kew ignored the question of ensuring the rights of a person who is unrepresented but wants to exercise his or her fundamental right to appeal against the sentence to the Court of Appeal.

What did the Scrutiny of Acts and Regulations Committee say about the former government's amendment to the Sentencing Act? It said that those people will suffer particularly harsh penalties as a consequence of that amendment and that is why the government has introduced this reform and will be repealing those amendments to the Sentencing Act that the previous government introduced.

The honourable member for Kew also said that there was no explanation as to why the amendment was being introduced. I have to say that having examined the Attorney-General's second-reading speech, the honourable member must clearly not have read it. The minister in his opening remarks on the legislation and on its purpose says:

In 1998 the previous government amended this section to give the Court of Appeal a discretion to order that up to three months of time spent in custody pending the determination of an unsuccessful application for leave to appeal against sentence not be reckoned as time served.

The Attorney-General went on to explain the basis of the amendment, and the controversy that was caused at

the time when the former government introduced it. He then put the government's view:

This government remains of the view that the power is controversial and impossible to justify. Appeal rights are fundamental to our system of justice and are part of the checks and balances which ensure that the system operates fairly.

To suggest that the Attorney-General in his remarks did not canvass the reasons why the government was proceeding with these repeals is absolute nonsense. The honourable member for Kew clearly did not read the minister's second-reading speech.

The second aspect of the legislation concerns the question of judicial remuneration, which is fundamental to the separation of powers. Listening carefully to the contribution of the honourable member for Kew I concluded that he is a great supporter of the doctrine of the separation of powers, although I do not know whether he campaigned on it at the last election. The honourable member spoke at length about the doctrine and how important it was to ensure that it was not just theoretical but that it had practical expression through the acts of the legislature. He suggested that ensuring that all of the allowances of magistrates, judges and masters are determined by an independent tribunal and paid for out of the consolidated fund is fundamental to the separation of powers.

I could not agree more, and the government could not agree more, which is why it has introduced the amendment in the bill. It raises the question: what is the doctrine of the separation of powers? What does it mean?

The 4th edition of the *Australian Constitutional Law Manual* by P. H. Lane describes the document in the following terms at page 254:

The separation of powers doctrine, in a theoretical way, dictates the separation of powers as between the three arms of government: the legislature, the judiciary and the executive. In theory there is to be a separation of powers in the sense that the legislature has the power to make law, the judiciary the power to declare the (already made) law, the executive the power to carry out the (already made and, if necessary, declared) law.

That is the doctrine. It is fundamental to the rule of law in Australia as it exists at the moment. It is implied in our commonwealth constitution held by the High Court in a series of judgments going back to before the boiler-makers case of 1956. It is not only implied in the constitution but stated expressly by the three chapter headings — chapters 1, 2 and 3 — that deal specifically with the legislature, the executive and the judicature. It

is also stated expressly in our own constitution in Victoria.

In the Constitution Act 1975, part 1 deals with the Crown, part 2 the Parliament, and part 3 the Supreme Court of the state of Victoria. In other words, the Victorian constitution also has at its heart the doctrine of the separation of powers.

I was pleased when listening to the honourable member for Kew to find that he had such a developed view of the doctrine of the separation of powers. Imagine my surprise, therefore, when I was to learn that others do not share the learned member for Kew's deep and intrinsic understanding of the doctrine of the separation of powers. Imagine my surprise when I learnt of an exchange in December 1988 between the former Queensland Premier Sir Joh Bjelke-Petersen and Michael Francis Forde, acting for the Queensland opposition at the royal commission that was then in process. What did Sir Bjelke-Petersen understand the doctrine of the separation of powers to be? I refer to several questions and answers involving Mr Forde and Sir Joh Bjelke-Petersen, a Premier of some 20 years standing:

On many occasions you expressed your support for the democratic processes of the Westminster system of government?

Sure.

In fact, when you received your knighthood, the report on you said that you had a strong belief in the concept of parliamentary democracy. Would that be correct?

Yes, the free enterprise system that we have inherited.

...

Can you distinguish between, say, the head of the Health Department and the Commissioner of Police as the head of the department under the Westminster system?

I can tell you the difference. There's a very big difference as far as actual work is concerned; responsibility is concerned. The health one is a very important one, but it's not one in which you have to maintain the law and order in a time and period of our history when there's a very strong attitude towards lawlessness, and the police commissioner has a very, very difficult role and an important one.

Mr Forde then asked:

This is probably the most important question I will ask you, so be very careful in listening to this.

I am careful all the time.

What do you understand by the doctrine of separation of powers under the Westminster system?

The Westminster system? The stock?

Mr Forde continued:

The doctrine of the separation of powers under the Westminster system.

No, I don't quite know what you're driving at. The document?

No, I'll say it again. What do you understand by the doctrine of the separation of powers under the Westminster system?

I don't know which doctrine you refer to.

There's only one doctrine of the separation of powers.

I believe in it very strongly, and despite what you may say, I believe that we do have a great responsibility to the people who elect us to government. And that's to maintain their freedom and their rights, and I did that — sought to do it — always.

I'm sure you're trying to be responsive to the question, but the question related to the doctrine of the separation of powers or the principles — —

Sir Joh then asked:

Between the government and the — is it?

No, you tell me what you understand.

Well, the separation of the doctrine that you refer to, in relation to where the government stands, and the rest of the community stands, or where the rest of the instruments of government stand. Is that what — —

No.

Well, you tell me. And I'll tell you whether you're right or not. Don't you know?

That was the attempt by former Queensland Premier Joh Bjelke-Petersen to explain the separation of powers.

Sitting suspended 1.03 p.m. until 2.03 p.m.

Debate interrupted pursuant to sessional orders.

DISTINGUISHED VISITORS

The SPEAKER — Order! I welcome to the gallery members of the delegation from the Parliament of Bangladesh. The delegation is present in our Parliament for two days to attend workshops organised jointly by the National Democratic Institute for International Affairs and the Parliament of Victoria with the support of the Australian government. The delegation is on a study tour in Australia, visiting Melbourne, Canberra and Sydney.

I welcome the delegation members and trust they will have a rewarding time in Melbourne.

QUESTIONS WITHOUT NOTICE

Electricity: Yallourn dispute

Dr NAPHTHINE (Leader of the Opposition) — Mr Speaker, I add to your words of welcome to the representatives of the Bangladesh Parliament. In my previous veterinary career I spent some time in Bangladesh as a consultant, and I appreciate the task in front of the Bangladesh Parliament. I welcome the delegation.

I note the Premier's answer yesterday, when he said that after the power station breakdown on the afternoon of 2 February the government received advice that the breakdown was not likely to cause any shortage of power supplies. Will the Premier stop running away from this issue and immediately provide that advice to the house and to the people of Victoria?

Mr BRACKS (Premier) — The question was answered yesterday, Mr Speaker, but I am indebted and grateful to the Leader of the Opposition because every time he bobs his head up it reminds Victorians about the privatisation of electricity in Victoria.

Apprenticeships: public sector

Mr LENDERS (Dandenong North) — I refer the Premier to the dismal number of public sector apprenticeships under the former government and ask what action the government has taken to provide employment opportunities for young people in the public sector.

Mr BRACKS (Premier) — I thank the honourable member for his question and for his continuing interest in employment opportunities for young people in an area of Victoria that needs employment growth — Dandenong. The government has good news for young Victorians. My government is committed to real-life opportunities for all Victorians. Under the previous government, as was outlined in the honourable member's question, employment and training opportunities for young people were severely depressed. Victoria lagged behind the other states.

As at September 1999 Victoria had 857 trainees, only 40 of whom were directly employed by the public sector. One can compare the figures with those for the other states: Queensland had 3992 trainees; New South Wales had 3691; Tasmania had 1526; and South Australia had 1131 trainees. Under the previous Kennett government Victoria had only 40 directly employed trainees.

The same government ripped out 70 000 employees from the public sector, and throughout the Kennett regime 70 000 of our young Victorians were consistently unemployed.

Under the previous government youth unemployment reached 23 per cent and in some parts of regional Victoria — for example, Gippsland — the figure approached 50 per cent, which is totally unacceptable. The teenage unemployment level under the previous government was approximately 20 per cent.

The government will tackle unemployment head on. Today I announced the YES — Youth Employment Scheme — program in Victoria. The initial part of the program, which I announced today with the Minister for Post Compulsory Education, Training and Employment, who constructed the scheme out of the policy developed last year, provides opportunities for 2035 public sector traineeships and apprenticeships. It will start next month and will be implemented across all areas of the Victorian public sector, not only in the clerical and administration areas but also in land conservation, multimedia and a range of other areas covering every facet of Victorian life.

Of the 2000 new positions for young people, 600 will be for long-term unemployed Victorians. Just over \$35 million has been committed to the project. It is the Bracks government delivering on its election promises and delivering more than 2000 new apprenticeships and traineeships.

The Youth Employment Scheme is only one part of a comprehensive employment package; it is the first announcement of many to come. Private sector and other proposals will be coming forward soon. My government is about growing the whole of Victoria, providing jobs around the state, and looking after our young people by providing lifelong learning and careers. I am proud to stand here as Premier with a \$20 billion budget and say that in its first three months in office the government has offered more than 2000 new jobs for young people. When in government those opposite had 40 people directly employed in the public sector — it was an absolute national disgrace!

Intergraph: royal commission

Dr DEAN (Berwick) — Given the public comments by David Curtin, QC, the Chairman of the Bar Council of Victoria, that it is folly not to allow the Metropolitan Ambulance Service to be legally represented before the Intergraph royal commission, a position supported by the commissioner himself, I ask the Premier whether he will now show leadership and overturn the

government's flawed decision to deny the MAS its right to separate legal representation?

Mr BRACKS (Premier) — I thank the honourable member for Berwick for his question and note that the shadow Minister for Health is not asking the question. We all know why that is!

Opposition Members — Why?

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

Mr Cooper — Tell us, Steve!

The SPEAKER — Order! I warn the honourable member for Mornington to cease interjecting.

Mr BRACKS — The policy the government has adopted is consistent with that of previous governments. We have taken the appropriate — —

Opposition members interjecting.

The SPEAKER — Order! The level of noise is far too high. I ask the chamber to come to order.

Mr BRACKS — The decision the government has taken is consistent with decisions taken by previous governments. The independent advice to the government is to maintain consistency by ensuring the public sector would be keenly represented but would not be assisted with legal counsel costs. We will do everything possible — —

Opposition members interjecting.

Mr BRACKS — Hopeless! We will do everything possible, as we have to date, to ensure this Intergraph — —

Mr Perton interjected.

The SPEAKER — Order! Would the honourable member for Doncaster cease interjecting.

Mr BRACKS — To make sure the Intergraph royal commission works well and effectively, the government will be facilitating and assisting the Metropolitan Ambulance Service in its submissions to the inquiry. Consistent with the practice of previous governments, we have ensured taxpayers' money is spent wisely and will be in the future.

Honourable members interjecting.

The SPEAKER — Order! There is far too much conversation and interjection across the chamber. I ask

the house to settle down so we can get through question time.

Mr BRACKS — The decision we have taken is consistent with the practice of almost all governments. We will facilitate the representations of the Metropolitan Ambulance Service before the commission. The government and all Victorians would be looking forward to that outcome.

Youth: long-term unemployed

Mr CARLI (Coburg) — I refer the Minister for Post Compulsory Education, Training and Employment to the government's announcement of more than 2000 new apprenticeships in the public sector. Will the minister inform the house what action the government is taking to deal with the special needs of the long-term unemployed?

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I thank the honourable member for Coburg for his question; he has long been interested in this issue, unlike members on the other side of the house.

Today the Premier and I met with a group of disadvantaged young people who have been out of work for 12 months or longer. They have been trying extremely hard to get work and cannot, and they were not assisted by the previous government. One of the young women told me today that last year her group tried six times to get the former Premier to visit. Did he come? Not once! They asked once this year, and they got the Premier!

The Premier delivered fantastic news to those young people. Today the Premier announced more than 2000 additional apprenticeship and traineeship positions in the public sector — at a cost of \$35 million. The government inherited a terrible youth unemployment situation but, unlike the previous government, this government will intervene and it will do something. It will not say, 'Rely on the market. Take your chances out there'; this government will intervene.

Opposition members interjecting.

Ms KOSKY — Honourable members opposite are obviously terribly interested in my response! They are not at all interested in young people — they have not changed.

The government will not leave it to market forces to look after those disadvantaged young people. Six hundred of those positions will be targeted at long-term unemployed people — that is, those who have been

unemployed for longer than 12 months. And that is only in the public sector. This announcement is the first of a series the government will be making to address the unemployment situation it inherited from the previous government.

The long-term unemployed require additional assistance. An additional incentive of \$1250 per young person will be provided to assist young people to get back into the employment market. The public sector and ministers on this side will be making a commitment to those jobs. Ministers will be ensuring our departments pick up those young people and not only provide them with a bit of an 'admin' job; they will be provided with a career structure. The government will help those young people. The Bracks government is getting on with the job of getting young people a job.

Mrs Peulich — How many in Ballarat and Bendigo?

The SPEAKER — Order! The honourable member for Bentleigh should cease interjecting.

Mallee: exceptional circumstances relief

Mr SAVAGE (Mildura) — Can the Minister for Agriculture advise the house on the current status of the supplementary exceptional circumstances application for the Mallee?

Mr HAMILTON (Minister for Aboriginal Affairs) — I thank the honourable member for his question and congratulate him on the way in which he goes about representing his electorate.

Mr Leigh interjected.

The SPEAKER — Order! I ask the honourable member for Mordialloc to cease interjecting.

Mr HAMILTON — It would appear that the only growth that has taken place on the opposition benches during the break has been in the volume of their interjections, which are hard to put up with.

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

Mr HAMILTON — The exceptional circumstances scheme for farmers who have suffered unseasonal conditions has been one of tremendous importance to all members of the farming community and one which has caused a great deal of difficulty.

The current agreement between the state and federal governments relies on the fact that a boundary has to be set once the appropriate organisation, the Rural

Adjustment Scheme Advisory Council — known as RASAC — has examined the circumstances of an application. Unfortunately, when the declaration was made in the Mallee, some areas of the Mallee were outside the boundary. That has created great hardship and a great deal of distress for that community. Following representations by the honourable member for Mildura and others the department — —

Mr Ryan interjected.

Mr HAMILTON — No, I think it is important. The department has worked with the community and the Victorian Farmers Federation to gather together the evidence for a supplementary submission on exceptional circumstances. Meetings took place during the middle of February — I think on 18 and 24 February — and another meeting is taking place today at a field day in the Mallee.

The real importance of the meetings is the full and appropriate preparation of the submission that has to be made for a review of the boundaries for the exceptional circumstances additional declaration. I have encouraged my department to work fully with all the players to ensure that the very best submission is presented for the review case.

In conclusion, I believe — and there is a deal of concern throughout the Victorian farming community about this — the processes for the declaration and examination of exceptional circumstances should be reviewed. I can assure the house that we will be working with the farming organisations, farmers and farming communities throughout Victoria to seek a review of the exceptional circumstances by the federal minister, the Honourable Warren Truss.

There is an urgent need for the review, and the government will be cooperating with all Victorian farmers and their organisations to have the review take place to get a more realistic and, most importantly, positive outcome. I hope our submission to the Mallee farmers is successful; I am advised that it is an outstanding submission. I would like to give a great deal of hope to those farmers who are suffering at the moment.

Teachers: contracts

Mr HARDMAN (Seymour) — I direct my question to the Minister for Education. As a former principal I know how the Kennett government's introduction of short-term teaching contracts removed employment security from teachers, destabilised schools and contributed to teacher shortage. Will the minister inform the house of what action the government is

taking to restore continuity and quality of teaching for all our students?

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for Seymour, who knows better than most honourable members about the savagery with which the last government took the machete to education in Victoria. We know it closed 380 schools and sacked around 7000 or 8000 teachers, but what we have not known — and what it tried to disguise — was what its policies did to create a teacher shortage in the state.

In 1998 the Australian Council of Deans of Education alerted the previous government to a severe shortfall of quality teachers in Victoria. What did the last government do? Nothing. It stuck its head in the sand. Why did it do that? Let me paint a portrait for you. The previous government — —

Honourable members interjecting.

The SPEAKER — Order! Would the house come to order. I ask the minister not to debate the question and to come back to answering it.

Ms DELAHUNTY — Thank you, Mr Speaker, for your advice. The previous government was hell-bent on privatising schools and casualising the teaching profession. It believed education was a commodity — a product just like petrol. It had a target of 30 per cent of teachers on short-term contract. Most of the teachers affected were our youngest, brightest, most qualified and, often, our most enthusiastic teachers. When it was thrown out of office the previous government's target of 30 per cent was sitting at around 18 per cent — that is, 7000 of the teachers before our children in the classrooms were on short-term contracts.

Short-term contracts can be for a term, half a term, or half a year. Teachers on contracts have the permanency of people doing bar work. Teachers on short-term contracts cannot get bank loans for houses, or even cars. Consequently, many qualified, enthusiastic teachers decided there was no future in education in Victoria under the last government. They looked elsewhere; they left the schools.

As a result our schools could not get and hang on to the best teachers. There was a lack of continuity with teachers in classrooms. Some children faced one teacher for part of a term and a different teacher — or no teacher — for the rest of it.

Today I have great pleasure in announcing an historic agreement between the Bracks Labor government, teachers and principals. The objective of the agreement

is to provide schools with the capacity to select the best available staff to meet the educational needs of their students and to maximise ongoing employment opportunities in Victorian government schools.

The agreement will mean that the standard mode of employment for teachers will be ongoing, except when a position is genuinely of a fixed-term nature — for example, one that covers maternity leave. All advertised vacancies will now be open to all qualified teachers. That will save schools money in advertising and time. It will also provide new opportunities for graduates, for those on contract, and for those already in ongoing employment. Teachers who have been on contract for more than one year will be offered ongoing employment, except in specified circumstances. That is what is so absolutely critical and sound about the agreement.

The agreement will also mean that the local selection of teachers will continue. That is critical for schools having the flexibility to match the educational needs of their students with the talents and career aspirations of teachers. Principals will continue to have the flexibility to manage their budgets and to plan for their work force.

It is important to attract and keep the best teachers. So as part of the historic agreement a one-year probation period has been agreed to, to review the performance of new teachers, to ensure that teaching is the best career for new teachers, and that the best qualified teachers are in front of our children in the classrooms.

Finally — this is something the previous government could not have come within a bull's roar of — to manage any excess teachers who might result from the agreement the principals, the teachers and the government have agreed to a first in Victorian government schools: a retrenchment system.

Honourable members interjecting.

The SPEAKER — Order! The minister has now been speaking for a full 7 minutes and she has not been succinct in her answer. I ask her to conclude.

Ms DELAHUNTY — I am outlining the agreement. The teacher retrenchment system will operate should redeployment or retraining options not apply. That will provide continuity of teachers in front of classrooms and will be a win for parents and students.

The SPEAKER — Order! Will the house come to order! The Chair had difficulty hearing the answer. The minister has been warned she is not being succinct.

Unless she concludes her answer forthwith the Chair will no longer hear her.

Ms DELAHUNTY — The agreement is a win for parents, a win for teachers and a win for quality education in Victoria.

Disability services: funding

Mrs ELLIOTT (Mooroolbark) — I refer the Minister for Community Services to the ACROD bulletin of February 2000 which advises that, as the Victorian Treasury believed disability organisations would be better off under the federal government's new tax reform system, the Victorian government would cut funds to those organisations. I ask the minister to assure the house that those callous state budget cuts to people with disabilities will not proceed.

Honourable members interjecting.

The SPEAKER — Order! The Chair had difficulty hearing the latter part of the honourable member's question. I ask her to repeat it.

Mrs ELLIOTT — I refer to the ACROD bulletin of February 2000 which advises that, as the Victorian Treasury believed disability organisations in Victoria to be better off under the federal government's new tax reform system, the Victorian government would cut funds to those organisations. I ask the minister to assure the house that those callous state budget cuts to people with disabilities will not proceed.

Ms CAMPBELL (Minister for Community Services) — It was fascinating to hear those comments twice. Obviously the Leader of the Opposition was not present at question time today or he certainly would have scuttled that question!

Honourable members interjecting.

Ms CAMPBELL — It is amazing that such a question was asked when the Leader of the Opposition agreed to the state government signing up when funding cuts would be required in order to implement the decision of the previous minister. I would be delighted to inform the house that the Leader of the Opposition sat around the cabinet table of the previous government and agreed to Victoria signing the Intergovernmental Agreement on Reform of Commonwealth–State Financial Relations. He personally agreed that grants to charities would have to be reduced by the extent of the embedded tax savings and the commonwealth economic model as forecast.

