

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

16 March 2000

(extract from Book 2)

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The Lieutenant-Governor

Professor ADRIENNE E. CLARKE, AO

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Deputy Speaker and Chairman of Committees: The Hon. J. M. MADDIGAN

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Mrs Peulich, Mr Phillips, Mr Plowman, Mr Richardson, Mr Savage, Mr Seitz

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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

The Hon. D. V. NAPHTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. LOUISE ASHER

Leader of the Parliamentary National Party:

Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:

Mr B. E. H. STEGGALL

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Allan, Ms Jacinta Marie	Bendigo East	ALP	Lenders, Mr John Johannes Joseph	Dandenong North	ALP
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Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Hurtle Reginald, OAM, JP	Knox	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McArthur, Mr Stephen James	Monbulk	LP
Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
Beattie, Ms Elizabeth Jean	Tullamarine	ALP	McIntosh, Mr Andrew John	Kew	LP
Bracks, Mr Stephen Phillip	Williamstown	ALP	MacIellan, Mr Robert Roy Cameron	Pakenham	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John	Benalla	NP
Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Naphtine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
Dean, Dr Robert Logan	Berwick	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
Dixon, Mr Martin Francis	Dromana	LP	Perton, Mr Victor John	Doncaster	LP
Doyle, Robert Keith Bennett	Malvern	LP	Peulich, Mrs Inga	Bentleigh	LP
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Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
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Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
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Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar	Burwood	ALP
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Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
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Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP
Leighton, Mr Michael Andrew	Preston	ALP			

¹ Resigned 3 November 1999

² Elected 11 December 1999

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Thursday, 16 March 2000

The **SPEAKER** (Hon. Alex Andrianopoulos) took the chair at 9.34 a.m. and read the prayer.

PERSONAL EXPLANATION

Mr SAVAGE (Mildura) — During the adjournment debate on 14 March the honourable member for Mordialloc made a number of incorrect statements about my involvement in the possible return of a passenger train service to Mildura. He is quoted at page 54 of *Daily Hansard* as saying:

Not only did the honourable member for Mildura, a member of the Bracks Labor government, say that if he was re-elected ... he would reintroduce the Mildura rail service ...

I am not a member of any government.

Yesterday, during the time allocated for members statements, the honourable member for Mordialloc said — again I quote from *Hansard* — that in the election campaign I had said, ‘Vote for me and I will bring the train back’. I have never said that if I was re-elected I would reintroduce the Mildura passenger train service but I have consistently stated that I would work towards the return of that service.

On 14 March the honourable member for Mordialloc quoted from an article that appeared in the *Herald Sun* of 30 January. I was not interviewed for that article and the comment used by the honourable member for Mordialloc is not a direct quote.

The honourable member for Mordialloc also quoted from a letter published in the *Sunraysia Daily* of 17 September 1999. The letter is factually incorrect in a number of areas, including the statement that I sent all voters a railway ticket promising the return of the *Vinlander* if I was elected to Parliament. In fact the ticket offered a first-class return to better representation!

I have consistently said that I will work towards the restoration of the passenger rail service to Mildura.

Honourable members interjecting.

The **SPEAKER** — Order! Will the government benches come to order, particularly the Minister for Post Compulsory Education, Training and Employment.

Mr Plowman — On a point of order, Mr Speaker, I seek some clarification from you. When I made a personal explanation I wanted to quote from *Hansard*

and you advised me that I was not allowed to do so, but that I could advise the house what was said in that day’s sitting. Will you advise the house on the correct procedure?

The **SPEAKER** — Order! I refer the honourable member for Benambra to standing order 93:

No member shall allude to any debate of the same session upon a question or bill not being then under discussion except by the indulgence of the house for personal explanations.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Auditor-General’s office

Mr LONEY (Geelong North) presented report on appointment of auditor to conduct financial audit for 1999–2000 of Victorian Auditor-General’s Office and final audit of Audit Victoria, together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Section 17DA Order granting, under Section 17D, a lease by the City of Melbourne

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 88/1999.

PROSTITUTION CONTROL (PLANNING) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Mr HAERMEYER (Minister for Police and Emergency Services).

FLORA AND FAUNA GUARANTEE (AMENDMENT) BILL

Introduction and first reading

Received from Council.

Read first time on motion of Ms GARBUTT (Minister for Environment and Conservation).

MEMBERS STATEMENTS

ALP: election commitments

Ms ASHER (Brighton) — I draw the attention of honourable members to the card I am holding, thousands of copies of which were distributed throughout the period of the last election campaign in Victoria. The card lists Labor's six pledges for Victoria. And what does the card say? It says, 'Keep this card to see that we keep our pledges'.

The first pledge on the card is to

... provide a budget surplus every year, overseen by an independent Auditor-General ...

Mr Speaker, that pledge is a sham: Labor has dumped on that promise. In the Financial Management Bill before the house there is not a mention of the Auditor-General signing off on the surplus, no mention of the no. 1 financial pledge — that is a John Cain word — printed on that card. It is the first pledge to be dumped by the government.

I urge honourable members to hold onto their copies of the card so they will be able to see what other pledges the government wants to dump.

It is no surprise that John Cain and Steve Bracks, both of whom used the word 'pledge', both chose a financial pledge as the first one to dump.

There is no mention in the Financial Management Bill of the Auditor-General signing off on the budget surplus, or of the Auditor-General having any role at all in the matter; yet that is the no. 1 financial pledge of the government —

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

Forests: Trentham coupes

Ms DUNCAN (Gisborne) — Today I wish to present a petition to the Minister for Environment and Conservation on behalf of 1759 people from the town of Trentham and its surrounding areas.

Approximately 40 people have made the trip from Trentham to Parliament House to express their concern about the forests surrounding their town and to give their petition to me for presentation to the minister. As their local member of Parliament I see it as my duty to raise their concerns about preservation of the coupes of timber around Trentham, both for their value to tourism and for the protection they provide to the powerful owls.

Their petition reads:

We, the undersigned citizens of Victoria, respectfully request that the Victorian government immediately cease logging operations planned for the three coupes located close to the Trentham township. Logging of these coupes is unsustainable and will have a detrimental impact on the confirmed presence of the powerful owl and its habitat, as well as on the economic wellbeing of the Trentham community and surrounding district. We look forward to the Victorian government's immediate response and action on this matter.

I welcome the opportunity to present this petition to the minister and discuss it in Parliament as a way of expressing the real concerns of the local people. I also thank the people of Trentham for taking part in the regional forest agreement process, thereby ensuring that their views are taken into account.

I will hand the petition to the Minister for Environment and Conservation as a way of providing additional input into the process.

Roads: funding

Mr RYAN (Leader of the National Party) — This government came to office on the promise of more money for rural infrastructure and greater financial accountability. Sadly, the tenor of that pledge seems to be missing from sections of the *1999–2000 Public Sector Asset Investment Program* tabled by the Premier in his capacity as Treasurer in the last parliamentary sitting week. I refer to the former coalition government's financing of two major road projects in north-eastern and eastern Victoria, the Alpine Tourist Road between Omeo and Mount Hotham and the Princes Highway East at Bruthen.

Work on the two projects, with a total cost of more than \$7 million, was started in the life of the former government and was to continue through 1999–2000, yet there is no mention of either project among the existing Better Roads projects listed in the recently tabled asset investment program.

I would like to know, as would the honourable member for Gippsland East, what progress has been made on those projects. Is the government still allocating money from the Better Roads fund for their completion or have the projects stalled? If they have not and if the government is serious about budget transparency, why has it failed to list those two vital road improvements in regional Victoria under the existing projects section in its recently tabled program?

Bendigo: Women of Note breakfast

Ms ALLAN (Bendigo East) — I bring to the attention of the house a breakfast to be held on 7 April

for young women in the Bendigo community. It is being organised by Guides Victoria as part of a national youth week in central Victoria and is to be called a Women of Note breakfast. The breakfast will be held on Friday, 7 April, at the Bendigo Regional Arts Centre.