Honourable members interjecting.

The SPEAKER — Order! I warn the Minister for State and Regional Development to cease interjecting.

Ms CAMPBELL — The so-called federal guarantee funding to state budgets under the agreement was adjusted to reflect those savings estimated across all sectors funded by the state government. That is clear. The Bracks government understands and sympathises with charities. It understands the financial dilemma that the previous minister left them in.

In January the government communicated to the peak organisation of charities and welfare services in Victoria that it would have to implement very difficult decisions that the previous government put in place.

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier and the Leader of the Opposition to cease interjecting and trying to resolve the issue across the table. The Minister for Community Services has the call to answer the question.

Ms CAMPBELL — It was communicated to peak organisations in January that the very difficult decision would have to be taken. Not only was the Bracks government left with difficulty and dilemma caused by the previous government having signed up but there was added confusion and chaos on that very issue caused by the federal government. On 9 December the federal Treasurer communicated that the federal government was fully grossing up commonwealth grants to charities by 10 per cent to allow for GST.

Mr McArthur — On a point of order, Mr Speaker, the minister appears to be reading from extensive typewritten and highlighted notes. I wonder if she could make them available to the house.

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

Ms CAMPBELL — Yes. Thank you very much, Mr Speaker. I am delighted to ensure that the opposition is fully briefed on this matter. I would be absolutely delighted to highlight what the previous government signed up to. I would be happy to brief the government and the opposition on the utter confusion that is occurring in Canberra on this very matter and the impact it is having on charities throughout Victoria.

The government has written to the federal Treasurer asking for clarification on a number of matters, including his 9 December comments. The government is seeking clarification.

Mr Maclellan — On a point of order, Mr Speaker, the minister has just said that the matter is the subject of total confusion. Will the minister clarify whether she is cutting the organisation's funds?

Honourable members interjecting.

The SPEAKER — Order! I will not hesitate to use sessional order 10 if the Premier or any other member persist in interjecting while the Chair is on his feet.

There is no point of order. I will not allow the honourable member for Pakenham to raise points of order merely to repeat a question or to ask a further question.

Ms CAMPBELL — In case the honourable member is still confused, the government has written to the federal Treasurer and has asked for further clarification. I can provide extensive briefings for the honourable member because obviously he is easily confused.

The Bracks government cannot mirror the commonwealth stance and therefore cannot make budget cuts to charitable institutions unless the federal government commits to a reduction in its embedded tax savings to Victoria. Those arrangements were signed by the previous government. The government will ensure it obtains clarification from the federal Treasurer on a number of the matters.

Mandatory sentencing

Mr WYNNE (Richmond) — I refer the Attorney-General to the failure of the Prime Minister to take action to deal with the mandatory sentencing laws that are damaging the reputation of Australia's legal system. What action is the Attorney-General taking to remove the blight of mandatory sentencing and protect Victoria's international legal reputation?

Mr McArthur — On a point of order, Mr Speaker, questions must deal with a minister's jurisdiction and his portfolio responsibilities. Federal or interstate laws are slightly outside even this minister's responsibilities.

The SPEAKER — Order! If the Chair heard correctly, the question related to Victoria's international standing. I ask the Attorney-General to confine his remarks to matters within his jurisdiction.

Mr HULLS (Attorney-General) — Mandatory sentencing is immoral, unethical, inhumane and racist. The recent death of a 15-year-old Aboriginal boy who hanged himself in a juvenile detention centre in Darwin after being jailed for stealing pencils tragically

encapsulated all that is bad about mandatory sentencing.

I am hosting the Standing Committee of Attorneys-General in Melbourne on 24 March next. The Chief Minister of the Northern Territory, the Honourable Denis Burke, who is also the Attorney-General of the Northern Territory; the Western Australian Attorney-General, the Honourable Peter Foss; and the federal Attorney-General, the Honourable Daryl Williams, will be attending the meeting. I have placed the issue of mandatory sentencing well and truly on the agenda for that meeting and I will be calling on my counterparts to commit themselves to oppose mandatory sentencing, which is an important issue for all Victorians.

I would have thought the Leader of the Opposition would have taken a stance on the matter. It is interesting, although perhaps understandable, that he failed to speak out when he was in government and when members of his government were rorting taxpayer funds with credit cards. He failed to speak out when Bolte bolted — —

Dr Napthine — On a point of order, Mr Speaker, I am sorry to stop the Attorney-General in full flight, but it seems that the Minister for Community Services was asked and agreed to table documents. She has now been approached by both an attendant and the Clerk to provide those documents and it seems she has refused. Mr Speaker, I ask you to direct her to pass over the documents without any hesitation, without any adulteration and without any manipulation.

Mr Batchelor — On the point of order, Mr Speaker, the minister has indicated her preparedness to table the document and I understand that under the forms and procedures of the house that is required to be done at the end of question time.

The SPEAKER — Order! I uphold the point of order. The normal procedure in this house is for members to make documents available when they have completed their contributions. In this instance, the minister should hand over the document as she has concluded her answer.

Honourable members interjecting.

Ms Campbell — On the point of order, Mr Speaker, I am happy — —

Honourable members interjecting.

The SPEAKER — Order! The minister may not speak on that point of order; that point of order has been dealt with.

Mr Richardson — On a further point of order, Mr Speaker, I also draw to your attention the requirement that if a document is part of a file, the entire file must be made available.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Forest Hill is entitled to raise a point of order and is entitled to be heard. I ask the house to come to order so that the Chair can hear his point of order.

Mr Richardson — Mr Speaker, it is clear that the document came from a file; it has been torn from the file. The minister is clearly hiding things which are in that file, and I draw your attention, Sir, to a precedent: an incident referred to historically as the Ian Smith incident. I call upon you, Mr Speaker, to demand that the entire file be handed over in accordance with the established practices of the house.

Mr Batchelor — On the point of order, Mr Speaker, so that I may assist the Chair and to calm matters, I indicate that I was sitting at the table when the minister was answering the question. She had one piece of paper in her hand and it has been handed over. I can understand that the honourable member for Forest Hill might not have been able to see that. The document has been handed over, as requested, and the matter should end there.

The SPEAKER — Order! I will hear nothing further on the point of order; I am prepared to rule on it. The normal procedure is that if a document is attached to a file the file should be made available. The independent advice the Chair has received is that the document was not attached to a file. There is no point of order.

Mr Leigh — On a point of order, Mr Speaker, from my seating position I saw the minister removing the paper. She moved the paper across the file and it came off. I saw it quite clearly from here. She took the paper off the file and I ask her to make the file available. I could see it from here.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc should be more temperate in his language when he raises a point of order. There is no point of order. The Chair has already ruled on this matter and the document has been tabled in the house.

The Attorney-General, concluding his answer.

Honourable members interjecting.

Mr HULLS — Internationally, unless these mandatory sentencing laws are addressed around Australia, we will be seen as a backward society. The Northern Territory and West Australian governments must realise that the calls against mandatory sentencing are now deafening and they must repeal those laws. I spent eight years in north Queensland, five as a solicitor with an Aboriginal legal service. During that period I became acutely aware of the link between poverty, unemployment and crime, and mandatory sentencing is simply not the answer. It is an indictment of the Australian community as a whole if we do not do something about mandatory sentencing.

We must take heed from the report of the Royal Commission into Aboriginal Deaths in Custody, which made it clear that mandatory sentencing, indeed imprisonment, should be seen as a last resort. It is the political and moral responsibility of governments to provide diversionary options to keep young people, particularly young Aboriginal people, out of the prison system.

The Northern Territory Chief Minister, Mr Denis Burke, in his condemnation of the judicial system in the territory as corrupt, shows a frightening ignorance of the separation of powers under the Westminster system. He should be asking himself now whether he is fit to be an Attorney-General in the territory.

Dr Napthine interjected.

Mr HULLS — The Leader of the Opposition asks: what has that to do with Victoria?

Mr Plowman — On a point of order, Mr Speaker, your ruling was quite clear to everyone here except the honourable member for Niddrie. The ruling was that the answer had to be specifically related to Victoria. The Attorney-General was talking about the chief minister in the Northern Territory and the territory's law, and issues related to that which have no relationship at all to the Victorian situation as that is not on the Victorian statute.

The SPEAKER — Order! I uphold the point of order and ask the Attorney-General to come back to answering the question.

Mr HULLS — Mandatory sentencing laws in any state have an impact on Victoria's reputation because Victoria is part of Australia. Mr Speaker, I undertake to the Victorian community, as chief law officer of this

state, that I will not transcend down the racist, immoral, unethical, mandatory sentencing path of the attorneys-general in the Northern Territory and Western Australia. I also seek bipartisan support. I can understand that the Leader of the Opposition and the shadow Attorney-General have been silent on the roting of credit cards. I can understand their silence when Bolte bolted, when the former Premier, the hero of the current Leader of the Opposition, took a painting. But I cannot understand — —

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

Mr Mulder interjected.

The SPEAKER — Order! The honourable member for Polwarth! That was not an acceptable interjection. The honourable member for Cranbourne, on a point of order.

Mr Rowe — On a point of order, Mr Speaker, the Attorney-General is obviously debating the question now. He is introducing other spurious topics, trying to keep the debate going. The Chair has already ordered that it has nothing to do with the Victorian statute and his administration in Victoria. He is flouting the chair; he is grandstanding.

The SPEAKER — Order! I uphold the point of order. I ask the Attorney-General to cease debating the question and come back to answering it.

Mr HULLS — As part of a country where certain states have introduced mandatory sentencing, the only way that Victoria's reputation can be maintained is for there to be bipartisan support about this. I am dismayed that the Leader of the Opposition and the shadow Attorney-General have been silent on this issue. I ask all members of the house to stand up against mandatory sentencing in Australia.

Dr Dean — On a point of order, Mr Speaker, you have made it quite clear that the Attorney-General was debating the question before. If he was debating the question before he is certainly debating the question now, and in saying that there is no bipartisan support he is also misleading the house. He is obviously not reading the newspapers because I have already made a comment on that. The Attorney-General is debating the question.

The SPEAKER — Order! I will hear the honourable member for Berwick on whether the Attorney-General is debating the question. However, I will not hear him if he uses the point of order to make a debating point. Has the honourable member for Berwick concluded his point of order?

Dr Dean — Yes, I have.

The SPEAKER — Order! I upheld a previous point of order and I uphold this one. The Attorney-General must not debate the question. The Attorney-General will not be heard if he continues to defy the Chair. The Attorney-General concluding his answer.

Mr HULLS — In conclusion, I hope all honourable members will now support my call for the abolition of mandatory sentencing in Western Australia, in the Northern Territory and anywhere else in Australia.

Natural Resources and Environment: briefings

Mr McARTHUR (Monbulk) — I ask the Minister for Environment and Conservation to advise the house what instructions or guidelines have been issued to the Department of Natural Resources and Environment staff establishing protocols for dealing with inquiries or requests for briefings from members of Parliament, and will she table any such guidelines in the house?

Ms GARBUTT (Minister for Environment and Conservation) — The government's guidelines are exactly the same as those of any democratic Westminster system. They are consistent, I believe, with the previous government's, and that is what I am following.

Police: strength

Mr VINEY (Frankston East) — I refer the Minister for Police and Emergency Services to the massive cuts to police resources by the previous government, a significant issue in the Frankston East supplementary election. Can the minister advise the house of the action the Bracks government is taking to put more police on the beat?

Mr HAERMEYER (Minister for Police and Emergency Services) — I thank the honourable member for Frankston East for the question. He has taken a strong interest in the state of the police force and law and order, particularly in the Frankston and Frankston East area. Unfortunately the same cannot be said for the member for Frankston.

The member for Frankston East was elected in a supplementary election in which the government commitment to place an additional 800 police onto the front line was a focal point and one of the most significant reasons for the member for Frankston East sitting in this place today. The government has begun to deliver on the commitment within its first hundred days.

The previous government cut police numbers by 800, despite promising to increase numbers by 1100. I am pleased to advise the house that to date some 733 recruits have entered the police academy. That is nearly double the number of recruits put through the academy in less than six months compared to the previous government in three years. The Bracks government is making significant progress on recruiting. The parade grounds are full for the first time in years. The police academy in Glen Waverley, which has been empty for years, is suddenly working at full capacity.

Over the next four years, between 2000 and 2500 police officers will go through the police academy. The government will ensure the parade grounds remain full. I am pleased to inform the house that as of this weekend Victoria Police will be placing recruiting advertisements in all metropolitan and country papers and ethnic media to ensure that recruits are brought into the police force, the academy remains full and the government lives up to its commitment.

The ads are excellent. They ask:

- Do you have what it takes? Our recruits do.
- A commitment to serve the community
- The patience to listen and advise people in trouble
- The capacity to investigate breaches of the law
- The judgment to control public demonstrations
- Enough compassion to help a lost and frightened child
- The mental strength to deal with a road fatality
- The discretion to intervene in family disputes

The ads target various groups in the community, including ethnic groups. The government is concerned to ensure the make-up of the Victorian police force reflects the make-up of the Victorian community, so we are recruiting proactively in ethnic communities. The ads will run over the next four weeks.

I am pleased that the number of police being put on the street is already having an impact. The Chief Commissioner of Police now has the flexibility to move police to locations of highest priority and already has some of the additional police on the street. One of the locations is Springvale. This morning I was advised that since the intensive police activity in Springvale in recent months the crime rate is now down by 40 per cent. That is an excellent achievement on the part of the police. The government will ensure that the police force has the numbers and the resources needed to do its job properly.

Mr Rowe — On a point of order, Mr Speaker, could you rule on a situation where a member of Parliament misleads the house with a statement — in particular the statement just delivered by the Minister for Police and Emergency Services? He indicated that the graduates coming out of the police academy have come out under the provisions set down by the current government. That is not the case. The course is longer than the Labor Party has been in government!

The SPEAKER — Order! Points of order should not be taken under the guise of providing information or providing information alternative to that given by a minister. There is no point of order.

The time set down for question time has now expired and a minimum number of questions has been asked.

Mrs Shardey — On a point of order, Mr Speaker, on your apparent acceptance that the Minister for Community Services did not have a file I would like to say that I distinctly heard her say to the Leader of the House, ‘I will give them the file when they come for a briefing’. Those are the words I heard, and I believe there is a file.

Honourable members interjecting.

Dr Napthine — On the point of order, this is a difficult situation. Quite rightly, if the Minister for Community Services advises the house there was no attached file, the opposition accepts her explanation. I provide the minister with a further opportunity to clarify her position with respect to the matter. In her point of order the honourable member for Caulfield has raised what she clearly understands she heard — a conversation between — —

Honourable members interjecting.

Dr Napthine — I am trying to give people an opportunity. In addition, evidence is before us of the document clearly torn around some file or staple or attachment. The prima facie evidence strongly suggests that the Minister for Community Services removed the document from a file.

In accordance with the ruling on the matter described earlier by the member for Forest Hill as the Ian Smith incident, and noting the remarks of the honourable member for Caulfield, I ask the Minister for Community Services to advise the house absolutely whether this document was attached to a file. If so, the file should be produced. I give her the opportunity to explain why the document has an enormous tear in the corner.

The SPEAKER — Order! I will hear no more on the point of order. To assist the house and to clarify the matter I will ask the honourable Minister for Community Services: was the document attached to a file?

Ms Campbell — It was not part of a file. It was not attached — —

The SPEAKER — Order! I have heard sufficient from the Minister for Community Services. The Chair can only accept the statement from the minister. The document she was quoting from has been provided to the Clerk. The matter is closed.

Honourable members interjecting.

Mr Perton — On a fresh point of order, Mr Speaker, immediately before the minister got to her feet, I heard her say — —

Honourable members interjecting.

Mr Perton — She distinctly told the Leader of the House, and identified the file to which the document was attached. Mr Speaker, you interrupted the minister at the end of the sentence. It is now time for her to get up to identify the file to which it was attached and for you to allow her to complete her statement. She identified the file to the Minister for Transport, the honourable member for Thomastown. She has twice been overheard to do this. If she denies it, she is a liar.

The SPEAKER — Order! The honourable member for Doncaster may not reflect on the minister in that vein. I ask him to withdraw his comment.

Mr Perton — She knows that she is a liar. To the extent that you wish me to withdraw that comment, Mr Speaker, I withdraw.

The SPEAKER — Order! The question has been put to the minister by the Chair and an answer has been provided to the matter in dispute.

An Opposition Member — She did not finish her sentence!

The SPEAKER — Order! The minister did not finish her sentence because the Chair was satisfied with her response. However, so that there can be absolute certainty about this, does the minister want to respond to the question that I posed to her in any further way as to whether or not the document was attached to a file?

Ms Campbell — I came to the table with one sheet of paper. I suggest to opposition members that they look at the television coverage and they will see that

there was one sheet of paper. There was one sheet of paper in relation to — —

Honourable members interjecting.

The SPEAKER — Order! The house is wasting its own time. The answer provided by the minister is exactly as she provided when the Chair previously asked her about this matter. The Chair has followed the procedures that are traditional in this house. The matter is closed.

Mrs Maddigan — On a further point of order, Mr Speaker, I refer to the unparliamentary language used by the honourable member for Doncaster. I believe he has breached standing order 108 in reflecting on the Minister for Community Services.

The SPEAKER — Order! The honourable member for Doncaster withdrew, did he not?

Opposition Members — Yes, he did.

The SPEAKER — Order! The matter is closed.

Mr McArthur — On a further point of order, Mr Speaker, given the difficult situation you find yourself in and given the heat in this chamber and the tension on both sides — understandable as it is — you are required by precedent and the rules of the house to accept the member's word. The problem you have, Sir, is that there are conflicting versions of what happened from a number — —

Honourable members interjecting.

The SPEAKER — Order! I will not hear the honourable member for Monbulk any further if he continues to raise a point of order on a matter that has been resolved before the Chair. Should he wish to pursue this matter further, he may do so through a substantive motion.

COURTS AND TRIBUNALS LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed.

Mrs FYFFE (Evelyn) — I am pleased to contribute to the debate on the Courts and Tribunals Legislation (Amendment) Bill. Parts 1, 2 and 3 have been spoken on at great length by previous speakers and I am pleased not to oppose the amendments. The government has adopted the legislation drafted by the previous Attorney-General which ensures the

separation of powers of the legal system from the government.

Part 5, which refers to the Victorian Civil and Administrative Tribunal, has also been previously addressed. I do not have anything further to add except that VCAT is a progressive group, it was a good idea of the former coalition government and it is serving the community well.

The honourable member for Springvale said that the most significant part of the legislation is part 4. Not being a lawyer and being fairly new to the Parliament I have to spend a lot of time researching what I am going to speak about. The honourable member for Springvale, along with the Attorney-General and the honourable member for Richmond, spoke passionately and strongly about a right to legal representation being among the fundamental rights of people.

However, their actions do not follow their words. If they did they would urge the Premier to insist that the Metropolitan Ambulance Service be represented at the Intergraph royal commission. Everyone has fundamental rights, not just those who are seeking to appeal a decision of a court or tribunal.

It is inevitable that over time, as circumstances change and consequences of legislation emerge, legislation will be amended. Legislation by any government is not cast in stone; changes will be made from time to time.

The former Attorney-General, Jan Wade, introduced this amendment to provide a degree of flexibility in response to queries about wasting resources on frivolous appeals. The courts were to have the choice of considering the three months as dead time. In my research I found that no-one has ever had to call on that provision when on appeal.

I am not a lawyer with a black-and-white view of the world; I know that just as no man is an island so no law is an island. Everything that we do in this house and in our lives creates ripples and affects others. Once the legislation is passed we may — and I say 'may' because I do not know — have more frivolous and vexatious appeals, a large portion of which will undoubtedly attract legal aid.

I ask the Attorney-General whether he has researched the cost of the proposal. If we have more frivolous appeals by people needing legal representation when what they want is a day out from jail, just to go to court and mix with other people, where will the funding for those appeals come from? Will it come from the general funding for legal aid or has the

Attorney-General got a special source? If it is to come from the general pool, will it be a cupful or a bucketful?

How many women and children, who are struggling to get legal aid for representation when they need protection from physical and psychological violence, will be forced to struggle by themselves because other appeals take up the funds that should be used for them? Will a precedent be set? Will someone appealing a sentence get more legal aid money than anyone else?

The opposition has spent time urging and encouraging the Attorney-General to lobby the federal government for an increase in legal aid funding for Victoria. I sincerely hope that if this legislation opens the floodgates to frivolous appeals the Attorney-General has made some effort to secure money to cover their costs.