I congratulate the organisers of the breakfast. It brings women in the communities of central Victoria who are seen to be leaders in their fields into contact with young VCE women — women in school years 11 and 12 — giving them the opportunity to sit with mentors at the breakfast and hear them speak. There will be a careers expo display outside the breakfast venue.

The event will provide young women with the opportunity to network with older, more mature women who are further advanced in their fields and will also provide young women with the opportunity to discuss their goals, dreams and aspirations. That is very important for young women in the community of Bendigo. It allows them to learn from other, more experienced women and is a way of helping to retain young people in country areas.

Young people have a lot to offer, and we want to ensure they make strong links within their communities and identify mentors — —

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

Apprenticeships: public sector

Mr BAILLIEU (Hawthorn) — On 2 March the Premier claimed in the house that under the previous government only 40 trainees were employed in the public sector and that that was a national disgrace.

The real disgrace is, in my view, that the Premier knew his statement was both inaccurate and grossly misleading. In 1999 the Victorian public sector had more than 650 trainees in its ranks. Those jobs were administered through more than 20 group training companies and covered a wide range of departments throughout the state.

The former Kennett government's record is a proud one. It more than doubled the number of apprentices and trainees to over 60 000. The fact that the Premier feels the need to distort the truth in that way is a source of sadness and constitutes a limp start to his Youth Employment Scheme. That scheme will cover some 2000 single-year public sector traineeships, but it is spread over four years so it is really a backward step. Furthermore, it follows on from the minister's freeze on

new trainees, which has seriously damaged the prospects of thousands of young Victorians.

Premier: please, just the facts!

State and Regional Development: accountability

Mr MILDENHALL (Footscray) — I rise to congratulate the former Department of State Development, now the Department of State and Regional Development, and the new minister on the new high level of disclosure, transparency and accountability expressed in the department's most recent annual report.

In an outrageous example of the paranoid and obsessive secrecy that characterised it, the former Kennett government argued that industry grants to municipal councils, hospitals and other government entities were commercial in confidence and refused to release them to the Public Accounts and Estimates Committee, to other honourable members or to members of the public.

I had to face a fully cashed-up legal team at the Victorian Civil and Administrative Tribunal to get access to the material, and even then the department would not yield. In the new annual report that material has finally been released — a small but refreshing example of increased accountability and transparency standing in stark contrast to the obsessive secrecy of the former Kennett government — —

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

Mortlake courthouse site

Mr VOGELS (Warrnambool) — I wish to make a statement on behalf of the Abbeyfield Society of Mortlake, which is desirous of obtaining the old Mortlake courthouse to facilitate the hostel's expansion and future development needs.

When I recently toured the hostel I was surprised and impressed with the facility and the management thereof. The hostel's current site is adjacent to the old Mortlake courthouse. All buildings are of the same era and are set in an ideal tranquil location, which perfectly suits the needs of the hostel and its elderly residents, carers and staff alike. To provide a clearer picture of the site I have forwarded to the Minister for Aged Care, who is also the Minister for Housing, some photographs of the hostel and surrounding area.

The Abbeyfield Society of Mortlake is supported by a small, dedicated community and is endeavouring to

raise \$1 million towards the expansion of the current facility. The society would appreciate an opportunity to meet with the minister prior to the sale of the old Mortlake courthouse and would be happy to travel to Melbourne to further discuss the proposals.

I hope the minister will be able to liaise with the Minister for Finance as soon as possible because I believe the Department of Natural Resources and Environment intends to put the site up for auction in April.

Sebastopol Secondary College

Ms OVERINGTON (Ballarat West) — Recently I attended an awards night at Sebastopol Secondary College, which is in my electorate. The typical hot Ballarat night provided a backdrop to the wonderful talent at the school. It was an example of the enormous talent that exists not only in Ballarat but throughout Victoria.

I acknowledge the dux of the school, Alex Zabel, who will no doubt go on to achieve great success in anything she does. She is an example of the talent that exists at the school. I also acknowledge the wonderful work of the principal, John McClure and his dedicated teaching team, and the support he receives from the school council, which is chaired by Tom Reynolds.