Some of the questions raised in my mind when I was researching the bill are: who will appeal; why have those people been convicted — have they been convicted for crimes committed because of an addiction to illegal drugs or to gambling; would those numbers have been much greater if the former government had issued 40 000 permits for gaming machines, as planned by the Cain–Kirner government, instead of the 26 500 permits it issued?

I also asked: will the number of convictions increase in the future with the encouragement of family gambling or betting at race meetings? Those activities, which will expose young people to betting, have been marketed by the Attorney-General as an alternative day out to visiting Werribee Park or the Healesville Sanctuary.

Other questions that arose in my mind are: will the bill lead to an increase in the number of people committing crimes to cover the cost of their addictions? As the years go by, will young people become more aware of gambling and will they spend their time and money gambling and then commit crimes to cover those habits now being encouraged?

At times people seem to be trying to turn back the clock. The Attorney-General appears to be intent on changing all the former Attorney-General's legislation without considering the ramifications.

Part 4 of the bill could lead to increased expenses because of additional demands on legal aid and the court systems, and that will lead to longer waiting times for people appealing sentences. The cost to the taxpayer will be enormous.

One comes into this place thinking that Parliament will make things better, that everything is done for the

benefit of all. Sometimes one must be tougher on a few to make it better for the majority.

In my researches I could find no figures by which to assess whether any money will be left in the legal aid fund if there is an increase in the number of frivolous appeals. I will be watching that with great interest over the coming years. Perhaps honourable members on this side will be back in power in a couple of years and changing the legislation as the previous legislation is being changed today.

Mr STENSHOLT (Burwood) — I am happy to support the Courts and Tribunals Legislation (Amendment) Bill. I am amazed at the contribution made by the honourable member for Evelyn. In his contribution I understood the honourable member for Berwick to say that the Court of Appeal had not called on the previous provision and perhaps the Court of Appeal was not willing to call on it. I wonder why the honourable member for Evelyn was looking to the future when the provision has not been used.

The bill is in line with the good governance agenda of the Bracks Labor government. Various elements of good governance have been applied in preparation of the bill. As earlier speakers on both sides pointed out, the legislation looks innocent but many great principles and precedents lie behind it.

I speak in particular about the independence of the judiciary and access and equity to the courts for all citizens. Such principles form part of the foundations of democracy. As was so eloquently pointed out by earlier speakers, those democratic traditions were originally laid down at Westminster and have been added to in Victoria over the past 150 years. As I said, good governance, which is fundamental to the approach and philosophical underpinning of the Bracks Labor government, is one of the basic tenets of democracy.

Those of us who follow international trends in government know that good governance is at the forefront of the analysis of government and international affairs. A delegation from the Bangladesh Parliament is visiting Australia. Its members, who were present at question time, will attend workshops organised by the National Democratic Institute for International Affairs and the Parliament of Victoria. Besides providing their own valuable experience I am sure they will hear about good governance and be made aware of the principles underpinning good governance in Victoria, including the independence of the judiciary. I am sure they will approve of the move to good governance as represented by the bill with its emphasis

on judicial independence and equal standing for all before the courts.

There are what Transparency International calls the pillars of integrity for good governance. The Labor government is rebuilding the pillars of integrity in Victoria. They include an independent judiciary and public prosecution service; free access to government information; systems of referral and independent investigation such as the Auditor-General — or Inspector General, which is the term used in some countries; an Ombudsman; a professional public service; a free press; and a vigorous and open Parliament and representative system.

Many rights were lost during the tenure of the former Kennett government. The Equal Opportunity Commissioner and local councils were sacked; common-law rights of injured workers were removed; the work of the Auditor-General was undermined; free speech by churches and community groups was attacked; some press was shut down; student organisations were silenced; the Director of Public Prosecutions and the Children's Court magistrate were hounded from office; access to the Administrative Appeals Tribunal was restricted; in almost 200 pieces of legislation the right of appeal to the Supreme Court was removed; planning rights were removed; and the processes of Parliament were abused. I could speak for a long time about that, including pointing out that in the few months the Bracks Labor government has been in power Parliament has sat for more days than it sat in a year under the former government!

Under the former government the Accident Compensation Tribunal, which was set up as a court in 1984, was abolished and the judges sacked. So much for respect of principles by the former government!

I am pleased that democracy is being restored to Victoria through bills such as the one now being debated. In its own small way it restores and underlines the integrity of the judiciary. It ensures its independence from the executive and legislative arms of Parliament. It enshrines that independence by continuing the longstanding and important convention that judges and magistrates are paid from a consolidated fund rather than departmental funds. As I understand it, that tradition was introduced in the 1701 Act of Settlement.

Earlier, honourable members listened to some quotes from Joh Bjelke-Petersen that amused us all. That principle has been observed in Victoria over the past 150 years. The bill extends it to provide for employment-related expenses of judges, masters and magistrates so that they will be paid out of consolidated

revenue. It includes not only salary and allowances but also premiums for accident compensation — Workcover insurance — payroll tax payable under the Pay-roll Tax Act of 1971 and fringe benefits tax.

The bill also aims to give the Judicial Remuneration Tribunal jurisdiction over salary arrangements for acting magistrates. It sensibly allows for internal promotion within the Victorian Civil and Administrative Tribunal (VCAT) for members rather than having to go through the process of reappointing them. They can be promoted during their current term of office. It is sensible management and good governance in Victoria. I applaud the sensible changes that can only strengthen the court system.

As a recently appointed member of the Law Reform Committee I hope I will work productively and energetically to further reform and strengthen democracy in Victoria. Some weeks ago committee members met with the Chief Justice of Victoria and discussed a range of issues, including law reform and the respective roles of the courts and the legislature in Victoria. I look forward to future results of the work of the committee and its interaction with court officers. I am also pleased with the bipartisan approach to the bill.

The bill also relates to equity and access by repealing parts of section 18 of the Sentencing Act 1991 which were amended by the previous government in 1998. Much has been said on that subject. The amendments some years ago gave the Court of Appeal discretion to order that up to three months spent in custody pending an unsuccessful appeal not be counted as time served. That power could be exercised if the court were satisfied that the application for leave to appeal was frivolous, vexatious or brought without reasonable grounds. It was a controversial subject at the time. Basically it revolved around the question of rights. The amendment effectively negated appellants' right to appeal, creating potential unfairness to appellants who did not have proper legal representation or legal advice and in general potentially limiting the rights of people to appeal.

I agree with the honourable member for Springvale, who said that these are basic rights, not simply statutory rights. Such rights of appeal are part of our system of justice. The bill restores the right of appeal. Earlier I said that internationally Victoria was an example of bad governance. One can talk about AAA ratings regarding financial matters, but Victoria was heading towards a ZZZ rating for human rights and bad governance on the basis of the poor record of the previous government. Fortunately the Bracks Labor government is restoring many of the basic rights and pillars of integrity and its

international reputation. Victoria's international reputation is worth preserving.

Such rights of appeal are part of our system of justice and should not be limited by people having to serve extra time in jail, or threatened by penalties related not to any crime but to the following of due process and the exercise of rights which have long been enshrined in law. The right to appeal has been enshrined in the Australian constitution and in the court system for many years and has become a precedent and part of our democratic tradition.

Repeal of the unfair amendment is not only right and just but also symptomatic of the Bracks Labor government's commitment to good government. I am certain the Attorney-General will undertake more reform measures by giving rights back to the people in terms of equity and access.

The honourable member for Evelyn has a strong interest in the rights of people, particularly women and children, and their access before the courts. That is what the legislation will provide. The government was elected to restore democracy, health and education services for women and children with disabilities. There is a sea change in Victoria where rights are recognised and services for ordinary people are being improved.

It is a small bill but there is a fundamental philosophy behind it. It will restore justice and put checks and balances back into the system to ensure that proper access to the law is provided, that the exercise of basic rights before the law is ensured and that the courts are available to whomever needs them. It is not a matter of picking a few and saying, 'Well, we will throw a few people away'.

Last night mention was made about the residents of a bad block of flats in Alamein which the former Premier ignored. One cannot ignore the poor and underprivileged in our society. I was amazed that one could write people off. It is our duty to look after all citizens. I was elected to look after the citizens of Burwood, whether they voted for me or not. Most voted for me across the board. The majority even voted for me at a polling booth close to the home of the former Premier.

It is the fundamental duty of the government to look after everybody.

An honourable member interjected.

Mr STENSHOLT — It is not too hard. It is a question of appeals. The courts are handling matters

and they have not used the provision. The original amendment was shallow, insubstantial and symptomatic of the former government's attitude — that is, look after some but not all of the people. The previous government did not look after all Victorians, particularly the disadvantaged.

The bill is the foundation of good governance of our courts which operate to look after everybody and to make sure people — whomsoever they may be — can exercise their rights of appeal. It is vitally important that the basic rights of all people are enshrined in legislation. I am proud to endorse the legislation which provides equity and access for all citizens to the courts. Given my background in international law I am also proud to support the independence of the judiciary, and the re-writing and re-introduction of good governance in Victoria.

I was interested to see the Bangladeshi delegation in Parliament House today. One of the reasons I stood at the Burwood by-election last year was because last June I was giving advice to a similar group of people from Thailand — I was contrasting the Thai constitution with what was happening in Victoria. I felt so ashamed of the state of affairs in Victoria that I decided to stand for Parliament. I stood for election on the theme of bringing democracy back to my constituents, and I am proud to be part of the Labor government which is returning good governance to Victoria. I support the bill and wish it a speedy passage.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Courts and Tribunals Legislation (Amendment) Bill. I was interested to hear the contributions made by government members, especially that of the honourable member for Richmond, who gave an undertaking that he will relay to the Attorney-General the concerns expressed by the shadow Attorney-General.

I am not sure whether the honourable member for Springvale has read the bill. He is a man of the past; he is a yes man and will do what his leaders tell him to do. He was not able to show any vision in his comments or contribute anything significant to debate on the bill.

Australia has the best court system in the world; it operates under the rule of law which was established as a principle on which the community operates. Our judiciary operates independently. Tribunals were established to safeguard civil rights, to make sure justice is accessible to all and to resolve grievances more cheaply than was the case in the traditional system of criminal and civil courts. Our court and tribunal system must continue to be fair, cost efficient

and cost effective so the community can access a quality justice system.

The Chief Justice of Australia, Justice Murray Gleeson, was quoted in the *Law Institute Journal* as saying:

The community is entitled to expect that they —

that is, the courts —

will respond appropriately to change and at the same time adhere to their fundamental values. Foremost among those values are independence, impartiality, professionalism and a commitment to justice.

He went on to say that at the Asia–Pacific region conference it was decided that the objectives and functions of the judiciary include the following: to ensure that all persons are able to live securely under the rule of law; to promote within the proper limits of the judicial function the observance and the attainment of human rights; and to administer the law impartially among persons and between persons and the states.

We must work constantly to try to improve our legal system. However, at the same time we must protect the courts and tribunals because they make people feel that they are safe and secure and that their rights are being respected.

As honourable members may know, prior to entering Parliament I was an adviser to the previous government. As such I met a large number of people who visited me seeking advice, and many of their inquiries involved legal matters. We live in a multicultural society; we are a diverse community and many migrants and refugees to Australia come from countries where the legal system is unfair, biased and at times corrupt. I have been amazed at their perceptions of legal systems, and it is important that we show them that the Australian system is fair and the best in the world.

In an interview in the *Law Institute Journal* even the Attorney-General said that his travels through the North Queensland legal circuit taught him about the darker side of the law. He saw blatant examples of miscarriages of justice. It is important that we rectify such miscarriages.

It is important from time to time to examine and, if necessary, amend legislation for the better. It is appropriate that changes are made to improve the way the courts and tribunals operate. The bill, although small, is important and attempts to make changes, but it fails in some respects.

The bill was taken from the previous Kennett government's legislative program, and some additions have been made. It provides that employment-related expenses of judges, magistrates and masters of the courts are paid out of consolidated revenue. Victorians will support that change because of their belief in the separation of powers and the independence of the judiciary. It provides independence for the Judicial Remuneration Tribunal and jurisdiction over acting magistrates.

The bill allows Victorian Civil and Administrative Tribunal members to be promoted during their terms of appointment. That provides due recognition of the excellence of tribunal members and it provides greater flexibility for VCAT. The change is enormous and the Attorney-General needs to think about whether he agrees that the president of VCAT should have the final say.

The bill repeals the amendments made to the Sentencing Act that give the Court of Appeal discretion to order that up to three months spent in custody pending an appeal determination will not be counted as time spent where the application is deemed to be trivial or unreasonable. Many would argue that the provision is a barrier, but the reason it was inserted was that many appeals were trivial. It may be nice to remove that provision, but something must be put in its place. I will wait to hear what the Attorney-General has to say about that.

The opposition does not oppose the bill, but it is a pity that it does not address all the issues the government should have considered. Then again, the present Labor government has no vision for the future. Many country courts closed their doors during the days of the Cain–Kirner government.

Mr Leighton interjected.

Mr KOTSIRAS — Thank you very much. It is a shame that members opposite do not stand up for their constituents. It is a matter of being yes people. They stand there and agree whatever B1 and B2 tell them to do. I know that B2 wishes to become B1, but they sit there and accept word for word what their leaders tell them to do. None of them is able to stand up and make a contribution to a debate on a bill without adhering to the guidelines set down by their leaders. I hope things will change and that government members will start representing their electorates.

Mr LENDERS (Dandenong North) — In view of the time of day, the heat and the fact that the honourable member for Swan Hill and the

Attorney-General wish to contribute to the debate, I will keep my remarks short. The bill's prudent and well-considered amendments have been discussed with eloquence, particularly by the honourable member for Richmond.

I will dwell briefly on part 4 of the bill and make some observations on the debate to date. The community does not want to see criminals on the loose. We need to make sure that the police force is effective and our legal system is quick to put guilty people into prison. There is a presumption in our legal system that one is innocent until proven guilty. That is entrenched in the legal system and it affects the way juries operate.

The presumption cannot be taken away because as soon as it is — if we take it to its logical conclusion — we move from being a free society governed by the rule of law to being like Mussolini's Italy. We need to be constantly vigilant when penal sanctions are being drafted into acts, especially when they penalise people for wishing to exercise their right to appeal under the legal system.

I welcome the bipartisan support for this provision — from the honourable member for Berwick at least. We need to be vigilant about this sort of legislation. The final test of a legal system occurs when a person wishes to appeal or challenge the right of a first court. If a person is penalised for having the audacity to exercise that legal right we must question our direction as a society and ask whether the rule of law still applies.

I welcome this timely review and the overturning of a draconian provision. Society has other ways of dealing with vexatious appellants and people acting frivolously than incarcerating them for three months for having the audacity to challenge a sentence.

I cannot finish without commenting on the extraordinary statement made by the honourable member for Bulleen, that the honourable member for Springvale is yesterday's man. The honourable member for Springvale is not only one of the youngest members of this chamber but is innovative and prepared to take on whatever task is before him. He works hard and is a person of vision. The opposition could do with a few dozen people with half the vision of the honourable member for Springvale. They will need them, too, if they ever wish to start preparing themselves for government.

Honourable members interjecting.

Mr LENDERS — The Elvis Fan Club — the former leader's fan club, that is — is alive and well. I am having trouble linking that to the debate on the bill,

however, Mr Acting Speaker. It has little to do with courts and tribunals legislation, as you are about to point out. It is interesting, nonetheless, to see that some of his die-hard apologists are still here. I guess the former member for Burwood did well to avoid them at preselection.

I commend the bill to the house and leave the eight remaining minutes to my two colleagues.

Mr STEGGALL (Swan Hill) — I join the debate from a slightly different angle. I have listened to the honourable member for Burwood and others talking about access and equity. I was here in the 1980s when the then Labor government closed down most of the courts throughout the Mallee and my electorate of Swan Hill. Now we find that one of the first acts of the new Attorney-General has been to take the County Court away from Kerang. The two sessions a year that were previously held at Kerang are now to be held in Bendigo.

The minister shakes his head. I hope he can convince me that in 2001 sittings of the County Court will be returned to Kerang and northern Victoria so country people will again have the access to the court system they enjoyed in previous years. After listening to the rhetoric of the Premier and other ministers during the recent election campaign I believed services would not be taken away from country Victoria, but the first action of this government was to remove the County Court from the north.

I have one point to add, as time is very short. The Attorney-General might give some consideration to providing access to clerks of court in small towns in the Mallee, which have no access to the court system at all. The nearest courts are in Horsham, Swan Hill, Bendigo, Mildura and Ouyen. We used to have courts throughout the area but they went in the 1980s, as I said. Some of the remaining courthouse buildings are among the best historical museums there are in country towns.

Now that society is becoming more geared towards its courts, I believe the time has come for a system whereby the clerks of court can make travelling visits to the smaller towns to give the people some assistance and access to the court system. Advice is needed in those areas, and that advice is not forthcoming.

I ask that the minister and his team give thought to providing for people in small towns some basic access to the court system, perhaps in the form of a visiting service.

Mr HULLS (Attorney-General) — I thank all honourable members who spoke on the bill: the

honourable members for Berwick, Richmond, Kew, Springvale, Evelyn, Burwood, Dandenong North, Bulleen and Swan Hill.

On the matter of the court in Kerang, the honourable member for Swan Hill needs to understand the basic concept of the separation of powers under the Westminster system. It is, of course, for governments to ensure that courthouses are provided in areas where they are needed and that there is a capital works program for them. As he indicated, the government has not closed down the building at Kerang. On the other hand, it is a matter for the administration of the courts to decide where courts are to be held. Courts will be held where they have business.

An opposition member interjected.

Mr HULLS — The opposition has not learnt a thing. Opposition members do not understand the separation of powers.

The honourable member for Kew referred to the Judicial Remuneration Tribunal as an independent tribunal. I agree with him and draw his attention to the fact that previously when the Judicial Remuneration Tribunal made recommendations about salaries for judges those recommendations, independent as they were, went to the former government and were tampered with. They were amended before they were taken to cabinet. Yes, the tribunal should be independent, and I intend to make sure its independence can no longer be tampered with by government.

The honourable member for Kew also wanted to know why I was repealing the three-month jail provision in the act, the provision under which a person appealing against a sentence could get three months in jail — dead time — for doing so. I am repealing it because it is unjust, unethical and immoral. It ain't that hard to understand!

The former Attorney-General said she introduced the legislation after discussion with judges of the Court of Appeal. I have since had discussions with those judges about that legislation and they deny recommending any such thing. The truth is the only reason the then Attorney-General introduced the legislation was that she realised she had not gone in hard enough to get legal aid funding for Victoria, so she tried to fill a gap. She tried to punish people for exercising their democratic right of appeal.

I noticed honourable members opposite interjecting while other members were speaking and saying, 'What about people who miss out on legal aid as a result of increased appeals and frivolous appeals?'. I think that is

what they were saying. My answer is that the legislation was introduced by the former government and was never used — and it was not used because it was nonsense. There is already a system in place for dealing with frivolous appeals. The head of the Court of Appeal visits people in jail who might be considering an appeal and advises them of the likely outcome should they pursue the matter. That system is in place, and it works well. Imposing three months jail on people simply because they exercise a democratic right of appeal is nonsense, and that is why I am pleased to introduce this legislation.

The honourable member for Burwood made some good points about the fundamental philosophy underlying the legislation. His remarks highlighted the difference between the opposition and the government. The speech by the honourable member for Richmond had a similar effect. Those two honourable members clearly showed how different we are from honourable members opposite.

Opposition members realise it is good legislation but they cannot bring themselves to say they support it. They can only say that they are not opposed to it. What a wishy-washy, flim-flam approach to legislation! The Noddies sitting opposite are saying they wrote most of the legislation. With the shadow Attorney-General at the helm they imposed three months jail on people who appealed their sentences. We are now repealing those provisions, but the shadow Attorney-General does not have the guts to say he supports the amendment.

Debate interrupted pursuant to sessional orders.

The SPEAKER — Order! The time being 4.00 p.m., I am required by sessional orders to put the question.

I am of the opinion that the second and third readings of the bill require to be passed by an absolute majority. As there are fewer than 45 members present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

DOMESTIC BUILDING CONTRACTS (AMENDMENT) BILL

Second reading

Debate resumed from 1 March; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

MELBOURNE CITY LINK (AMENDMENT) BILL

Second reading

Debate resumed from 1 March; motion of Mr BATCHELOR (Minister for Transport).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).

ADJOURNMENT

Mr BATCHELOR (Minister for Transport) — I move:

That the house do now adjourn.

Frankston Hospital

Mr VINEY (Frankston East) — I raise a matter with the Minister for Health, who is well aware of the substantial community concern in Frankston and on the Mornington Peninsula about the severe lack of beds at the Frankston Hospital. It appears from a reading of yesterday's *Hansard* that the honourable members for Frankston and Dromana continue to deny the issue.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Sunshine!

Mr VINEY — The honourable members for Frankston and Dromana continue to deny that there is a problem. The minister moved almost immediately after assuming government to alleviate the severe shortage of beds at the Frankston Hospital. I am very pleased to advise the house that planning for the additional 64 beds is well under way.

Providing wards and beds is only part of the process of meeting the community's needs. I ask the minister to advise what progress has been made in providing funding for public hospitals for the purchase of equipment to ensure that those hospitals can meet the needs of their communities, particularly in Frankston.

The honourable member for Frankston in her remarks reported in yesterday's *Hansard* continued to misrepresent my position on the Frankston Hospital because she is totally embarrassed by being part of a former government that ignored that great hospital for so long. She is also totally embarrassed because during the election campaign nursing and medical staff were prepared to work on my campaign and not hers. She allowed the hospital waiting list to more than double, people to be left on trolleys in the emergency department, and the morale of the great team of medical, nursing and support staff to plummet. She failed to stand up for our hospital, and her cover now is to totally misrepresent my position.

The minister knows how much I care about improving hospital facilities and services. He and I share a simple commitment to ensure that public hospitals are supported and resourced in order to provide a good service to our community and to improve the public's health. Unfortunately, the honourable member for Frankston does not seem to share that simple philosophy. That was demonstrated during the Frankston East supplementary election when it was revealed that the hospital had applied to the government for 30 additional beds but had received no support from the local members — not from her, the honourable member for Dromana — —

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

Berwick Primary School

Dr DEAN (Berwick) — The matter I raise for the Minister for Education concerns the relocation of the Berwick Primary School. I have raised this matter previously with the minister. I emphasise that this is not a political matter of trying to score points; it is a query

that has been raised by the council of the Berwick Primary School and I believe both the minister and the previous government share the same view on the matter.

It concerns a school which was already on a small site. As the growth corridor expanded the number of enrolments in the school became very large and at the same time the commercial district of Berwick enveloped and surrounded the school until we have a situation today where 700 primary students are on a small site, with cars and trucks surrounding it. There has already been one incident and a couple of near misses, and it is a very dangerous situation.

After a number of discussions the previous minister inspected the school, and this minister has also spoken to the school council. The previous minister came to the conclusion that the school had to be relocated and that the funding would be provided in the next budget — that is, the budget about to be delivered by the government. The school would be relocated after a good deal of consultation and deliberation to what is called the Fairholmes site on the Chestnut Hill development site on the Berwick hill.

Finally, there was a great deal of dispute and discussion about the size of the proposed newly relocated school. Should it be 3.5 hectares or 4 hectares? That discussion had reached the point where it had been agreed that it should be a larger school and Mr Ben Chullio recommended the South Australian model to enable the development of the larger site.

The three questions I ask of the minister are: firstly, will the budget allocation for the relocation of the school be in the coming budget; secondly, will the site be relocated to the Fairholmes site on the Chestnut Hill development; and thirdly — —

Ms Delahunty — On a point of order, Mr Speaker, I understand the point of the adjournment debate is that honourable members are required to seek action from a minister. The honourable member is in fact asking questions.

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

Dr DEAN — And the final action I require is — —

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

Parliament: discrimination

Mrs MADDIGAN (Essendon) — I raise an issue with the Minister for Women's Affairs. It seems appropriate to raise it today as next Wednesday is International Women's Day. Yesterday the Deputy Leader of the Opposition raised a similar problem of gender-specific language still being used in various government and parliamentary areas.

Will the minister have her Office of Women's Affairs examine where there is gender-specific language in the government and parliamentary area and what can be done to resolve it? One of the areas where I have noticed it is in the position I hold in this house of Chairman of Committees. I suppose the issue has never arisen because there has never been a woman chairman of committees before, but we now also have three female temporary chairs of committees. I ask the minister to investigate that matter and also other areas of government operations where there may be language which is still gender-specific. I ask her to obtain from her office a schedule of these areas so that the Parliament or she can decide what action might be taken to overcome the problem.

Natural Resources and Environment: briefings

Mr McARTHUR (Monbulk) — I refer a matter to the attention of the Minister for Environment and Conservation. Earlier today the minister assured the house that there were no special protocols applying to members of Parliament seeking information from the Department of Natural Resources and Environment that differed from those operating under the previous government.

I intend to read a memo signed by the acting secretary of the Department of Natural Resources and Environment. I am happy to make this available to members if they seek it.

I ask the minister to investigate who authorised the memo and whether it was appropriately issued by the department. The memo is headed 'Communicating with politicians'. Under the subheading 'Background' it states:

Members of Parliament, in government and in opposition may from time to time make requests to the department for briefings on portfolio issues.

Under the subheading 'Comment' the memo states:

The procedures are ... government members of Parliament may make direct requests for briefings to the department. Such requests are to be referred to executive directors or regional managers to arrange the briefing. The relevant

minister's office is to be advised at least two days before the briefing is to take place including any key or controversial issues.

...

Requests for briefings by Independent members of Parliament are to be advised to the relevant minister's office by the appropriate executive director or regional manager. Arrangements for such briefings are to be made by the responsible executive director or regional manager in consultation with the relevant minister's office.

Under the further subheading 'Opposition members of Parliament' the memo states:

The process will be as follows:

all requests must be in writing to the minister specifying issues for discussion;

no other issues should be discussed at the briefing;

a ministerial adviser will attend all briefings with opposition members of Parliament;

all briefings should be oral, not written; and

any staff member who is contacted directly by an opposition member of Parliament should refer the caller to the relevant minister's office.

Under the subheading 'Recommendation' the memo states:

Please ensure that all staff within your area of responsibility are aware of these procedures.

Ms Kosky — On a point of order, Mr Speaker, the honourable member is clearly reading from a document, and I ask him to table it.

The SPEAKER — Order! There is no point of order. The honourable member has indicated that he is willing to make the document available.

Mr McARTHUR — I am happy to make the memo available.

Will the minister come into the house and explain why these rules exist and why the memo was issued? Will she investigate whether it has been appropriately issued? Will the minister advise the house whether she has misled the house or whether she is simply incompetent and unaware of the rules that apply across her department?

Gippsland Lakes

Mr INGRAM (Gippsland East) — The matter I direct to the attention of the Minister for Environment and Conservation concerns an action plan for the restoration of environmental health to the Gippsland Lakes.

On 8 December last year in the adjournment debate I raised the issue of restoring environmental health to the Gippsland Lakes. The minister said complex problems had been identified and something should be done quickly.

Numerous bodies share responsibility for managing various aspects of the environmental health of the lakes: the East and West Gippsland catchment management authorities, the Gippsland Coastal Board, East Gippsland Water, Southern Rural Water, the shire councils of East Gippsland and Wellington, the Department of Natural Resources and Environment and the Environment Protection Authority. Those groups must work together in a cooperative way to ensure that progress can be made in the most efficient and cost-effective manner.

The local communities and tourist industries are greatly concerned and want action to be taken. They need to be kept informed and where possible involved in the process. It will be necessary to provide feedback to the local communities and to prioritise action on these matters.

I ask the minister to undertake to prepare a plan of action that includes time frames and objectives to achieve important improvements in the health of the Gippsland Lakes.

Hume: council elections

Mr NARDELLA (Melton) — I call on the Minister for Local Government to investigate Mr Bernie Finn and his call for a no vote in the Hume City Council elections and to take appropriate legal action under the Local Government Act against Mr Finn for authorising and urging an informal and inappropriate vote and for authorising misleading political advertising.

Mr Finn authorised a leaflet urging local voters to vote no against certain candidates to keep party politics out of local government in Hume. It is not a referendum, it is an election, and the leaflet is misleading the good electors of Hume by directing them to cast an informal vote.

Mr Finn lied about the political affiliations of candidates. For example, on one leaflet Mr Trevor Dance is named. Mr Dance is not a member of any political party; he never has been and prides himself on being a true Independent.

Yet Mr Finn, the Liberal reject of Tullamarine, a Liberal Party political apparatchik and the next vice-president of the Victorian division of the Liberal Party, selectively did not expose Liberal Party members

and supporters. For example, Mr Darren White, Liberal Party member and candidate for the Evans ward, was not exposed by Mr Finn's document. Mr Jack Ogilvy on state election night in 1996 organised and ran the Liberal Party celebration party for Mr Bernie Finn, as featured on television. Mr Jack Ogilvy also organised the Liberal Party Tullamarine 2000 fundraiser.

Mr Finn is being partisan and has selective amnesia when it comes to members of his own party. His actions and words regarding party politics in local council are inconsistent. He inappropriately tells local residents what to do.

The minister needs to understand that Mr Ogilvy barged into my office and personally abused my electorate officer when I was a member for Melbourne North Province. Recently he was nearly involved in a punch-up at the City of Hume council chambers.

Mr Finn was certainly rejected by the good voters of Tullamarine, but continues to involve himself in party politics in the local government arena. He should immediately withdraw the leaflet and apologise to the candidates he has slurred and slandered. I call on the minister to undertake an investigation.

Gippsland: ground water study

Mr RYAN (Leader of the National Party) — I wish to raise a matter for the attention of the Minister for Energy and Resources in the other place and, in her absence, the Minister for Post Compulsory Education, Training and Employment, who is at the table. This matter is of grave concern to residents of Yarram and the surrounding region and to Gippslanders generally. The two principal issues are, firstly, subsidence, which is threatening the general Gippsland region both at a subsea level and on land, and secondly, the all-important question of the capacity of the irrigation industry and the farmers in that region to access the underlying aquifer.

Dropping aquifer levels have been of concern for many years, which is particularly pertinent to the farming community. The previous government established a process whereby the issue was to be investigated and options examined with a view to having the situation resolved.

A technical working group was established by the former Minister for Agriculture to investigate the matter. As part of that process I arranged for Mr Eric Greenaway and Mr Bill Bodman, both resident in the Yarram region, to be part of that group, which comprised broad industry interests representing the oil

and coal industries and the power industry in particular, and other stakeholders including water authorities.

Unfortunately in the course of the investigations that have been undertaken that technical working group, as it was termed, has been unable to come to agreement regarding either the substance of the inquiry or options that may form a solution. That disagreement was confirmed in a media release issued on Friday, 21 February. The release was consequent upon a letter being sent to the executive director of the Department of Natural Resources and Environment, Mr David Lea, by the chair of the committee, Mr Ray Evans, indicating that he would terminate his services on 31 December 1999.

The real issue is what is now to happen. I am sure ample material was advanced to the technical working group to indicate that, whatever the problem might be — whether it be offshore operations or the coalfields — those who are making next to nil contribution to the difficulties, perhaps some 2 or 3 per cent of the draw-down of the aquifer, are those in the agriculture industry.

I want to know whether the minister will pursue one of the propositions advanced by the technical working group — namely, that there be a \$7 million program to confirm the subsidence problems that exist. Most importantly, I want to know what relief the minister will offer to the agricultural community of Yarram and region, not only for now but for the all-important purpose of the enhancement of that industry in time to come.

Richmond: town hall precinct

Mr WYNNE (Richmond) — I raise a matter for the attention of the Minister for Finance. I refer particularly to what is known in the electorate of Richmond as the town hall precinct, which is bounded by Punt Road and Church, Gleadell and Highett streets. The area incorporates a number of strategic sites which are in public ownership. The site was previously used for the former Richmond girls high school which was closed under the former government and subject to massive community protest and confrontation.

The site also incorporates a school site known as the annex, the Richmond police station on Bridge Road, along with a major high school site and the state resource centre. These important strategic sites are located right opposite my electorate office.

It has been brought to my attention that the former government had done quite a deal of strategic planning around the site. My understanding is that the former

Minister for Planning, the honourable member for Pakenham, had a particular interest in the site because of strategic government-owned pieces of land there. The former government undertook extensive planning work in the precinct but failed to engage a key major stakeholder in the planning process and the proper planning authority for the area, the City of Yarra.

I request that the minister agree to engage in a proper, thorough and transparent planning process to ascertain what the future uses of the major strategic site will be. In doing so it is important to recognise that a variety of state government land-holders are located in the area, including the police department, the Education Department, and the properties division in their own right. It is important that some coherence be brought to the planning process and that the City of Yarra be included in it. I look forward to the minister's favourable consideration of the matter.

Schools: Bentleigh

Mrs PEULICH (Bentleigh) — The matter I raise for the attention of the Minister for Education relates to her promise to adequately provide for government schools' needs and facilities by providing the resources for them to engage in upgrading, refurbishment and maintenance, especially in the Bentleigh electorate. I mention particularly Ormond Primary School and McKinnon Secondary College, both of which are in desperate need of money for major upgrades. McKinnon Secondary College has had upgrade works undertaken in the past, but since its zone has been dramatically expanded it desperately needs some funding and commitment for a major upgrade.

Last session I raised the need for the Moorabbin Primary School in Tucker Road to retain a surplus administrative wing following the completion of the former government's \$2 million redevelopment commitment. The only other option was for the building to be demolished. The minister at the time said no to that, and I am delighted to see that there has been a slightly more positive communication with the school. I ask for an unequivocal decision on the future of the building so the school community can make proper plans.

Furthermore, there is no guarantee that the outstanding physical resources management system funding for other schools will continue in the orderly fashion in which it has continued over the past nine years. Finally, and most importantly, I draw attention to the failure of the minister to provide adequately for student accommodation following the fire at Coatesville Primary School, which occurred mid-January. The

school is still waiting for six classrooms to be delivered — some seven weeks after the fire occurred.

It would seem to me that the minister's office should do everything possible to respond to such crises to ensure that the school communities are not ripped apart. I call on the minister to do whatever she can to respond to the needs of school communities. She has promised to do so time and again — yet we have seen no action in the Bentleigh electorate.

Peerless Processing Pty Ltd

Mr LANGUILLER (Sunshine) — I refer the Minister for Environment and Conservation to the company Peerless Processing Pty Ltd of Merino Street, Laverton North, which operates a rendering facility in premises licensed under the Environment Protection Act 1970.

I ask the minister to report to the house the measures undertaken by the company and similarly by the Environment Protection Authority in consultation with the community to improve the specific issue of odour, which is very familiar to those in the western suburban areas of the Western Ring Road and, specifically, Sunshine West.

By way of background I point out that, unfortunately, the company has a track record of infringements and of not successfully addressing issues. It has been fined on numerous occasions: the first time in 1986 and subsequently in 1987, 1993 and February this year.

The company has endeavoured, in consultation with the EPA and the community — particularly with the Brimbank City Council through the pertinent ward councillor, Mr Sam David — to find ways of dealing with the issue. Unfortunately it appears that it has not been successful. I ask the minister to report on the specific efforts made by the company to resolve those longstanding issues.

Police: Kew station

Mr McINTOSH (Kew) — I draw to the attention of the Minister for Police and Emergency Services his response to an issue I raised with him last November in the adjournment debate. He indicated that the plan for the Kew police station would be delivered shortly. Almost three months have passed and we still have not heard the plan.

The police minister has visited the Kew police station and no doubt agrees with me that it is a Dickensian building that is more than 100 years old and completely inappropriate for modern policing.

Mr Haermeyer has been the minister for almost six months. I am concerned that he has no vision, plan or agenda for policing in Victoria, particularly for the Kew police station. The previous government allocated \$7.5 million to improve policing in the whole of the City of Boroondara. Some of that money could be spent without further ado on the Kew police station.

I ask the Minister for Police and Emergency Services to tell me: when will he announce that plan? What does he mean by 'shortly'? Is it five years, six years or next week? What is his plan for Kew policing?

Apprenticeships: Rural Victoria

Mr SMITH (Glen Waverley) — Earlier today the Premier announced an apprenticeship or traineeship initiative. During the announcement he made no mention of country Victoria.

Mrs Peulich interjected.

Mr SMITH — I think it was an oversight. However, the opposition wants a commitment to Ballarat, Bendigo, Geelong and the Latrobe Valley. Are these apprenticeships or traineeships to be made available in all parts of Victoria, or is it to be just a Melbourne-based initiative to score runs there?

Will the Premier make a commitment that two-thirds of those traineeships will be for country Victoria, because that is where the highest percentage of the unemployed are living? Members of the opposition want to ensure that the initiative is not just Melbourne-based and that the Premier will give a commitment that Ballarat, Bendigo, Geelong and the Latrobe Valley will have apprenticeship or traineeship schemes like the one he has announced.

Mrs Peulich interjected.

Mr SMITH — As the honourable member for Bentleigh wisely pointed out, we want it not just for West Gippsland, East Gippsland and Mildura. Although we are sure that the unemployed in those areas are just as deserving, the main areas of unemployment are in the centres that I nominated. It is a big issue, yet the Premier made no mention of it during his speech. He may have been overcome with all the criticism today and the very bad morning the government had in the house.

An opposition member interjected.

Mr SMITH — You realised that, too. The Premier made a weak statement, which was followed by an

incredible performance by the Leader of the Opposition.

I want to hear the Premier commit two-thirds of the money to the country areas I mentioned, because the most needy and deserving people live in those parts of Victoria. They are the areas most in need of such a project, not metropolitan Melbourne.

Responses

Mr THWAITES (Minister for Health) — The honourable member for Frankston East raised with me the issue of Frankston Hospital. The member was incredibly active over a long period in support of the hospital. Every time one picked up a local newspaper there were articles about him supporting extra resources for the hospital. He actually ran a 'More beds for Frankston Hospital' campaign, in marked contrast to the negligence and silence of the coalition members in that region who did nothing to support the hospital. The campaign was successful in his electorate and, more importantly, it resulted in a boost to resources at Frankston Hospital following the election of the Bracks government.

Mrs Maddigan interjected.

Mr THWAITES — The honourable member for Essendon interjects, 'The silence of the lambs'. That was the case. Others members in that region were gagged; they could not say anything. They could not support their hospital at a time when it made a serious submission to the government for extra beds. That submission was filed in the wastepaper basket — nothing happened to it!

Throughout last year the former government had every opportunity to act on the submission, but nothing occurred until after the election. In the lead-up to the Frankston supplementary election the Kennett government suddenly rediscovered the suburb! For the first time members of the coalition government got into their white cars and headed down the highway to Frankston. They made promises all over the place. Unfortunately for them, they were unsuccessful in their bid to win the seat.

I am pleased to be able to tell the honourable member for Frankston that I am committing an extra \$750 000 towards the cost of a CT scanner at what I regard as a good hospital at Frankston. The honourable member has raised an important issue. The government must adequately equip the state's hospitals.

I am also pleased to announce that a number of other hospitals will receive funding for the purchase of

equipment. Many government members have always strongly supported their hospitals, as have the Independents. The honourable members for Mildura, Gippsland West and Gippsland East have always lobbied hard on behalf of their hospitals. The honourable member for Gippsland East has raised a number of health issues with me. I will be discussing with him a particular equipment grant for Bairnsdale Hospital, and I am sure the hospital will be pleased to hear that.

Honourable members interjecting.

Mr THWAITES — A very good member!

To show that the government governs for the whole of Victoria and not just particular areas or seats, I advise the house that I will examine making a grant for the purchase of equipment for Sale Hospital. Although we do not get a lot of lobbying from many opposition members, we will ensure all your hospitals are looked after as well.

Ms DELAHUNTY (Minister for Education) — The honourable member for Bentleigh asked me a series of questions about a number of schools in her electorate, mostly relating to upgrades and improvements to facilities. I am happy to examine those requests. As I said last year in answer to a question about the Tucker Road primary school in Moorabbin, we have a three-step process through which schools are informed about what stage of the planning and upgrade process they are at so there is no confusion. I am happy to provide that information on the Ormond school, the Tucker Road primary school and the Coatesville school, which suffered a fire in mid-January.

I am disappointed to learn that that school's classrooms have not been attended to. I am sure there is a good reason. I note that when a school burnt down in the electorate held by the previous Minister for Education he had it fixed or it had begun to be fixed the very next day, so I think we should try to attend to this matter with such alacrity.

The honourable member for Berwick raised with me the vexed question of the relocation of the Berwick Primary School. This has had a long and protracted history. It is very hard to get to the bottom of precisely what went on with this relocation under the last government, particularly in the last 12 months of its tenure. I am informed that a number of sites were discussed. I understand at one stage the Manuka Road site was recommended but the previous Minister for Education stopped that, after which there was a bit of a slowdown.

I am astonished that the honourable member for Berwick would raise three questions in this debate. Firstly, I believe I am required to respond with action, but I would have thought the time to ask three questions was in question time. Nonetheless, I will answer them because not only has he been raising them in this place, he has also been raising them out at Berwick at the so-called school site and assiduously in the media. The honourable member for Berwick has stated in the local newspaper that the site should be larger than 3.5 hectares, and the question he asked me today is whether we will relocate the Berwick Primary School to a site that is bigger than 3.5 hectares. What audacity from the honourable member for Berwick when he should know that his government agreed that the correct size for the relocation site was 3.5 hectares.