An honourable member interjected.

Ms OVERINGTON — I guarantee that it is a different Tom Reynolds. The Sebastopol Secondary College is a great community school and is justifiably proud of its students and teaching team. I acknowledge the achievements of the students and salute them all.

Prisons: inner east

Mr McINTOSH (Kew) — I refer to the Labor government's bungled public sector asset investment program. The Labor government has allocated \$7 million for a prison in the Hawthorn-Kew area. It is news to me and to the councillors of the City of Boroondara, but more importantly it is devastating news for the people of the inner east. The Minister for Police and Emergency Services has explained it away by saying the prison was merely a program of the previous government. That is patently untrue. His comments are a smokescreen for an enormous and embarrassing bungle by the Labor government. All honourable members would be aware that the previous government pledged to construct a new police complex for Boroondara. However, the Labor government has dropped the police station proposal, ignored the residents of the inner east, and will deliver a prison.

The Premier, who is also the Treasurer, must now explain why he signed off on such a shoddy and misleading document and why he has caused so much distress to the residents of the inner east.

Italian-Spanish club

Mr LENDERS (Dandenong North) — I direct to the attention of the house the fantastic work done by the Italian-Spanish club of Dandenong and Endeavour Hills. Last Saturday night I was privileged to be the master of ceremonies at its 15th anniversary dinner, at which the 500 members of the community who attended had a fantastic family night. I particularly thank Ms Rachel Paquerno, who founded the club 15 years ago with the able assistance of Mr Adele Banacca, the club president. They have both worked in the community to establish a weekly senior citizens lunch.

The Italian-Spanish community is an important part of my electorate; 6 per cent of the electorate's population was born in Italy and a slightly higher percentage was born in Latin countries. Such services are the lifeblood of the community and make it work.

I had a wonderful dance that night at the Carwatha Secondary College hall, a great community facility. It was a great night. It is a fantastic community. I commend its activities to the house.

The SPEAKER — Order! The honourable member for South Barwon has 30 seconds.

Geelong: water sports complex

Mr PATERSON (South Barwon) — The 1999-2000 budget brought down by the former coalition government announced funding to a total of \$9.4 million for the proposed Geelong water sports park. The money was strategically targeted and would have delivered a major sports park in regional Victoria — specifically for the City of Greater Geelong. However, the Labor government has abandoned the project and, it seems, abandoned the money that was earmarked for Geelong.

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

EDUCATION ACTS (AMENDMENT) BILL

Second reading

Ms DELAHUNTY (Minister for Education) — I move:

That this bill be now read a second time.

The purpose of this bill is to repeal the self-governing schools program and to provide for transitional arrangements arising out of that repeal.

By way of background, in 1998 the self-governing schools legislation granted selected school councils four new powers: firstly, the ability to employ all the school's staff; secondly, the ability to buy and dispose of property; thirdly, the ability to invest; and fourthly, the ability to enter partnerships, joint ventures or associations.

Councils granted self-governing status were required to enter an educational services agreement, under which more favourable funding arrangements applied compared to other schools. A total of 51 state schools became self-governing, which is a relatively small number compared to all state schools — 1631 in total.

In early 1998, when Parliament debated the self-governing schools bill, the Labor Party vigorously opposed the bill. It was opposed for its division of schools into two classes; the extra work it would impose on councils; its lack of any educational benefits to students; its erosion of the teaching service and teacher working conditions; and its being the start of moves to privatise state schools.

It was against this background that the government was elected on an education policy which stated it would abandon the self-governing schools program and would retain the employment and industrial relations power in the Department of Education, Employment and Training.

The bill now before this house will implement that policy. The bill will achieve the following.

- (I) Firstly, it will repeal most of the legislative provisions dealing with self-governing schools. The provisions that are remaining protect the superannuation and other rights of school staff.
- (II) Secondly, it will enable teachers and principals employed by councils to transfer to the teaching service. It will also enable others employed by councils to transfer to employment by the Secretary to the

Department of Education, Employment and Training.