Dr Dean interjected.

Ms DELAHUNTY — Where did I get that information from?

Dr Dean interjected.

Ms DELAHUNTY — It is true. I quote from a letter signed by the former Parliamentary Secretary, Education, Mr Stephen Elder, written to the chief executive officer of the City of Casey:

Dear Mike

...

The maximum site area provided for new primary schools with a long-term enrolment of more than 450 students is 3.5 hectares.

And this is the crunch:

On the basis that the new site for the Berwick Primary School is relatively level and useable, in accordance with Department of Education requirements, I have no doubt that the site area of 3.5 hectares is appropriate in the circumstances.

The letter was written by the former government's own parliamentary secretary. The honourable member is duplicitous in going out into the parliamentary arena — —

Dr Dean interjected.

Ms DELAHUNTY — You do not agree that that is duplicitous.

The SPEAKER — Order! The minister will address her remarks through the Chair.

Ms DELAHUNTY — You want another one? Okay.

Dr Dean interjected.

The SPEAKER — Order! The honourable member for Berwick shall cease interjecting.

Ms DELAHUNTY — Again another letter to Mr Mike Tyler, chief executive officer of the City of Casey:

... I have been asked to reply on behalf of the minister.

...

In these circumstances the Department of Education is not prepared to consider a site area of 4.25 hectares for the new Berwick Primary School. The appropriate site area for the school is 3.5 hectares.

Who signed the letter? It was Stephen Elder, then parliamentary secretary for education. You are duplicitous and this is not helpful to the provision of school education in your electorate. You are letting down those — —

The SPEAKER — Order! The minister should address her remarks through the Chair. Addressing members of the opposition as ‘you’ across the table is not acceptable in parliamentary debate.

Ms DELAHUNTY — The honourable member for Berwick has been scurrying around causing more problems. There is much dispute about the preferred site for the relocation of the Berwick Primary School. But he has said publicly that there has never been any suggestion — this is the site — that the location should be at the far end of Chestnut Hill, next to Haileybury College. Is that right? Let’s check! What do we find here? I have a document headed ‘Site identification/analysis — Princes Highway, Berwick’ and issued by the Department of Education in April 1999.

Honourable members interjecting.

Ms DELAHUNTY — So we have political interference? We don’t want the department to make a decision based on the facts: we want political interference! No wonder they threw that government out.

The SPEAKER — Order! The honourable member for Berwick has been interjecting persistently. I ask him to cease.

Ms DELAHUNTY — You are doing that because we are in government and you’re not.

What does the site identification/analysis say? Remember, the honourable member for Berwick said there has never been any suggestion that it should be

next to Haileybury College. Well, you didn’t read your own information. The report states:

The ‘subject site’ is located immediately west of the Haileybury College Preparatory School, and has a frontage to the Princes Highway of approximately 210 metres.

QED! It is duplicitous — —

Dr Dean — On a point of order, Mr Speaker, the minister is reading from a document that is clearly attached to a lot of other pages, and I ask if she will table the document.

The SPEAKER — Order! Is the minister prepared to make available to the house the document she is quoting from? The minister has indicated the document will be made available.

Ms DELAHUNTY — Clearly the member is not interested in education provision in his electorate. He is more interested in stirring up trouble and obfuscating.

This whole saga of the relocation of the Berwick Primary School has been a series of most unusual events. The government will get to the bottom of the conundrum. It will work with the local council, the school council and the students so that the best quality education in the state is provided. For the 40 families moving into the Casey shire each week this is an urgent matter.

The honourable member for Berwick should not be playing politics about this. There is a need for two additional secondary schools. That is what the Bracks Labor government will build — at least two. What did the last government do? It flogged off the Timbarra state land. There was an opportunity to build another secondary school, and now the honourable member for Berwick is saying the government is not going to use the land. His own government flogged it off and did not have the courtesy to tell anybody, least of all the parents.

I was asked a series of questions — I was not asked for any action — and I think I have answered those questions very, very clearly. The site agreed upon under the previous government’s analysis was 3.5 hectares. That is what the honourable member for Berwick asked for, that is what he agreed to, and that is what will be provided.

We have to remind ourselves why the honourable member for Berwick raises such matters on the adjournment. He does not want a resolution of this matter; he wants to cause political trouble. Yet the parents of Berwick Primary School want and need to have their school relocated. The Bracks Labor

government will continue the consultation with the interested parties, and the school will be relocated.

Mr BRUMBY (Minister for Finance) — I will respond in my capacity as Minister for Finance to the matter raised by the honourable member for Richmond. He highlighted the unique nature of the town hall precinct in Richmond in the area bounded by Bridge Road, Church and Gleadell streets and Citizens Park.

The area contains major strategic sites including the former Richmond Girls High School, which was closed by the previous government, a school annexe, Lynall Hall Community School and the Richmond police station, which will be relocated in the not-too-distant future.

The previous government did some work on a strategic assessment of future use of the site. The City of Yarra was excluded from consideration and the consultative process despite being a major landholder in its own right.

I compliment the honourable member for Richmond on his energetic and assiduous representation and furthering the interests of the local community. Recently he wrote to me about this matter and he met with officers from the Victorian Government Property Group to discuss the significance of the precinct and the importance of careful planning to ensure the appropriate use of available sites and the optimum benefit to the community.

Today he raised the question of the formation of a committee. I am pleased to advise the house that I will be approving the formation of a committee to conduct a thorough and detailed strategic review of the area. The committee will comprise representatives from the Department of Treasury and Finance, which is the Victorian Government Property Group, the City of Yarra, and the honourable member for Richmond as convenor of the committee.

Options for the future use of the sites in the precinct will be developed, and through the Victorian Government Property Group a full report will be made to me in my capacity as Minister for Finance.

It is a unique site with a unique set of issues. Therefore the government has agreed to establish a committee that will consult widely.

Mr HAERMEYER (Minister for Police and Emergency Services) — The matter raised by the honourable member for Kew demonstrates absolutely breathtaking gall! The honourable member raised a matter about the Kew police station and did not even

remain in the chamber to hear a response. That is how much he cares about the Kew police station and the people of Kew.

This is not the first time the honourable member for Kew has been missing in action. A few days before the Frankston East supplementary election I went to a rally in Kew that had been called by the local residents. Phillip Brady addressed the meeting, which included numerous resident activists.

Mr Graeme Kent from the Police Association was there, as were many others. The only people missing were the Liberal Party representatives in that area — that is, the honourable member for Kew, the two upper house representatives and the federal member. None of them was anywhere to be seen; they were all missing in action.

Suddenly they have discovered that Kew has a police station although residents of Kew knew that a while ago. I came from Epping and spent my Saturday morning talking to people, but the honourable member for Kew could not find the time to do so. He has raised the matter of the Kew police station in the adjournment debate but has walked off without listening to the response.

The only person in the area expressing any concern about the Kew police station is the honourable member for Burwood. He is concerned about the state of policing in the whole Boroondara area. The former government wanted to close Balwyn, Kew, Hawthorn and Burwood police stations and planned to build a megastation at Camberwell, some 12 to 15 minutes drive from many of the areas it would service.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Kew entered the chamber in a disorderly manner. He should not do so again.

Mr HAERMEYER — He has either come from the bar, heard me speaking on the car radio and come back, or someone rang him.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order, particularly the honourable member for Murray Valley.

Mr HAERMEYER — The former government was proposing a really good deal: the area had five police stations, but the government wanted to reduce it to one!

Mr McIntosh — You have not done anything.

Mr HAERMEYER — There is one fundamental difference between what is happening now and what was happening under the former government. Had the former Kennett government won the last election the historic Kew police station would now be closed. If the honourable member for Kew genuinely cared about his constituents he would count himself lucky that a police station remains in Kew. Not only that, but it is manned! The Bracks government is committed to putting police into the community, not reducing their numbers as the Kennett government did. For the honourable member for Kew to come into the house and talk about policing demonstrates breathtaking temerity.

The government is reviewing the former government's plans. It does not wish to reduce the number of police stations in the Boroondara municipality to one megastation. The government is concerned with community policing. It is discussing requirements with the police and when those matters are resolved an announcement will be made about policing needs in the area. Not only will there be police stations in the area but there will be police officers.

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for Essendon, who is also the Chairman of Committees, raised the matter of gender-specific language. She does not look a chairman of anything to me, nor should she have to be. However, parliamentary rules are left over from a bygone area when there were very few women in Parliament.

The situation has now changed on this side of the house. Eight of the 18 ministers in the Bracks government are women and 36 per cent of the caucus is made up by women. Women make up only 15 per cent of the caucus on the other side of the house. It is in a bygone era.

The government does not have to change any rules, but it has to bring the practices and the language of this place up to date to reflect the success of the Bracks government in having women on the front bench and in the caucus. I shall take up the suggestion that the matter be examined.

The honourable member for Gippsland East raised a matter concerning the Gippsland Lakes action plan, something he supports and is looking forward to. His main commitment to his community is to improve the health of the Gippsland Lakes, a goal the government shares. A plan of action for the Gippsland Lakes has been proposed. At present the fact that the budget set by

the previous government made no such commitment is a problem. I am seeking to resolve that matter through the current budget process for the next financial year.

I want the honourable member to be involved because he has a valuable contribution to make. I shall be looking for him to make a strong contribution.

I take up the matter the honourable member for Monbulk raised concerning departmental protocols for opposition members. I do not know why he is so excited, because they are the standard protocols. He raised this matter during question time and received an answer but still does not understand what was going on. That should surprise no-one in this place because he is interested more in points of order than in protocol. They are the standard protocols of Westminster governments. The only thing that is surprising is that the honourable member has to learn them. One has to make allowances because he would not recognise principles. The Westminster government protocols were staring him in the face.

For the second time today I point out to the honourable member that they are the standard Westminster government-style protocols which the honourable member and other shadow ministers are expected to abide by. They are the same protocols that applied to me when in opposition. I can remember an occasion when I had made an appointment to visit an authority in my electorate, and when I was about to leave for that appointment — I had my keys in my hand — the appointment was cancelled and I was told I had to comply with the protocols. I did so, and some weeks later I had an appointment and visited the authority. I shall check the date if that is the wish of the honourable member. I was once denied a budget briefing by a minister because he was under pressure and did not want to tell me anything.

The honourable member for Monbulk can have a briefing whenever he likes. He has not been denied a briefing, but he has to comply with the usual protocols. I recall the honourable member having an appointment with Barwon Water which he cancelled so he could run a media stunt out the front of the authority seeking to blame somebody else. He called the media and said, 'I've been locked out', or something similarly stupid. He has never been denied a briefing, but he must comply with the usual protocols. They are no secret; he has only to learn them.

The honourable member for Sunshine raised his community's genuine concern about Peerless Processing Pty Ltd of Laverton and the problem of odour from the factory. I have been asked to take

further action as the odour has pervaded the whole community and become a major issue. I understand the Environment Protection Authority has already taken action, including prosecutions, and I will seek a report from it. Obviously the issue needs to be resolved as there is nothing worse than unpleasant odours continually pervading the air.

Dr Dean — On a point of order, Mr Speaker, I realise that this has been a trying day, and I do not wish to add further fuel to the fire, but you will recall that while the Minister for Education was quoting from a document I asked if the document and the attachment could be provided to me. The minister said she would do so after she finished. I went out of the chamber, came back and was given two documents left for me by the minister.

I saw what was in the minister's hand as she replied and I can say categorically that she held more than two pieces of paper, which is borne out by the fact that on the bottom of the page it shows it is page one of five pages. She held at least five pages in her hand. The page I received is numbered one of five.

I ask that you, Mr Speaker, inquire of the minister whether the documents she provided on your instructions were the full set of documents.

Mr Batchelor — On the point of order, Mr Speaker, as I understand it, the Minister for Education was responding to a matter raised during the adjournment debate during which she quoted from a document. When she finished, in accordance with the commitment she gave she handed it to the Clerk who then had it photocopied. During that time, as the honourable member admitted, he was out of the chamber and was unable to see what went on.

It is audacious beyond belief for a member to be able to come into the chamber and cast aspersions on a minister when the complaining honourable member was not here to observe what happened. He should not be allowed to cast aspersions under the guise of a point of order.

Mr Leigh — On the point of order, Mr Speaker, the honourable member for Berwick is saying he believed the document contained more than two pages. He is asking you to ascertain from the Minister for Education when she is next in the house whether she had more than the two sheets supplied to the honourable member for Berwick. I do not think it is too much to ask you, Sir, as the Speaker, to seek an assurance from the minister when she is next in the house — —

An honourable member interjected.

Mr Leigh — It looks as though it has been paperclipped. I suggest that you, Mr Speaker, ask the minister to check it. It is the third time in two days that such an incident has happened, and it is starting to set a pattern. I ask that you check the facts and report to the house.

The SPEAKER — Order! The Minister for Education said she would make available to the house the document from which she was quoting. I will examine *Hansard*, which is the public record, to ensure that the quotes contained therein are from the documents that have been made available, and I will resolve the issue that way.

Mr CAMERON (Minister for Local Government) — The honourable member for Melton raised a matter concerning electoral material being distributed in the Sunbury area during the current local government election period. The material has been put out by Mr Bernie Finn who, as you will be aware, Mr Speaker, is a failed former member for Tullamarine. The honourable member for Melton suggests that Mr Finn is asking people to vote no, as if the election were a referendum. Honourable members will appreciate that the former member for Tullamarine is bitter and twisted as a result of what occurred at the last election.

It may well be that the people he wants the public to vote no to are candidates who believe the people of Sunbury should have a choice about their municipal future, and there is a simple reason for that. The former member for Tullamarine used to move around beating his chest in Sunbury and saying, 'I reckon Sunbury should be its own municipality'. But what did he do when he entered this place? He aligned himself with the people who said Sunbury should be a part of Hume.

An opposition member interjected.

Mr CAMERON — Did he vote against any of the changes to the Local Government Act? No.

Opposition members interjecting.

Mr CAMERON — Did he vote against them? No. That is probably why he is doing this now. But what probably grates on him even more is the capable leadership being shown by the honourable member for Tullamarine. She is leading her community into a process that will allow it a degree of choice about its municipal future. I can understand why Mr Finn would be bitter and twisted about that. He is trying to rule from the grave, and should just give it away.

The incumbent in Evans ward is a little bit like Mr Finn. He said to some people that Sunbury should have a choice about its municipal future, but in the Hume council chamber he puts up motions saying that Sunbury should be in Hume and should not be separated. There is an enormous discrepancy between what the incumbent in Evans ward says to the people of Sunbury and what he does for them, just as Mr Finn used to say one thing outside the house and something else altogether inside the house.

I will refer to my department the issue raised by the honourable member for Melton concerning the referendum-style electoral material being distributed. There are often difficulties of this kind when people are being slippery and slimy. I will refer the matter to the department for advice.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The Leader of the National Party raised a matter for the Minister for Energy and Resources in another place. I will refer the matter to her for her attention.

The honourable member for Glen Waverley raised for the attention of the Premier a matter concerning apprenticeships and traineeships. Unfortunately the Premier is not in the house at present — and he is not, as it happens, the responsible minister anyway. I am happy to refer it to the responsible minister — who happens to be me — and I will respond to it.

It is unfortunate that the honourable member for Glen Waverley is not in the house to hear my response. He asked in particular about the government's commitment to apprenticeships and traineeships for country Victoria. His interest in country Victoria does not extend beyond his capacity to ask the question, so he has left the chamber.

The government is committed to all of Victoria. At a press conference today the Premier said that the government will give a major commitment to country Victoria for new apprenticeships and traineeships. The honourable member for Glen Waverley has a particular view of the public sector being Melbourne-centric — why would that surprise us! But the government wants to ensure that apprenticeships and traineeships are provided in rural Victoria.

The government will structure public sector apprenticeships and traineeships around particular careers. There will be apprenticeships and traineeships in the water industry, in the area of land care, in education, in the legal field and in a whole range of

other areas. That will mean that public sector apprenticeships and traineeships — —

Mr Leigh — The honourable member for Glen Waverley is not present, but in deference to him and the Government Whip I must say that their work on behalf of the house means they are both busy people. That is why he has left the chamber.

The SPEAKER — Order! There is no point of order. The Chair has stated repeatedly that points in a debate should not be expressed in the guise of raising points of order.

Ms KOSKY — On that note I conclude.

Motion agreed to.

House adjourned 5.16 p.m. until Tuesday, 14 March.

QUESTIONS ON NOTICE

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

Tuesday, 29 February 2000

Education: permanent teacher employment

8. **MR WILSON** — To ask the Honourable the Minister for Education — (a) what timeframe has been set for the standard mode of employment for teachers in Government primary, secondary and TAFE sectors becoming ‘permanent’; (b) what funding provision has been or will be made in 1999–2000, 2000–2001, 2001–2002 and 2002–2003 to introduce this initiative; and (c) what are the estimated annual costs of provision for long service leave, provision for annual leave, superannuation, and other costs in each of these sectors.

ANSWER:

I am informed as follows:

- (a) Implementation of the Government’s policy on standard modes of employment for teachers in Victorian primary and secondary schools will occur over time. The most appropriate method of implementation of this commitment is currently under consideration but it is expected this will commence in the near future.
- (b) This initiative does not require a funding commitment as the costs of employment for ongoing and fixed term teachers are the same.
- (c) As this initiative does not require any additional salaries funding, no additional costs for long service leave, annual leave, superannuation and other (salary related) costs will be incurred.

Transport: tram patronage, subsidies and revenue collection

15. **MR WILSON** — To ask the Honourable the Minister for Transport —
- 1. How many passengers use Yarra Trams Route 75 east of Warrigal Road, Burwood each weekday, Saturday and Sunday on average.
 - 2. By what date is Route 75 to be extended to Springvale Road and Burwood Highway and Knox City.
 - 3. How many passengers per weekday, Saturday and Sunday are expected to be carried on two parts of this planned extension.
 - 4. What additional operating subsidy will be payable to Yarra Trams in the first year of operation of this extension.
 - 5. As at 31 October 1999, what was the average daily revenue collected from a Onelink ticket machine installed on a B/B2 class tram based at Yarra Trams Camberwell Depot and a Z–Z3 class tram based at Swanston Trams Malvern Depot.
 - 6. What will be the total cost in 1999–2000, 2000–2001, 2001–2002 and 2002–2003 if 100 ‘super’ tram conductors are employed from 30 June 2000.
 - 7. How many conductors will be allocated to Yarra Trams and Swanston Trams and what amounts in each of those financial years will be paid to each operator as compensation or additional contract payments.

8. What additional revenue are the conductors expected to realise for each of the two tram operators and what will this equate to per conductor per week.
9. Whether these conductors will be obligated to issue infringement notices should fare evasion or other offences be alleged.
10. Whether conductors will be permanently employed on a full time basis, employed part time or on casual hourly rates and how many hours per week will they individually work.
11. What is the base rate per hour for tram conductors that will be paid and the typical earnings for conductors per week.
12. What penalty rates apply, if any, on morning shift, afternoon shift, weeknights, overnight, weekends and public holidays.
13. Whether tram conductors will be given the opportunity to sign Australian Workplace Agreements individually or enter into a non-union collective agreement.
14. How many conductors will be allocated to Burwood East (Route 75) in 1999–2000, 2000–2001, 2001–2002 and 2002–2003 and will they work only in the inner city or on the whole of the route.
15. What days of the week and hours will conductors work.
16. What percentage of all Yarra Trams and Swanston Trams tram runs measured by tram kilometres are conductors expected to cover in each of these financial years.
17. What percentage did fare evasion run at for each of Yarra Trams, Swanston Trams, Bayside Trains and Hillside Trains as at 31 October 1999 and what is the target for fare evasion for each in the next three years.
18. Whether existing customer service officers will, as part of their retraining and refocussing towards tram users be obligated to sell tickets, check for fare evasion and issue penalty notices where an infringement is alleged.

ANSWER:

1. Yarra Trams has advised that on a typical weekday, there are approximately 1,000 passenger boardings and alightings on Route 75, east of Warrigal Road. Saturday and Sunday loadings combined are roughly equivalent to that of an average weekday.

2, 3 and 4.

[These] relate to the proposed extension of Yarra Trams' Route 75 from East Burwood to Knox City Shopping Centre. The ALP policy on transport proposes building this route extension over the next four years. A detailed feasibility study has yet to be scoped. This study should include analysis of current and likely future passenger demand and vehicle loading patterns. It is premature to estimate the amount of operating subsidy that may be required to operate services on the extended route. Government funding for this project would be expected to take into account the outcomes of the proposed study.

The Franchise Agreement for Yarra Trams allows for the possibility of extending its services on the basis of "no net gain/no net loss" to the franchisee. However, informed discussions along these lines cannot take place until detailed costings have been undertaken.

5. The revenue collected from OneLink ticket machines installed on particular classes of trams operating from particular depots, or from particular retail outlets, is a matter between the Franchisees of the respective tram businesses and OneLink. The Government does not receive such information under the tram franchise contracts.

6 to 16 inclusive

[These] relate to the ALP election policy to negotiate with the franchisees for the return of up to 100 conductors to the tram system. The ALP election policy on transport proposes \$5.5 million per year for this initiative over the next three financial years.

Negotiations are yet to take place with the tram businesses on this policy. These negotiations would be expected to include the specific roles and functions of conductors.

The revenue impacts of conductors and the terms, and conditions of their employment have yet to be assessed.

The exact number of conductors for each of the Swanston and Yarra businesses and the deployment across routes, and by time of day, will be negotiated as discussions proceed.

17. The actual level of fare evasion on public transport is difficult to determine with certainty because fare evaders are not easy to survey. It is, therefore, not possible to be definitive about the level of fare evasion at a particular time. As operators share fare revenue, the level of overall fare evasion is a matter for the operators and the Revenue Clearing House. The metropolitan train and tram businesses are required to measure fare evasion within their respective businesses periodically, using a particular methodology. Operators can be required to make payments to the Revenue Clearing House if their fare evasion exceeds certain pre-designated levels in successive quarters. For the tram businesses, this level is currently 8% and for the train businesses currently 10%, when measured according to the set methodology. Fare evasion levels for all businesses have not yet been reported to the Director of Public Transport for the first reporting period.
18. Customer service officers can currently undertake the duties referred to in Question 18. However, they do not normally sell tickets as there is no longer any capacity for cash handling at depots and other work locations. As indicated in the answer to Questions 6 to 16, future roles and functions of customer service officers may be the subject of discussions between the Government and franchisees in due course.

Transport: regional public transport plan

16. **MR WILSON** — To ask the Honourable the Minister for Transport — (a) what funding has been or will be provided in 1999–2000, 2000–2001, 2001–2002 and 2002–2003 for the development of a regional public transport plan for Melbourne’s outer eastern, outer south eastern, outer north eastern, and outer western suburbs; (b) what are the boundaries of each of these ‘outer’ suburban areas; (c) will the suburbs of Burwood, Burwood East, Blackburn South, Bennettswood, Mount Waverley and Syndal be included in a future regional transport plan; if so, when will this occur and what funding has been or will be provided; and (d) will extension services, either in hours of operation or frequency of service, by private bus operators result in additional subsidy payments by the Department of Infrastructure, Essential Services Commission, Ministry of Transport or any other Victorian Government Department or agency; if so, what is the amount by area and financial year.

ANSWER:

A regional transport plan was completed for the Casey region in 1998 and planning is currently well advanced on integrated transport plans for the Whittlesea region and the Outer Western region (Wyndham, Melton and Brimbank municipalities).

Each study has taken a comprehensive view of transport needs in the region, including the need for new or expanded public transport services. Where it is concluded that additional services are needed, and that additional subsidies would need to be paid to operators, funding will be considered in the context of the overall State Budget.

It is intended that a regional public transport plan will be prepared for the outer eastern region. At this stage decisions have not been taken on the area that the plan will cover, its timing or its budget.

Transport: train subsidies and services

17. MR WILSON — To ask the Honourable the Minister for Transport —

1. What additional subsidy payments will be payable to Hillside Trains in 1999–2000, 2000–2001, 2001–2002 and 2002–2003 for the provision of additional Ringwood line ‘flier’ services in a.m. weekday peak, p.m. weekday peak, daytime weekday off peak and after 7.00 p.m. weekdays.
2. What additional subsidy payments will be payable to Bayside Trains for each of these financial years and what will be the operational times for the provision of additional Pakenham, Cranbourne/Cranbourne East and Frankston ‘flier’ trains.
3. Will any additional express or ‘flier’ services be introduced in any of these financial years and at what operational times on the Glen Waverley, Hurstbridge, Broadmeadows/Craigieburn, Epping/South Morang lines; if not, why.
4. What additional subsidy payments will be payable to Bayside Trains in 2001–2002 and 2002–2003 for the extension of electrified suburban services to Cranbourne East, South Morang and Craigieburn for additional trips that are necessary in view of longer running times to the new termini.
5. Whether any additional capital funding will be provided in 1999–2000, 2000–2001, 2001–2002 and 2002–2003 for the purchase of new rail rolling stock for the Cranbourne East, South Morang and Craigieburn extensions.

ANSWER:

1. The ALP election policy provides for the construction of a third track between Blackburn and Mitcham to allow flier services to be operated to Ringwood. The proposal will be scoped and costed, and negotiations with Hillside Trains will be initiated.

Negotiations with Hillside Trains will include the best method of achieving the passenger time-savings that this new infrastructure will allow and the appropriate contribution from Hillside. It is too early to determine what the outcome of these negotiations will be, and any financial commitment by Government on further new services will only be made after a project evaluation is complete.

2. Bayside Trains (the operator of these services) has committed to providing additional services on a number of lines and will be investigating and investing in new infrastructure designed to improve journey time on its services. The Government intends to negotiate with Bayside Trains in relation to the introduction of flier services, taking into account Bayside’s existing commitments. It is too early to determine what the outcome of these negotiations will be, and any financial commitment by Government on further new services will only be made after a project evaluation is complete.
3. The Government is working with the train operators to ensure services are generally improved across the network. The Government expects to be able to announce that new services will be introduced on a number of these lines in the near future. Whether the services introduced will be stopping or express will depend on the passenger demand and the ability of the infrastructure to accommodate new services.
4. The Government intends to work with operators to scope the costs and ongoing subsidies required in relation to the provision of electrified services on these lines. It is too early to determine what the outcome of these negotiations will be, and any financial commitment by Government on further new services will only be made after a project evaluation is complete.
5. There will be no additional capital funding for new rolling stock for these extensions in these years. The operators are already providing new rolling stock for delivery from 2002 to 2004 and we would expect that any requirements for rolling stock for future electrifications would be determined in the light of these orders (which already make provision for growth), the refurbishment of other rolling stock to be undertaken by the operators and the higher rates of train availability they will be expected to achieve through changed maintenance practices.

Planning: neighbourhood agreements

18. **MR ROBINSON** — To ask the Honourable the Minister for Planning — (a) how many neighbourhood agreements pursuant to Section 173 of the Planning and Environment Act 1987 have been established in the two years prior to 18 September 1999; and (b) how many of the above agreements have been the basis of actions in the Victorian Civil and Administrative Tribunal.

ANSWER:

The answer to both parts (a) and (b) of the question is NIL.

Transport: boom gate malfunctions

19. **MR ROBINSON** — To ask the Honourable the Minister for Transport, on how many occasions in 1999 have the railway level crossing boom gates at Springvale, Blackburn, Middleborough, Rooks, Mitcham and Heatherdale Roads malfunctioned.

ANSWER:

The level crossings mentioned are situated on one of the busiest railway lines in Melbourne. Approximately 180 trains pass through the level crossings concerned each week day with a further 180 trains approximately each weekend. This equates to a total of approximately 56,000 train movements per annum.

The operation of the level crossing gates is programmed so that two or more trains can pass through the crossing gates during one operation. This reduces the number of boom operations and the impact on road traffic. This means that there are approximately 40,000 level crossing gate operations every year at each location.

The train operator (Hillside Trains) has advised that the number of level crossing gate malfunctions at each location in 1999 (1 January to 11 November) are as follows:

Cause of Fault

Location	Vandalism	Road Vehicle Damage	Equipment Failure	Unidentified Cause
Springvale Road	0	5	2	0
Blackburn Road	1	1	3	0
Middleborough Road	1	0	1	0
Rooks Road	1	0	0	0
Mitcham Road	1	1	2	0
Heatherdale Road	3	1	8	4

While there is always a possibility of equipment failure, the level crossing protection system is designed to be 'fail safe'. This means that if a failure/malfunction occurs the gates remain closed to prevent road vehicles crossing the railway tracks. While any malfunction which causes public inconvenience is regretted I have noted that the number of incidents is quite low given the volume of train traffic passing through these crossings.

All level crossing incidents are investigated by the responsible train operator to establish cause. It is a requirement under safety accreditation for the operator to inform the Public Transport Safety Directorate in the Department of Infrastructure of all level crossing incidents.

Environment and Conservation: waste reduction targets

20. MR WILSON — To ask the Honourable the Minister for Environment and Conservation —

1. Whether each industry sector is required to develop its own program for meeting waste reduction targets; if so by what date and will these targets apply to disposal of waste to landfill, toxic waste disposal and increased energy efficiency.
2. What waste reduction targets will apply in each of the financial years from 1999–2000 to 2002–2003 inclusive for the following industries within Victoria — (a) agriculture; (b) horticulture; (c) steel and ferrous products; (d) paper and pulp making; (e) retail; (f) wholesale; (g) heavy road transport; (h) rail transport; (i) coastal shipping; (j) food processing; (k) accommodation and hospitality; (l) motor vehicle manufacturing; and (m) car components manufacturing industries.
3. What date will be regarded as the ‘base day’ in any measurement of increased efficiencies.
4. What funding has or will be provided in each of the financial years 1999–2000 to 2002–2003 inclusive to each of the above industry sectors to prepare such plans.
5. Whether these targets and results for each industry sector will be published in a State of the Environment or other report and tabled in the House; if so, how often and what is the first scheduled date of tabling.

ANSWER:

I am informed that

The Government is establishing strategies to reduce the amount of waste generated. These strategies will be established in consultation with industry and the community and are being developed.

Transport: railway station bicycle lockers

21. MR WILSON — To ask the Honourable the Minister for Transport —

1. As at 30 September 1999 — (i) which railway stations in the Hillside Trains and Bayside Trains networks had bicycle lockers; (ii) how many lockers were at each of the above stations; and (iii) what percentage of the lockers were successfully rented out for the whole of 1998–99.
2. Whether new bicycle lockers are scheduled to be provided at each of Hillside Trains and Bayside Trains stations in each financial year from 1999–2000 to 2002–2003 inclusive and what funding has or will be allocated for this purpose in each year.
3. What is the average cost of each bicycle locker installed at a railway station.
4. What is the expected revenue per year per bicycle locker and on what percentage locker utilisation rate is this based.

ANSWER:

1. (i – ii – iii):

HILLSIDE*

BAYSIDE*

Station	Number of Lockers	% of lockers used 98/99	Station	No of Lockers	% of lockers used 98/99
Ashburton	6	24%	North Melbourne	2	100
Belgrave	4	25%	Hoppers Crossing	14	100
Blackburn	12	83%	Essendon	10	20

HILLSIDE*

BAYSIDE*

Station	Number of Lockers	% of lockers used 98/99	Station	No of Lockers	% of lockers used 98/99
Boronia	20	25%	Glenroy	6	17
Box Hill	10	20%	Broadmeadows	8	0
Camberwell	6	20%	St. Albans	8	50
Clifton Hill	6	66%	Ginifer	4	50
Croydon	8	100%	Sunshine	8	87.5
East Malvern	6	15%	Footscray	8	0
Epping	4	100%	Coburg	4	0
Ferntree Gully	21	Nil	Gowrie	4	0
Glen Iris	6	Nil	Werribee	30	87
Glen Waverley	20	35%	Laverton	8	25
Glenferrie	8	20%	Newport	8	12.5
Greensborough	8	40%	Williamstown	4	0
Heidelberg	8	40%	Mordialloc	6	33
Ivanhoe	8	25%	Frankston	16	81
Laburnum	4	Nil	Cheltenham	16	25
Lilydale	12	25%	Carrum	4	100
Mitcham	14	50%	Caulfield	10	100
Mooroolbark	20	20%	Oakleigh	16	37.5
Mount Waverley	8	40%	Huntingdale	12	33
Nunawading	10	20%	Clayton	8	62.5
Preston	4	Nil	Dandenong	10	60
Reservoir	6	33%	Berwick	10	30
Ringwood	8	50%	Pakenham	8	12.5
Thomastown	4	25%	Narre Warren	3	33
Upper Ferntree Gully	4	Nil	Seaford	8	62.5
			Sandringham	12	100
			Elsternwick	10	90
			Brighton Beach	10	100

2. There are no current plans for Hillside Trains to increase the number of bicycle lockers at stations, with the exception of the proposed Premium stations where if there is a demand, then they will be considered.

Bayside Trains are still developing its business plan in regard to matters of this degree of detail.

- 3.

Business	Average cost each locker
HILLSIDE	\$2,500.00
BAYSIDE	\$2,000.00

4. The yearly rental is for Hillside Trains is based on a utilisation rate of \$62.00 per locker, which totals to around \$5,000 per annum.

The yearly rental for Bayside Trains is for bicycle lockers is \$63.70 per year, or \$21.60 per three monthly hire. Based on the approximate number of lockers currently in use, Bayside estimates the overall revenue at around \$10,000.00 per annum.

Transport: transit lanes and car pooling

22. **MR WILSON** — To ask the Honourable the Minister for Transport — in relation to each freeway, highway and other major arterial road — (a) what funding has or will be provided in the financial years 1999–2000 to 2002–2003 inclusive for the extension of free transit lanes and car pooling; and (b) whether free transit lanes will be introduced in each of these years indicating how many kilometres the planned length of each transit lane is, if any.

ANSWER:

There is a transit lane on the city bound carriageway of the Eastern Freeway from west of Bulleen Road to Hoddle Street. No funding has been provided in 1999–2000 for extension of transit lanes on the Melbourne metropolitan road network. There are no proposals to provide transit lanes on freeways, highways or major arterial roads in the next two financial years.

The Government is committed to supporting the use of efficient modes of transport and the feasibility of extending transit lanes will be examined. However, I am not willing to speculate at this time on the possible outcome of this investigation.

Environment and Conservation: waste reduction targets

24. **MR WILSON** — To ask the Honourable the Minister for Environment and Conservation —

1. Whether a State of the Environment report will be tabled in the Legislative Assembly; if so, how often and what is the first scheduled date.
2. What percentage of waste reduction for Government Departments will be required in each financial year from 1999–2000 to 2003–2004 inclusive.
3. Whether the waste reduction targets will include — (a) waste going to landfill; (b) waste going to toxic waste and; (c) increased energy efficiency.
4. What targets will be set for each Government department in each reduction area for these financial years.
5. Whether equivalent targets will be set for each Government agency; if not why.
6. Whether the targets will apply to contractors or franchisees providing services partly or wholly funded by contributions from Victorian government sources; if not, why.
7. Whether any emission reduction targets will apply to power generators, distributors or retailers in Victoria; if so, how.
8. Whether funding has or will be provided to each Government department and agency, each contractor to the Victorian Government and each franchisee of a Victorian Government funded activity to encourage reduction in emissions in each of the financial years from 1999–2000 to 2003–2004.
9. Whether any studies have been done on likely reductions in employment in Melbourne, the Latrobe Valley and other parts of regional and rural Victoria if emissions are reduced; if so, what are the names of the studies and whether a copy will be publicly available.

ANSWER:

I am informed that

1. This Government is committed to ensuring that community, industry, union and government decision makers are fully informed of the environmental impacts of their actions through State of the Environment reporting. The process for establishing and publishing such reports is being developed.

- 2.-9. Implementation of the Government's waste policy will be carried out in consultation with stakeholders to identify, wherever possible, win-win outcomes.

Environment and Conservation: air-quality monitoring

25. **MR WILSON** — To ask the Honourable the Minister for Environment and Conservation —
1. Whether funding has or will be provided in each financial year for 1999–2000 to 2002–2003 inclusive to extend air quality monitoring by the Environment Protection Authority beyond those areas currently served; if so what new suburbs, towns, localities, freeways and industrial sites will be monitored.
 2. At 30 September 1999 — (a) what Victorian local government areas in whole or part were monitored for air quality indicating each suburb, town or locality; and (b) at what frequency.

ANSWER:

I am informed that

1. The Government is considering the implementation of its air policy, 'Greener Cities – Clean Air to Breathe'. The Government will consider funding issues once a strategy for implementing this policy has been developed.
2. Monitoring frequency varies with the parameters measured and in accordance with the relevant Australian or other standard method used. The Environment Protection Authority operates 15 air monitoring stations at the following locations:

Alphington
 Box Hill
 Brighton
 Collingwood
 Dandenong
 Footscray
 Geelong South
 Grovedale
 Melbourne CBD
 Mt Cottrell
 Moe
 Paisley (Altona East)
 Point Cook
 Richmond
 Traralgon

Energy and Resources: Marine and Freshwater Research Institute

26. **MR SPRY** — To ask the Honourable the Minister for Environment and Conservation whether she will give an assurance that in any upgrading or redevelopment of the Queenscliff harbour precinct, the renowned Marine and Freshwater Research Institute will remain or be relocated within the boundaries of the Borough of Queenscliffe and thus allay the concerns and fears of the people of Queenscliff.

ANSWER:

I am informed that:

The building of the new Marine and Freshwater Research Institute laboratories will occur within the boundaries of the Queenscliffe Borough.

Environment and Conservation: Kananook Creek

29. **MR PERTON** — To ask the Honourable the Minister for Environment and Conservation — (a) what plans does the Government have for improving the water quality and environs of Kananook Creek; and (b) what criteria have been set for determining the success of such plans.

ANSWER:

I am informed that

- a) Water quality will be improved through the development of a Stormwater Management Plan for Frankston. This plan will be supported by the Government's Urban Stormwater Strategy (as outlined in the Greener Cities policy) which is providing \$22.5 million over four years for the development and implementation of stormwater management plans. This is a new initiative by the Labor Government.

Water quality will also be improved through Melbourne Water's continued management programs focusing on rehabilitating degraded urban waterways such as Kananook Creek.

- b) Water quality objectives for the Creek have been set by the EPA through State Environment Protection Policy (SEPP).

The stormwater management plan will be developed in accordance with the Best Practice Environmental Management Guidelines for Urban Stormwater recently released by CSIRO. The guidelines include the framework and objectives for environmental management of stormwater. The stormwater management plan itself will be developed in this context and include performance monitoring and review processes to ensure that it remains focussed on meeting its objectives. The EPA will have a role in auditing the successful implementation of the plans against their stated objectives.

Environment and Conservation: Westernport Bay–Mornington Peninsula

30. **MR PERTON** — To ask the Honourable the Minister for Environment and Conservation — (a) what is the Minister's attitude to the Mount Eliza Association for Environmental Care project to seek registration of Westernport Bay and the Mornington Peninsula as an urban conservation reserve under the UNESCO International Biosphere Program; and (b) if the Minister supports the project, what support will given to the Association.

ANSWER:

I am informed that:

Biosphere reserves are areas of terrestrial and coastal/marine ecosystems which are established to promote and demonstrate a balanced relationship between humans and the Biosphere.

The 1998 French Island National Park management plan has, as a priority action, 'assessment of the feasibility of establishing a Biosphere Reserve, with the park and any adjacent marine protected areas forming the core area'. I believe that this is still the appropriate course of action given the complexity of the proposal and the number of stakeholders involved.

It is heartening to see that there is some community support for the proposal as a biosphere reserve of the type proposed would be heavily reliant on community support and participation. I will ask my Department to consider a detailed proposal from the Mt Eliza Association for Environmental Care.

Transport: rail upgrades and maintenance

92. MR WILSON — To ask the Honourable the Minister for Transport —

1. For each month between July and November 1999, for the Burnley–East Malvern, East Malvern–Glen Waverley, Richmond–Burnley, Burnley–Camberwell, Camberwell–Box Hill, Box Hill–Ringwood, Ringwood–Belgrave, Ringwood–Lilydale and Camberwell–Alamein sections of rail-line, what amount has been spent on track, signalling and station upgrading and maintenance respectively — (a) by the Public Transport Corporation; (b) Victrack; and (c) Hillside Trains.
2. Has the widespread installation of concrete sleepers on broad gauge tracks in Victoria been considered; if not, why.

ANSWER:

1. During the nominated period Hillside Trains was the entity responsible for the management of the assets in the nominated corridors. Hillside Trains, both before and after privatisation, adopted its predecessors' system of only recording data for the whole network rather than by line or section. The private operator of Hillside is reviewing its methodology for recording asset management data. However, until Hillside adopt a system that records data by line and/or section, the breakdown of expenditure for the nominated sections of the Hillside network will not be available.
2. Whilst it was responsible for the management of the State's track assets the PTC had considered the widespread installation of concrete sleepers on broad gauge tracks in Victoria but found the economic benefit did not justify the capital cost. The cost differential against concrete sleepers continues to diminish over time and any decision by the Franchisees, who are now responsible for the management of the State's track assets, to proceed with widespread installation of concrete sleepers would be supported by the State.