This transfer will be voluntary, and the relevant staff may either remain employed by the council until the end of their current contract, or seek a transfer.

- (III) Thirdly, it will terminate educational services agreements.

These agreements were entered between the secretary to the Department of Education, Employment and Training and each council of the 51 relevant schools.

The agreements followed a standard precedent and were intended to last for three years. They also contain the funding arrangements between the school and the department.

On 16 December 1999, the Department of Education, Employment and Training and the councils of the 51 former self-governing schools resolved that the educational services agreements would cease to apply. This was achieved in the context of an agreement with the schools on a number of transitional matters including the following —

- (a) Transitional arrangements for each school will be fair and reasonable.
- (b) Transitional arrangements will be based on there being no reduction in services to students.
- (c) All agreed legally binding contracts with individuals or service providers will be honoured as will other agreed relevant commitments already entered into by the school.
- (d) All legally binding contracts will be honoured for the duration of the contracts, provided that the contracts are not extended.
- (e) Facilities issues have been resolved on an individual school basis; and, I might say, immensely satisfactorily.

- (IV) Finally, the bill provides for a number of transitional arrangements. For those employees that elect to remain in school

council employment under section 15T of the Education Act 1958, the bill provides that:

- (a) the council will continue to be the employer of that person for the unexpired portion of that person's contract,
- (b) at the expiration of the person's contract, the employee ceases to be employed by the council, and
- (c) the council may not extend under section 15T of the Education Act 1958, the term of an employment contract.

The minister retains the power to make orders in respect of persons who continue to be employed by councils.

In relation to the repeal of section 15V of the Education Act 1958 — which authorised councils to invest in a manner approved by the Treasurer for the purposes of the section — no authority was ever issued by the Treasurer for the purposes of the section, and therefore no transitional issues are involved with the repeal of this section.

Other transitional clauses authorise councils to continue to exercise rights of ownership over property acquired prior to the repeal of section 15W — being the section which authorised councils to acquire property — and also authorise councils to continue to be involved in any partnership, joint venture or association already entered, but not to extend the term of any partnership, joint venture or association.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPHTHINE (Leader of the Opposition).

Debate adjourned until Thursday, 30 March.

ADMINISTRATION AND PROBATE (DUST DISEASES) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Many of you would be aware of the recent tragic case of Ms Kerry Ann Halleur, a Melbourne woman who died in January this year. Ms Halleur had mesothelioma, and was suing the commonwealth government in the Supreme Court of Victoria for damages arising from her disease. Ms Halleur alleged that the commonwealth government had been negligent in allowing her to work in a building that was contaminated with asbestos.

In December 1999, with only weeks to live, Ms Halleur's case was delayed by the commonwealth government, thus jeopardising her opportunity to receive damages for pain or suffering. The delay and Ms Halleur's deteriorating health threatened to cut her potential damages award, which she intended to use to financially support her children, an eight-week-old and a two-year-old, after she died. The commonwealth eventually settled out of court with Ms Halleur. The day after settlement, Ms Halleur died.

Why is it that delays in such cases jeopardise settlements like Ms Halleur's? An archaic law prevents certain actions being continued by a deceased plaintiff's estate.

Prior to 1942 in Victoria there was a common law rule that a person's right of action died with that person. This meant that once a person died, their estate could not sue another person, nor could their estate be sued. This led to many unfair cases, where, for example, plaintiffs' cases were frustrated by the death of defendants.

In 1942 this Parliament passed the Survival of Actions Act, which overcame this injustice in many cases. That act inserted subsections 25(1) and (2) in the Administration and Probate Act 1928, which were the precursors to subsections 29(1) and (2) of the Administration and Probate Act 1958.

Section 29(1) of the Administration and Probate Act 1958 — the act — provides that when a person dies, all causes of action subsisting against or vested in that person survive for the benefit of their estate, subject to a number of exceptions and qualifications.