QUESTIONS ON NOTICE

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

Wednesday, 1 March 2000

Police and Emergency Services: police booths and shopfronts

12. **MR WILSON** — To ask the Honourable the Minister for Police and Emergency Services — (a) what funding will be allocated for the introduction of police booths or shopfronts at key targeted shopping centres and major 24 hour entertainment precincts in 1999–2000, 2000–2001, 2001–2002 and 2002–2003; (b) what benchmarks will be used to determine if a shopping centre should be enhanced in this manner; and (c) how many booths and shopfronts are scheduled to be introduced in each financial year in key targeted shopping centres and major 24 hour entertainment precincts.

ANSWER:

The Government's capital works program for each financial year of its first term in office will be announced in the Parliament when the respective budgets are delivered by the Treasurer.

Police and Emergency Services: community safety audits

13. **MR WILSON** — To ask the Honourable the Minister for Police and Emergency Services — (a) how many community safety audits are planned for 1999–2000, 2000–2001, 2001–2002 and 2002–2003; (b) what is the average cost expected of each audit; (c) will these audits be completed in-house by Victoria Police or will tenders be called for their provision; (d) what funding will be provided in each of these financial years for these audits; and (e) what criteria will be used to indicate if an area qualifies for a community safety audit.

ANSWER:

The Government is committed to the development of an integrated crime prevention strategy involving partnerships between government agencies, police, community organisations and the private sector. A new Crime Prevention Agency will be established to identify, develop, promote and evaluate effective crime prevention ideas, programs and initiatives.

Community safety audits are one of a range of measures to reduce the level of crime and to address the issue of safety in public places.

A number of Councils around Victoria have identified 'safety in public places' as a key issue emerging out of recent consultations on Community Safety. Several Councils have developed or are currently finalising Community Safety Plans which include a range of strategies in response to this and other key community safety issues.

A number of local Councils and community-based agencies across Victoria have already developed and implemented local community safety audits. The Oakleigh-Clayton Police Community Consultative Committee (PCCC) won a 1998 *Vicsafe* Community Safety and Crime Prevention Award for its 1997 Community Safety Audit.

The Government will encourage, support and assist local Councils and community-based agencies such as Police Community Consultative Committees and Neighbourhood Watch to conduct community safety audits. Specific details regarding the number and timing of future audits, costs and who will be responsible for conducting the audits have yet to be finalised.

Finance: departmental and agency vehicle fleet

23. MR WILSON — To ask the Honourable the Minister for Finance and Assistant Treasurer —

(a) what proportion of the State departmental and agency motor vehicle fleet was powered by liquefied petroleum gas at 30 September 1999; (b) how many passenger motor vehicles, goods carrying vehicles of 3.5 tonnes or under or over did this represent; (c) what was the total size of the State departmental and agency motor vehicle fleet at 30 September 1999 and what is it expected to be at 30 June 2000, 30 June 2001, 30 June 2002 and 30 June 2003 for each category of vehicle stated; and (d) what targets, if any, by either percentage or raw numbers have been set in each financial year from 1999–2000 to 2002–2003 inclusive for State departmental and agency vehicles to be powered by either liquefied petroleum gas or compressed natural gas.

ANSWER:

I am informed that:

- (a) There were no LPG powered cars registered in the Government fleet as at 30 September 1999.
- (b) Nil.
- (c) There are currently approximately 8,000 passenger and light commercial vehicles in the Government fleet. There were a similar number of vehicles in the fleet in September 1999 and the fleet size is expected to be of similar size through to 2003. In addition, there are an additional 750 items of plant and equipment.
- (d) The Government has not set targets for the introduction of either LPG or LNG vehicles into the Government fleet. However, the Government has a policy to introduce such vehicles into the fleet. The Department of Treasury and Finance is responsible for developing an approach to this matter for consideration by the Government.

Environment and Conservation: animal shelters

44. MR PERTON — To ask the Honourable the Minister for Environment and Conservation —

(a) what assistance is given to animal shelters by the Department; and (b) what assistance if any, has been given to Ms Theresa Tate, wildlife shelter operator at Corinella, for her animal shelter and rescue work.

ANSWER:

I am informed that:

- (a) Care and rehabilitation of sick, injured and orphaned wildlife is voluntary and no financial assistance is available from the Department of Natural Resources and Environment. The vast majority of animals treated are common species, and only about half of these animals are successfully rehabilitated. The remainder are either euthanased or die in care. It would not be appropriate to spend funds allocated for the conservation of biodiversity on an activity that provides little direct contribution to conservation.
- (b) Wildlife rehabilitators require a permit to operate wildlife shelters, otherwise it would be illegal for them to be in possession of wildlife. The Department facilitates the provision of permits for applicants who are able to demonstrate they have appropriate training, or have prior experience or employment.

Ms Theresa Tate contacted the Department requesting a donation of cages for housing raptors and was informed that no funds are available to supply cages or other equipment to shelter operators. She was informed that the nearby shelter at Grantville does have suitable facilities for the rehabilitation of raptors and that, if she is unable to provide suitable housing, she should direct any cases of injured raptors to that shelter.

Environment and Conservation: platypus breeding areas

45. **MR LUPTON** — To ask the Honourable the Minister for Environment and Conservation with reference to concerns raised by Greening Knox Inc, what the Minister is planning to do to ensure that natural breeding areas for platypi within the Knox electorate are not threatened by development.

ANSWER:

I am informed that:

The Department of Natural Resources and Environment will work cooperatively with Councils to assist in appropriate planning solutions that will protect platypi irrespective of whether their habitat adjoins private or public land. Public land within the Corhanwarrabul and Monbulk Creek corridors will be managed in accordance with relevant Government Acts and Regulations and cooperation from all land managers will be sought. Development proposals that are likely to impact on public land should be referred to the Department for comment.

Environment and Conservation: Snowy Mountains Hydro-Electric Authority

63. **MR PERTON** — To ask the Honourable the Minister for Environment and Conservation in relation to the recent statement of Professor Barry Hart referred to in *The Age* newspaper on 23 November 1999, does the Minister agree with Professor Hart that the Snowy Mountains Hydro-Electric Authority ‘operated outside state and federal environment protection laws and this could not be allowed to continue’.

ANSWER:

I am informed that:

The Snowy Mountains hydro-electric scheme operates within New South Wales and compliance with State environmental law is therefore a matter for New South Wales to consider and address. The Snowy Mountain scheme predated the key Commonwealth Act, the *Environment Protection Impact of Proposals Act* which will be replaced in July this year by the *Environment Protection Biodiversity Conservation Act*.

The Snowy Mountains hydro-electric scheme was developed at a time when the environmental impacts of such massive changes in water management were not recognised. This Government will ensure that full consideration is given to current community values and scientific understanding of the environment in making decisions about major infrastructure and natural resource management.

Arts: digital media projects

66. **MR PERTON** — To ask the Honourable the Minister for Arts in relation to the comments attributed to her by Meagan Shaw in an article from *The Age* dated 25 November 1999 entitled ‘Boost for Film, TV Industries’ which said in part, the Minister ‘would look at removing possible areas of duplication between Cinemedia and Arts Victoria, such as the funding of digital media projects’ —

1. What was the total funding of digital media projects by the Victorian Government in 1998–99, and what is the projected total funding for 1999–2000 and 2000–01 respectively.
2. What organisations and individuals received funding (and in each case how much) from both Cinemedia and Arts Victoria in 1998–99.
3. What areas has the Minister identified as areas ‘of duplication’.

ANSWER:

I am informed that:

In respect of Part 1 of the Question, the Table below sets out the funding arrangements for digital media projects in Cinemedia and Arts Victoria for 1998/1999, 1999/2000 and 2000/2001.

	Cinemedia	Arts Victoria
1998/1999	\$3.2 million	Nil
1999/2000	\$2.75 million	\$243,580 (up to Dec. 1999)
2000/2001	\$2.75 million	Under Review

In response to Part 2, the following Table sets out which individuals and organisations received digital media funding from Cinemedia in 1998/1999. Arts Victoria did not fund a digital media program in 1998/1999.

CINEMEDIA, DIGITAL MEDIA FUND CONCEPT DEVELOPMENT INVESTMENTS AS AT 18 NOVEMBER 1999

Round	Title & Applicant	Investment	98/99 Payments
Jan 96	<u>One Destiny! The Federation Story</u> Global Vision Productions Pty Ltd	\$ 130,000	
	Noises in the Night CD Vol. 1	\$ 39,238	
	eKIDna Interactive		
April 96	<u>Patrick White's Australia</u> New Media Productions	\$ 59,030	
April 96	<u>Conglomerate</u> Beam Software Pty Ltd	\$ 75,000	
	<u>Wines & Vineyards of Victoria</u> Rainbow Iris Productions Pty Ltd	\$ 31,500	
	<u>Everything Counts</u> The Education Professionals Pty Ltd	\$63,000	
May 96	<u>The Cockatoo Creek</u> Multimedia Project	\$20,000	
	Tanami Network Pty Ltd		
	<u>Our Place Interactive</u> Global Vision Productions Pty Ltd & Addison Wesley	\$30,000	
	Longman		
Dec 96	<u>Sampling the Future</u> Sampling the Future Pty Ltd	\$112,378	\$12,378
Jan 97	<u>Get A Life</u> Trish Avery & Associates	\$39,000	
	<u>KIDZonline</u> Australian Children's Television Foundation	(150,000) Revoked	
TOTAL	10 active concepts	\$609,146	\$12,378

CINEMEDIA, DIGITAL MEDIA FUND LEAP INVESTMENT AS AT 18 NOVEMBER 1999

Round	Title & Applicant	Investment	98/99 Payments
April 1997	<u>BITE Education</u> BITE Publishing Pty Ltd	\$146,000	\$100,000
Mar 97	MIST Advance Training Technology Pty Ltd	\$67,630	
	As from 12/6/1998 company named SOUTHROCK SOFTWARE PTY LTD		
June 1997	<u>WISER Software ESL Internet Site</u> WISER Software Pty Ltd	\$150,000	
	<u>The Three Day Event</u> <u>Aka Riding Star aka</u> <u>Mary King's Riding Star</u> IR Gurus Pty Ltd	\$100,000	\$10,000

QUESTIONS ON NOTICE

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CINEMEDIA, DIGITAL MEDIA FUND LEAP INVESTMENT AS AT 18 NOVEMBER 1999

Round	Title & Applicant	Investment	98/99 Payments
	ATEEG	\$147,100	
Aug 97	Adacel Pty Ltd		
	Historica	\$146,000	\$41,000
	Formerly known as History Net		
	Lemon Enterprises Pty Ltd		
	A Question of Justice	\$53,850	\$25,850
Oct 97	Visual Images Pty Ltd		
	Dromkeen Experience	\$70,000	
	Dromkeen/Scholastic		
	Certificate 1 in Adult Literacy and Numeracy CIALN	\$71,600	\$9,100
	McGlynn Educational Media		
	Smarty Pants	\$228,324	\$28,324
	Smarty Pants Publishing Pty Ltd		
	Sports Education	(\$131,650)	
Mar 98	Ice-T Multimedia Pty Ltd	Revoked	
	Fraud Prevention	\$80,000	\$32,000
	Australian Quality Leadership Pty Ltd		
	Cybershakespeare	\$158,977	
June 98	Open Learning Australia Pty Ltd		
	Music Logic	\$42,040	\$42,040
	Music Logic Interactive Pty Ltd		
	Universal Declaration of Human Rights (50th year)	\$73,621	\$73,621
	Mr Kim Gleeson		
	Strategic Training Evaluation Management	\$202,550	\$161,160
Oct 98	Ziman Pty Ltd		
	One Page Coach	\$85,000	\$85,000
Nov 98	Training Solutions Group Pty Ltd		
	Mathomat Multimedia Project	\$36,570	
	W & G Australia Pty Ltd (John Lawton)		
TOTAL	15 Active Projects	\$1,630,285	\$608,095

CINEMEDIA, DIGITAL MEDIA FUND GAP INVESTMENT AS AT 18 NOVEMBER 1999

Round	Title & Applicant	Investment	98/99 Payments
	www.phillipmurphywine.com.au	(\$22,100)	
Mar 97	Phillip Murphy Wines & Spirits	Revoked	
	Explore Melbourne	\$150,000	
Oct 97	Global Vision Productions Pty Ltd		
	Business to Business	\$190,000	\$68,250
Nov 97	Intranet Australia Pty Ltd		
	www.sponsorship.com.au	\$22,250	
	Sponsorship Works Pty Ltd		
	World Wide Wit aka Comedy Café	\$150,133	\$62,250
	ARTSIM		
	Artist Services Pty Ltd Simson Media Pty Ltd		
	People Brokers	\$45,280	\$4,310
Jan 98	Chris Kaine & Associates Pty Ltd		
	Bookman Directories Online	\$45,000	\$16,500
	Bookman Press Pty Ltd		

CINEMEDIA, DIGITAL MEDIA FUND GAP INVESTMENT AS AT 18 NOVEMBER 1999

Round	Title & Applicant	Investment	98/99 Payments
July 98	Australian Reservation & Communication Network Project (The AUSCOMM Network) Oliver Mills Pty Ltd	\$125,000	\$10,000
Nov 98	Backpackers Online Backpackers Online Pty Ltd (Brett Marsh, Jodie Marsh)	\$100,956	
Mar 99	Wishlist.com.au Gift Tag Pty Ltd	\$92,000	\$35,000
	Export Express Craig Kirkwood	\$77,000	
May 99	PROCEX Pro-Plan Procex Pty Ltd	\$88,000	
	WAVE Global Australian Business Innovations Pty Ltd	\$84,000	
	Arts IT Convergence Impresario Australia Pty Ltd	\$75,500	
TOTAL	12 Active Projects	\$1,143,663	\$196,310

**CINEMEDIA, DIGITAL MEDIA FUND PRODUCER PACKAGE LIMITED RECOURSE
ADVANCES AS AT 18 NOVEMBER 1999**

Round	Title & Applicant	Advance	98/99 Payments
Jan 96	Electric Alchemy	\$ 10,000 (\$25,250) Revoked	
Feb 96	SportsFiles Australia Pty Ltd	\$ 50,600	
April 96	Tricia Avery Tim Ryan	\$ 34,000 \$ 36,765	
June 96	Cashmere Media Pty Ltd Edinwell Pty Ltd Tantamount Productions Pty Ltd	\$60,000 \$76,302 (\$41,350) Revoked	
Mar 97	Media Light	(\$22,200) Revoked	
	Media World Pty Ltd	\$79,400	
June 97	Koala Software Imagine Interactive	\$37,634 \$35,343	\$3,365
Aug 97	Tantamount Productions Pty Ltd	\$40,000	
Oct 97	Stromlo Entertainment Pty Ltd	\$80,000	\$80,000
June 98	Atomic Media Pty Ltd	\$73,000	
TOTAL	11 active LRA's	\$540,044	\$83,365

**CINEMEDIA, DIGITAL MEDIA FUND SCREEN CULTURE PROGRAM
AS AT 18 NOVEMBER 1999**

Round	Title & Applicant	Grant	98/99 Payments
Oct 97	Film & Video Finder Australian Catalogue of New Films & Video	\$6,000	\$2,000

**CINEMEDIA, DIGITAL MEDIA FUND SCREEN CULTURE PROGRAM
AS AT 18 NOVEMBER 1999**

Round	Title & Applicant	Grant	98/99 Payments
Jan 98	<u>Panacea</u> Arena Theatre Company	\$67,590	\$52,590
	<u>Mousetrap</u> Formerly known as Antenna Melbourne International Film Festival	\$43,225	\$30,000
	<u>Kool Skools '98 Recording Project</u> Paul Higgins & Trevor Carter - Studio 52	\$25,000	\$25,000
	<u>One Destiny! The Web Site</u> Global Vision Pty Ltd	\$75,000	\$37,500
June 98	<u>Screening Now</u> Women in Film & Television - Victoria	\$10,000	\$10,000
	<u>Viruses and Mutations</u> Experimenta Media Arts	\$50,000	\$50,000
July 98	<u>6th World Congress on Tall Buildings & Urban Habitat Melbourne 2000</u> <u>Youth Graduate Competition</u> Tall Buildings & Urban Habitat Committee Inc.	\$13,000 underwriting	
Oct 98	<u>AIMIA Awards</u> Aust. Interactive Multimedia Industry Association Inc.	\$20,000	\$18,000
Dec 98	<u>Experiments Media Arts (MIMA)</u> Experimenta Media Arts Inc.	\$25,000	\$10,000
Feb 99	<u>St Kilda Film Festival</u>	\$6,000	
	<u>Kool Skool 99 Recording Project</u> Studio 52	\$25,000	\$10,000
	<u>Asia Pacific Victorian Information Technology Awards</u> Asia Pacific Information & Telecommunications Corporation P/L	\$8,000	\$3,000
	<u>1999 ATOM Awards</u> Australian Teachers of Media Inc.	\$10,000	\$5,000
Mar 99	<u>Our Brilliant Careers</u> WIFT Victoria	\$12,000	\$6,000
	<u>The Melbourne International Biennial</u> The Ian Potter Museum of Art	\$20,000	
	<u>The Bug</u> Melbourne International Film Festival	\$30,905	
	<u>Byte Me Exhibition</u> Bendigo Art Gallery	\$5,007	
May 99	<u>Manifesto</u> Experimenta Media Arts	\$60,000	
	<u>Adieu</u> Architectural Development in Escape Unit	\$10,000	
	<u>AWG Multimedia Writers Mini Conference</u> Australian Writers Guild	\$10,000	
	<u>Filmfests.com.au</u> Tim Richards	\$10,000	\$5,000
	<u>Tat Fat Size Temple</u> Toy Satellite	\$1,000	
TOTAL	21 active Screen Culture Grants	\$455,727	\$264,090

CINEMEDIA, DIGITAL MEDIA FUND DOX INTER@CTIVE AS AT 18 NOVEMBER 1999

Round	Title & Applicant	Investment	98/99 Payments
Mar 98	Land Rights for the Millennium Creative Access Pty Ltd	\$26,525	
June 98	Mabo CD-ROM Website Film Australia in association with Buona Notte Productions and Tantamount Productions	\$130,126	\$91,088
	Lore of the Land Fraynetwork Productions	\$140,000	\$90,000
TOTAL	2 active projects	\$270,126	\$181,088

CINEMEDIA, DIGITAL MEDIA FUND PREP INVESTMENTS AS AT 18 NOVEMBER 1999

Round	Title & Applicant	Investment	98/99 Payments
June 98	"The Wiggles" Interactive Multimedia Dataworks Australia Pty Ltd	\$125,000	\$125,000
Oct 98	Seventh Gear Perfect Entertainment Pty Ltd	\$250,000	
Feb 99	Mr Punch 3 Strings Pty Ltd	\$150,000	
Mar 99	RIFT – The Age of Darkness Dragon Lore Pty Ltd	\$100,000	
May 99	Art Trails aka ArtRAX Art Trails Pty Ltd	\$74,000	
TOTAL	4 active projects	\$449,000	\$125,000

CINEMEDIA, DIGITAL MEDIA FUND ACCORDS

Australian Multimedia Enterprises	\$1,130,653	
ABC Online	\$1,600,000	\$52,000
SBS	\$2,000,000	

NOTES:

Payments shown are commitments which date back to the commencement of the MM21 Fund, now the Digital Media Fund. Many of these projects are still under development. The reason for presenting the payments in this way is due to the nature of multimedia projects. In most cases commitments are not expended for several years after they have been committed due to the time required to develop projects. Therefore to provide only expenditure for a given year would not give a true picture of the projects under development in the same year.

Environment and Conservation: animal euthanasia

74. MR PERTON — To ask the Honourable the Minister for Environment and Conservation —

1. What information has she received from Melbourne Zoo relating to the killing of healthy but surplus animals.
2. Has she commenced a review into the guidelines on animal euthanasia at Melbourne Zoo and animal and wildlife parks; if so — (a) what are the terms of the review; (b) who is conducting the review; and (c) on what date is the review to be completed.

ANSWER:

I am informed that:

1. In December 1999 I received a briefing from the Chairman and the CEO of the Zoological Parks and Gardens Board (ZPGB) on management euthanasia practices at Melbourne Zoo, Healesville Sanctuary and Werribee Open Range Zoo.
2. A review into the guidelines on animal euthanasia at the ZPGB's three properties commenced on 21 December 1999, with the first meeting of the Management Euthanasia Review Committee.

(a) The terms of reference of the Review Committee are:

Determine whether the actual euthanasia procedures and practices at work in its three properties are in compliance with the policies of the ZPGB

Determine whether the policies of the ZPGB accord in their ethical principles with the codes of practice of the World Zoo Organisation and Australasian Regional Association of Zoological Parks and Aquaria

Determine whether the ethical principles encompassed by the Board's policies accord with prevailing community expectations of such policies

Establish, in consultation with relevant staff, any changes that may be required to procedures and practices under the relevant policies of the Board

Recommend such changes to policies, procedures and practices as may be deemed necessary

Recommend mechanisms to improve monitoring and review of policies and procedures, including accountability.

(b) The members of the Review Committee are:

Associate Professor Andrew Vizard, BVSc; MPVM: Chair (Associate Professor, Faculty of Veterinary Science, University of Melbourne; Board member of ZPGB); Dr Peter Penson, BVSc, formerly Director, Animal Welfare Bureau, Department of Natural Resources and Environment; Ms Mary Gillett MP, Member for Werribee; and the Hon Glenyys Romanes MLC, Member for Melbourne Province

(c) I am advised the review has been completed and was endorsed by the Zoological Parks and Gardens Board at its February meeting. The Board is forwarding the report to the Friends of the Zoos and to the RSPCA for comment and feedback. The report is publicly available.

Environment and Conservation: public land weed management

75. MR PERTON — To ask the Honourable the Minister for Environment and Conservation with reference to the Departmental Press Release of 16 November 1999 entitled 'Tiny Natural Enemy Challenges Alpine Weed' in which it is stated that the Government has a commitment to implementing 'more cost-effective approaches to weed management on public land'—

1. What are the 'more cost-effective approaches to weed management on public land'.
2. What departmental resources will be applied to weed management in each of the financial years 1999–2000 to 2002–03 inclusive.

ANSWER:

I am informed that:

1. One of the most cost-effective approaches to weed management on public land involves the use and implementation of biological control for various weeds. Current biological control projects within NRE include weeds such as Blackberry, English Broom, Paterson's Curse, Thistles, Horehound, Ragwort, and Bridal Creeper. Other potentially more cost-effective approaches include rapid action for eradicating emerging weeds so that weeds of potentially high impact are eliminated before they have a chance to establish over wide areas.
2. In 1999-2000, the NRE Pest Plants and Animals Program is using approximately \$8m of State government funds to manage weeds, with particular emphasis on extension, research, enforcement and community grants. An additional \$1m (approximate) is being spent on Good Neighbour weed projects on public land this year.

Arts: Cinemedia Online

76. **MR PERTON** — To ask the Honourable the Minister for Arts, what does she intend to do with Cinemedia Online and its continuing projects.

ANSWER:

I am informed that:

Cinemedia Online is a process rather than a business unit, and is being redesigned for the full digital delivery of services at Cinemedia's physical site, Cinemedia@Federation Square and its virtual site, Cinemedia.net.

The business reprocessing collection management project known as the Digital Media Library or SWIFT (Screen Windows into Film Titles) is complete. It will become a part of service delivery to the public at Federation Square. Its capacity to provide both intellectual property management and technical delivery of full video access to schools across Victoria, either by distributed server or by broadband when sufficient bandwidth is available, has been established. SWIFT's further commercial potential is being assessed through a process approved by the Board of Cinemedia and the Department of Treasury and Finance.

The Performing Arts Media Library Project, a partnership with Multimedia Victoria and the federal Department of Communications and the Arts, has been universally acclaimed. "From Live Performance to the Digital Stage" has been published and the information is also available on www.cinemedia.net/PAML. The project will be complete by the end of December 1999.

Environment and Conservation: Parks Victoria survey

79. **MR WILSON** — To ask the Honourable the Minister for Environment and Conservation —

1. Will Parks Victoria continue with the Monitoring Community Perceptions survey last conducted in February 1999; if so — (a) how many Victorians will be surveyed; (b) what percentage will be from Melbourne, regional Victoria and interstate; and (c) whether tenders have or will be called for this survey; if so, to whom was the tender awarded indicating — (i) the contract price; and (ii) what date or dates was or will the survey be undertaken on.
2. If the survey was conducted what percentage of those surveyed after February 1999 considered Parks Victoria to be an 'efficient' or 'very efficient manager' or rated its management of — (a) national, state and regional parks and conservation reserves; (b) Melbourne's major metropolitan parks; and (c) bays, piers and selected waterways, as 'good' or 'very good'.

ANSWER:

I am informed that:

1. Parks Victoria will continue the *Monitoring Community Perceptions* survey.
 - (a) 1,000

- (b) Melbourne 65%, regional Victoria 35% and interstate 0%.
The ratio is designed to give a statistically reliable sample of the Victorian population.
 - (c) The original contract was tendered in 1997 and won by Yann Campbell Hoare Wheeler. The contract was for one year with provision for an extension agreement, which has been utilised for the subsequent contracts.
 - (i) \$37,750.
 - (ii) January 2000.
2. 77% of Victorians surveyed considered Parks Victoria efficient or very efficient
They rated Parks Victoria's management of the following areas as 'good' or 'very good':
- (a) National state and regional parks and conservation reserves 75%
 - (b) Melbourne's major metropolitan parks 74%
 - (c) Bays, piers and selected waterways 55%

Agriculture: dairy deregulation plebiscite

84. **MR PLOWMAN** — To ask the Honourable the Minister for Agriculture, what is the total cost of the State Government's decision to introduce a plebiscite of dairy farmers on the issue of dairy deregulation indicating — (a) advertising costs; (b) notification costs; (c) costs incurred by the Victorian Electoral Commission; and (d) any other costs attributable to carrying out the plebiscite.

ANSWER:

I am informed that the final cost of conducting the Victorian Dairy Deregulation Ballot was \$39,106 (rounded to the nearest dollar). This exceeds the early indication that the ballot would cost under \$30,000 due mainly to costs incurred by the Victorian Electoral Commission exceeding initial estimates.

The final figure comprises \$18,788 in advertising costs, \$17,113 in Victorian Electoral Commission costs, \$2,345 in Departmental staff costs and \$860 in postage and incidental costs.

Education: sport and physical education

85. **MR WILSON** — To ask the Honourable the Minister for Education —
1. What additional funding from 1999–2000 to 2002–2003 inclusive has been allocated for Victorian Government primary and secondary schools respectively, as a result of the Minister for Sport and Recreation's announcement on 25 November 1999 that Victorian school children in Government schools are to be allocated more time for organised sporting and physical and health education.
 2. In the Eastern Region, in relation to both sport and physical education instruction, what proportion of this additional time in the 2000 school year, in primary and secondary schools respectively, will see children receiving additional instruction from specialist physical education teachers in lieu of general class teachers.
 3. What measures has or will the Government institute to ensure that children receive access to at least the same opportunities in — (a) Catholic; and (b) other independent primary and secondary schools.

ANSWER:

I am informed as follows:

1. \$2.5 million has been allocated in 2000 to support the establishment of shared specialist teachers, which includes physical education teachers, in rural primary schools. No additional funding has been allocated specifically to support increasing the participation by Victorian primary and secondary school students in organised physical activity.
2. In all Department of Education, Employment and Training regions, Principals are expected to allocate appropriately qualified teachers to the teaching of physical and sport education. In secondary colleges physical education is predominantly taught by physical education specialists and sport is taught by teachers with interest and expertise in specific sports. Whilst primary school teachers are trained to teach all key learning areas (with the exception of Languages Other than English), the decision to create specialist physical education positions in primary schools is a matter for decision at the local school level. In conjunction with the Australian Council for Health, Physical Education and Recreation, the Department provides an extensive physical and sport education (PASE) professional development program, free of charge, to Victorian government primary and secondary school teachers.
3. Non-government schools determine their own policies with regard to the time allocated to physical and sport education. Teachers from non-government schools have the opportunity to attend the PASE professional development program on a user pays basis. An agreement currently exists between the Catholic Education Office (CEO) and the Department in relation to CEO teachers accessing the Government's PASE program.

Police and Emergency Services: traffic infringement notices

91. **MR WILSON** — To ask the Honourable the Minister for Police and Emergency Services —

1. For each month of 1998 and 1999, up to and including November 1999, how many speed camera and 'On The Spot' traffic infringement notices were issued by Victoria Police in Blackburn South, Box Hill, South Burwood, Burwood East and Mount Waverley areas.
2. If data for 'On The Spot' notices is unavailable, will the database be changed to include a description of the location where the notices were issued; if not, why.

ANSWER:

In 1998, a total of 58,544 speed camera infringements were issued in the Blackburn South, Box Hill, Burwood South, Burwood East and Mount Waverley areas. In respect of 1999, up to the end of October, a total of 54,897 speed camera infringements had been issued in the same areas.

The monthly breakdown for the above infringement totals is shown below:

MONTH	1998	1999
January	3595	3294
February	4201	4308
March	3346	3224
April	3907	4459
May	3658	4232
June	3087	5208
July	4877	5308
August	6099	5635
September	4239	5867
October	5725	13362
November	6776	Not yet available
December	9034	
Totals	58544	54897

Data is currently not available on the number of “on the spot” penalty notices issued in those locations for the periods mentioned. Such data will form part of the Victoria Police Global Positioning System database to be implemented following the introduction of in-car portable computer systems.

Environment and Conservation: firefighting resources

96. MR PERTON — To ask the Honourable the Minister for Environment and Conservation —

1. What are the firefighting budgets of the Department of Natural Resources and Environment and Parks Victoria respectively for each of the financial years 1997–98 to 1999–2000 inclusive.
2. With reference to the Minister’s recent press statement that ‘an additional \$13.6 million in funding to boost fire fighting resources this summer’, which organisations were granted additional funding and is the amount referred to over and above the announcement in the former Government’s Press Release of 1 December 1998 that ‘The Victorian Government has committed \$13.1 million to prepare frontline firefighting teams for this year’s bushfire season, Police and Emergency Services Minister, Bill McGrath, and Conservation and Land Management Minister, Marie Tehan, announced ...
3. In respect to the Minister’s recent press statement that an ‘extra 800 seasonal fire fighters will be available in regional Victoria for what is predicted to be a very difficult fire season’, is this ‘extra’ component 800 more than the previous summer; if not, what did the Minister mean by this statement.
4. What number and type of aircraft were and have been contracted for fire fighting for the summers of 1998–99 and 1999–2000 and whether a high water capacity helicopter such as the Aircrane will be available in 1999–2000.
5. What are the budgets allocated by the Department for the training of staff for the last fire season and the current fire season.
6. Will Parks Victoria staff who fight fires be given time off from normal Parks Victoria duties.
7. What are the financial arrangements between Parks Victoria and the Department in the current fire season.
8. What increased availability of equipment such as bulldozers will be made available in 2000–01 compared to 1999–2000.
9. What upgrades of — (i) computer-based information systems; and (ii) the radio network are being introduced for the fire fighting season.
10. When will implementation of a Statewide Incident Channel be completed.
11. What extensions of the fire detection network are being made in 1999–2000 and when will they be completed.

ANSWER:

I am informed that:

1. In 1999/2000 and 1998/99 the Department operated on full accrual budgets. Prior to that the Department’s budgets were on a cash only basis.

In 1999/2000 the Department’s budget for fire fighting is \$42.996m including \$6.5m for the development of an Integrated Fire Information System.

In 1999/2000 the Department was granted an additional \$13.6 million above core funding for fire-fighting due to the expected severe fire season.

In 1998-99 the Department's budget for fire fighting was \$35,462m. In addition Treasurer's Advances of \$9.182m to meet costs associated with the above average fire season and \$2.88m for flood damage works to fire infrastructure in the North East and Gippsland were provided during the year.

In 1997-98 the Department's budget for fire fighting was \$28.777m. A Treasurer's Advance of \$26.5m to meet above average fire season costs was also provided.

2. The \$13.6million of additional funding above core budget was granted to the Department of Natural Resources and Environment.
3. Up to 800 seasonal firefighters will be employed by the Department of Natural Resources and Environment during the 1999-2000 fire season to supplement the normal NRE and PV workforce. The previous season was also predicted to be long and dry, as a consequence additional firefighters were engaged that year.
4. During 1998-99 NRE contracted twenty-three aircraft, comprising ten fixed wing firebombing aircraft, two specialised fixed wing mapping/reconnaissance aircraft, six light helicopters, four medium helicopters, and one heavy helicopter. This represented an increase of six aircraft over the seventeen core contracted aircraft.

For the 1999-2000 season, NRE has contracted twenty-four aircraft, comprising ten fixed wing firebombing aircraft, two specialised fixed wing mapping/reconnaissance aircraft, six light helicopters, five medium helicopters, and one heavy helicopter. This fleet includes an upgraded, higher capacity fixed wing firebombing aircraft and the high capacity Erickson Air-crane firebombing helicopter. This represented an increase of seven aircraft over the seventeen core contracted aircraft.

5. The budgets allocated by the Department for the training of staff are:
 - 1999-00 \$256,000 plus a Treasurer's Advance of \$415,000 to allow for Basic Wildfire Awareness training for staff employed by departments other than Conservation and Natural Resources prior to the formation of NRE.
 - 1998-99 \$256,000.
6. The Management Services Agreement between NRE and Park Victoria confirms Parks Victoria's responsibilities to be available for firefighting duties, for which they are trained and accredited
7. Under the Management Services Agreement between NRE and Parks Victoria, NRE funds Parks Victoria for a range of activities including base fire management responsibilities. As with other contracted service providers Parks Victoria periodically invoices NRE for the additional services provided.
8. The additional \$13.6m made available to NRE by the Government for the 1999-2000 fire season will ensure adequate, ready availability of resources such as heavy machinery for firefighting. This funding enables NRE to make arrangements with contractors to place machinery on stand-by as dictated by fire conditions at the time. Therefore the number of machines available at any time will vary according to the fire danger.

In addition NRE has replaced ten old model light "first-attack" bulldozers with upgraded models, and is in the process of replacing sixteen heavy four-wheel drive fire tankers. The Government is committed to ensuring that adequate equipment such as bulldozers and tankers are available to protect our forests parks and reserves.

9. The following upgrades are being introduced:
 - (i) A complete renewal of computer based fire information systems is currently being implemented. Much of this new web-based system is already in place, with the remainder being scheduled to be implemented during 2000-01. Additionally NRE has recently completed the rollout of a substantially upgraded Departmental-wide, Wide Area Network to facilitate data communications for all NRE operations, including firefighting.
 - (ii) Substantial improvements to the radio network have been made for the 1999-2000 fire season, with the addition of an incident channel network, and a back-up network. The incident channel network, which

establishes 51 strategically located conventional repeater sites, will greatly improve fire-line communication. The back-up network is a strategic command network to provide for emergency radio communications between major fire incident control centres and Regional Offices in the event major outages of the telephone, trunk and Incident Channel Networks

10. The majority of the 51 sites associated with the incident channel network have been operational for some time with the remaining 6 programmed to become operational by early March 2000.
11. With the commissioning of a new fire tower at Big Hill in Stawell in December 1997, the fixed fire detection network provides good coverage for rural Victoria. While no significant extensions to the fire detection network are planned for 1999-00, the additional funding made available by Government will ensure that the detection tower network can be operated for longer periods each day, and for an extended season if required by fire danger conditions at the time. In addition the funds allow for aerial surveillance by fixed winged aircraft following lightning storms.

Post Compulsory Education, Training and Employment: registered training organisations

99. **MR BAILLIEU** — To ask the Honourable the Minister for Post Compulsory Education and Training with reference to the memorandum from the Office of Tertiary and Further Education (OTFE) to Registered Training Organisations (RTOs) dated 24 November 1999 freezing ‘the maximum number of commencing apprentices/trainees for whom payments will be made to each eligible RTO over the next 12 months’ —
 1. What was the aggregate number for all eligible RTOs of maximum commencing apprenticeships and traineeships for whom payments will be made as indicated by the Apprenticeship/Traineeship Training Program Internet site <http://gftp.otfe.vic.gov.au> as advised in the memorandum and as at 24 November 1999.
 2. What was the maximum number of commencing apprenticeships and traineeships shown for each eligible RTO as at 24 November 1999.
 3. After the lodgement of claims for apprentices and trainees who commenced training before 24 November 1999, what was the aggregate number for all eligible RTOs of maximum commencing apprentices/trainees for each eligible RTO as at 8 December 1999.
 4. After the lodgement of claims for apprentices and trainees who commenced training before 24 November 1999, what was the maximum number of commencing apprentices/trainees for each eligible RTO as at 8 December 1999.
 5. Were all claims made between 24 November and 8 December 1999 by RTOs for apprentices and trainees who commenced training before 24 November 1999 accepted by the OTFE.
 6. What criteria were used to determine the validity of the claims by RTOs for additional numbers of apprentices and trainees subsequent to 24 November 1999 and by 8 December 1999.
 7. What was the final aggregate number for all eligible RTOs of the maximum number of commencing apprentices and trainees for whom payments will be made as finally advised to eligible RTOs.
 8. What was the final maximum number of apprentices and trainees who commenced training for whom payment would be made, for each eligible RTO, as finally advised to eligible RTOs.
 9. What was the OTFE’s expectations with regard to the projected growth of commencing apprentices and trainees for whom payment would be made for the year 2000 as at 18 September 1999 and as at 23 November 1999.

10. With respect to this projected growth what number of apprenticeships and traineeships were to be provided by RTOs which — (a) would be seeking to conduct apprenticeships and traineeships for which they did receive funding during 1999 and; (b) would be asking to conduct apprenticeships and traineeships for which they did not receive funding during 1999.

ANSWER:

I am informed as follows:

1. 170.
2. The information requested for each RTO is regarded as commercial-in-confidence.
3. 22,362.
4. The information requested is regarded by RTO's as commercial-in-confidence.
5. No.
6. The criteria were that the apprentice or trainee:
 - had participated in training prior to 24 November 1999;
 - was not classified as a "existing worker";
 - was not registered with another RTO; and
 - has not already been the subject of a claim.
7. 191.
8. The information requested for each RTO is regarded as commercial-in-confidence.
9. The projections of growth in commencements were 10,000 in 1999/2000 and 12,800 in 2000/2001.
10. (a) All of the projected growth will be funded.
(b) All of the projected growth will be funded.

Post Compulsory Education, Training and Employment: registered training organisations

- 100. MR BAILLIEU** — To ask the Honourable the Minister for Post Compulsory Education and Training in relation to the Government's references to 'similar freezes' and 'previous freeze' in Western Australia, New South Wales, Queensland and Tasmania —
1. When did those 'freezes' occur in each state and for how long.
 2. Did those 'freezes' apply to aggregate funds, aggregate numbers of commencing apprentices and trainees, individual Registered Training Organisations or commencing apprentices and trainees for each RTO.
 3. Did those 'freezes' apply only to private RTOs or to all training organisations to which payment was to be made.
 4. Were these 'freezes' shortened in duration subsequent to their announcements.
 5. Were the announcements of these 'freezes' preceded, or followed, by a public review or a comprehensive audit of RTOs.

ANSWER:

I am informed as follows:

Limitations on private provider access to government funding apply in other States either by limiting budgets, limiting delivery to a prescribed range of programs or applying enrolment limits on private registered training organisations.

In New South Wales, private RTOs are not eligible to access Government funding to deliver apprenticeship training in non-metropolitan areas.

In Queensland, private RTOs must obtain a special local quality endorsement before they can access Government funds for training.

In Western Australia, access to user choice funding is controlled by allocating places to private RTOs. Also, funding is not available to private RTOs to deliver apprenticeship training in regional areas (with the exception of Bunbury).

In Tasmania, private RTOs cannot access user choice funding for a number of apprenticeships.

Post Compulsory Education, Training and Employment: apprenticeships and traineeships

101. MR BAILLIEU — To ask the Honourable the Minister for Post Compulsory Education and Training with reference to the proposed Schofield inquiry into the quality of training in Victoria's apprenticeship and traineeship system —

1. Will there be a reference panel; if so, who will it comprise.
2. Will the industry be surveyed; if so, to whom and when will the survey be distributed.
3. How long is it anticipated that the inquiry will take.

ANSWER:

I am informed as follows:

1. A project reference group will be convened for the inquiry, chaired by Mr Ross Oakley, Chairperson of the State Training Board. While those invited to participate in the reference group have been selected on the basis of their personal expertise and extensive experience of the apprenticeship and traineeship system, the group is representative of unions, industry groups, employers and training providers.
2. & 3. A survey of apprentices and trainees, and their employers will be conducted as part of the inquiry, and the results reported as part of the final report of the inquiry.
4. The inquiry formally commenced on 1 February 2000 and will report by 31 May 2000.