Section 29(2)(ii) of the act qualifies section 29(1) by providing that where a cause of action survives for the benefit of a deceased's estate, and where the death of the person was caused by the act or omission which gives rise to the cause of action, the action shall not include any damages for pain or suffering, any bodily or mental harm suffered, or the curtailment of expectation of life.

The policy behind the limitation in section 29(2)(ii) was that damages of these types are personal in nature, and so should not survive for the benefit of the deceased's estate. However, the limitation has three adverse consequences.

Firstly, the financial position of the deceased's estate and beneficiaries can be greatly affected by whether the person dies before or after their action is finalised. If the person dies the day after the action is finalised, their estate benefits from these types of damages; if the person dies the day before the action is finalised, their estate will not benefit from these types of damages. This is anomalous and introduces a large element of luck for the deceased and their estate.

Secondly, the exclusion of these types of damages once a person has died provides a financial incentive for defendants to delay settlement of actions for as long as possible in the hope that the plaintiff dies before the action is finalised.

Thirdly, the potentially great difference between the amounts that may be awarded to a plaintiff before and after death puts enormous pressure on sick and dying plaintiffs to press ahead as quickly as possible with litigation, the pressure of which may greatly increase the plaintiff's distress.

These limitations are especially pronounced in actions arising from certain dust diseases such as asbestosis and mesothelioma. Once these diseases become apparent, they often lead to death within 12 to 18 months. Litigation regarding liability for these diseases is often very complex. The diseases may have been contracted decades ago. The person suffering from the disease may have worked in several locations for different employers, leading to lengthy arguments about liability. As a result, there is a high risk that the plaintiff may die before their action is finalised.

Each other state and territory, with one exception, has similar legislation to section 29 of the act. The exception is New South Wales, where actions for non-economic loss that result from certain dust-related diseases survive the death of the plaintiff.

Following the New South Wales model, this bill will amend the act to permit the survival of certain causes of action for non-economic loss in relation to dust diseases that currently lapse on the death of the plaintiff. Causes of action for pain or suffering, any bodily or mental harm suffered or the curtailment of expectation of life will survive a plaintiff's death and be recoverable by their estate.

Many dust diseases are contracted in the workplace. The reforms introduced by this bill will not apply to

Victorian workers covered by the Accident Compensation Act 1985 until their common-law rights to sue for serious injuries are restored. When those rights are restored, the survival of actions provided for by this bill will apply to dust diseases contracted in the workplace and covered by the Accident Compensation Act 1985. Until those rights are restored, the reforms in this bill will only apply to litigation arising from dust diseases contracted:

outside the workplace;

to workers like the late Ms Halleur, who was suing the commonwealth for damages arising from a dust disease allegedly contracted in a commonwealth workplace; and

to Victorian workers who contracted dust diseases and lodged claims for these damages prior to 12 November 1997 (when workers' common-law rights to sue for damages were abolished).

The full scope of this bill will therefore not be realised until workers' common-law rights to sue for serious injuries in the workplace are restored. Accordingly, this bill and the proposed bill to amend the Accident Compensation Act 1985 complement each other, yet they stand alone.

The County and Supreme courts will retain their jurisdiction for actions in relation to these dust diseases.

This bill is an important step in avoiding an injustice to plaintiffs suffering from dust diseases and their families. To determine whether there is a need to apply this legislation to other diseases, a departmental working party has been established to monitor the effect of the Administration and Probate Act on plaintiffs suffering from fatal illnesses other than dust diseases.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPHTHINE (Leader of the Opposition).

Debate adjourned until Thursday, 30 March.

TRADE MEASUREMENT (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

The purpose of this bill is to make minor or technical amendments to the Trade Measurement Act 1995 and Trade Measurement (Administration) Act 1995 to adopt nationally agreed reforms that address difficulties with administering the legislation and to correct an anomaly.

Trade measurement legislation seeks to ensure the accurate measurement of physical quantities in trading transactions. It is a cooperative national system agreed to in July 1990, comprising of uniform trade measurement legislation (UTML) across all jurisdictions except Western Australia. Trade Measurement Victoria is responsible for enforcing trade measurement legislation in this state.

The nationally agreed reforms arise from a review of the operation of UTML by the Trade Measurement Advisory Committee (TMAC). The review found several shortcomings in the practical application of the legislation. In August 1998, the Ministerial Council on Consumer Affairs (MCCA) agreed to a number of amendments, which are to be implemented in two batches. By the agreement of MCCA, Queensland's amending legislation is being used as the model for other participating jurisdictions to implement the reforms.

This bill, which contains the first batch of nationally agreed amendments, will improve the day-to-day operation of the UTML by reducing overly bureaucratic requirements placed on industry whilst safeguarding consumer interests. The amendments will also enable some flexibility in the enforcement of the legislation. Given the machinery nature of this first batch of amendments, MCCA considered that public consultation was not necessary. However, industry and consumer groups will be consulted on the second batch of amendments.

The bill also seeks to amend the Trade Measurement Act 1995 and Trade Measurement (Administration) Act 1995 to rectify an incorrect consequential amendment that has the effect of rendering Victoria's legislation inconsistent with the UTML.

In 1998 the previous government introduced legislation to establish the Victorian Civil and Administrative Tribunal (VCAT) as a 'super' forum of review, including for appeals against decisions by the Director of Trade Measurement. However, a drafting error in the Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998 meant that VCAT was specified as the appeals tribunal in the nationally uniform Trade Measurement Act 1995, rather than in the Trade Measurement (Administration) Act 1995,

which is the legislative facility for administration of the UTML within Victoria. This anomaly does not have any effect on the rights or obligations of members of the community to appeal to VCAT on trade measurement issues.

The bill corrects this anomaly by substituting the specific reference in the Trade Measurement Act 1995 to VCAT as the appeals tribunal with a provision that the appeals tribunal be specified under the Trade Measurement (Administration) Act 1995. The Trade Measurement (Administration) Act 1995 will be accordingly amended to specify VCAT as that appeals tribunal. These amendments will ensure that the Trade Measurement Act 1995 is again consistent with the UTML.

I now turn to outlining the key nationally agreed reforms that this bill seeks to implement. The reforms will provide an inspector with the discretionary power to grant an instrument owner or user up to 28 days to correct an instrument which does not conform with the requirements of the Trade Measurement Act 1995. If the discretion is exercised a person can only be prosecuted if the time allowed has expired and the instrument has not been corrected. This reform will overcome problems with the existing legislation that requires a non-conforming measuring instrument to be withdrawn from use even if it does not affect its accuracy in the short term. Owners of measuring instruments will benefit from this reform by providing some flexibility in complying with the legislation.

The proposed amendments will reduce business costs by allowing persons in partnership to be jointly licensed under one servicing or weighbridge licence, rather than all partners being required to obtain an individual licence.

A new offence will be created in relation to the misuse of class 4 measuring instruments, which are those of lower accuracy than those used for normal retail and wholesale purposes. An offence will be committed when a class 4 measuring instrument is used for a purpose other than those to be specified in the legislation, such as the weighing of garbage or logs of timber. This will ensure that such instruments will not be used for measuring goods that they are not intended to measure.

The bill also amends the Trade Measurement Act 1995 to require a trader who uses a measuring instrument at premises where items are prepacked to have at least one measuring instrument that is approved for use by the National Standards Commission. The penalty for breaching this provision is up to \$5000. The proposed

amendments will also require a person who performs batch testing of measuring instruments (such as beer glasses) to be the holder of a servicing licence or the employee of a holder of a servicing licence.

The bill also provides for an inspector to weigh and measure a vehicle and its load. Currently, an inspector only has the power to stop a vehicle but does not have the power to require a driver to allow the vehicle to be weighed. This amendment is only intended to be used to determine the weight of the load, rather than to determine whether the vehicle complies with rules relating to road usage. Inspectors will also be permitted to record (including by filming or photographing) the details of any measuring instrument or article that is examined or tested.

These amendments will ensure that the Victorian legislation operates more smoothly and complies with UTML. The bill will ensure that operational difficulties currently experienced are overcome by simple and effective methods that are cost neutral.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 30 March.

ROAD SAFETY (AMENDMENT) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

The main purpose of this bill is to introduce an offence of driving or being in charge of a motor vehicle while impaired by a drug.

The bill also contains provision for qualified persons other than doctors to take blood samples for analysis under the Road Safety Act, Marine Act and Transport Act as well as some general amendments of the Road Safety Act.

This bill is part of a package of legislative and policy initiatives that the Bracks government is taking under its Road Safety 2000 campaign to achieve a significant reduction in the road toll over the next five years.

The provisions of the bill concerning drugs arise from the recommendations of the parliamentary Road Safety Committee as a result of its inquiry into the effects of drugs (other than alcohol) on road safety in Victoria. It

is the policy of the present government to expedite the implementation of those recommendations which were made more than three years ago, in 1996.

The Road Safety Committee expressed concern at the increasing incidence of drug-driving and the potential impact on road safety in this state. In its report, the committee indicated that the annual cost of the road toll attributed to road crashes where drugs alone or drugs mixed with alcohol were present was \$143 million or one-eighth of the state's road toll.

The new offence of driving or being in charge of a motor vehicle while impaired by a drug will be in addition to existing offences such as culpable driving and driving or being in charge of a motor vehicle while under the influence of intoxicating liquor or any drug. These are serious offences but have limited effect in combating the problem of drugs and driving as they are usually prosecuted after a serious accident has taken place. There are people driving motor vehicles who have taken drugs, and whose driving is impaired but who will not necessarily have had an accident. The new offence will enable these people to be dealt with much more effectively.

The bill defines impairment to mean that the driver's behaviour or appearance is such as to give rise to a reasonable suspicion that he or she is unable to drive properly. Drivers whom the police suspect are impaired will be required to undergo an assessment of drug impairment. If the assessment indicates that the person may be impaired by a drug or drugs, the person will be required to provide a sample of blood and/or urine. The procedure to be followed in assessing drug impairment will be specified in the *Government Gazette*.

Performance on the assessment of drug impairment will be videorecorded unless the prosecution satisfies the court that there are exceptional circumstances for not doing so. If a person is charged with driving while impaired by a drug, a copy of any video record will be provided to the person. The person will also receive a copy of a written report on the assessment of drug impairment.

As in the case of the alcohol provisions, the provisions of the bill do not require a person to remain in police custody or to undergo tests or provide samples more than 3 hours after driving.

The bill contains a defence where the only drug or drugs found are prescription drugs or drugs that are defined in the bill as 'permissible non-prescription drugs'. Permissible non-prescription drugs are drugs which can generally be obtained only from a pharmacy or from a registered medical practitioner. The defendant

will be required to establish that he or she did not know and could not reasonably have known that the drug or drugs, when used in accordance with the advice of a doctor, dentist or pharmacist, would impair driving, and that they had in fact been used in accordance with such advice.

Many permissible non-prescription drugs carry warnings about the effect that they may have on a person's ability to drive. These warnings must be heeded. No-one should be dissuaded from the proper use of their medicines as a result of the provisions of this act. A prescription drug or a permissible non-prescription drug, when used in accordance with medical advice and having proper regard for any relevant warnings, should not impair driving or cause a person to fail the impairment test.

A new definition of 'drug' is proposed, modelled on the definition used in Queensland, that refers to a published schedule of common drugs, together with any other substance that expert evidence can establish deprives a person, either permanently or temporarily, of any of their normal mental or physical faculties.

It is necessary to have such a definition because it is possible for a chemist to modify the chemical structure of a drug, so that it is technically a different drug, but leave intact the part of the chemical structure that affects behaviour. The bill enables evidence to show that a drug affects behaviour in a way that results in a person being unable to drive properly. This could include evidence that a part of the chemical structure of the drug is the same as a part of the chemical structure of another drug, and that, because of this similarity, the drugs would have a similar effect on behaviour. Evidence of the effects of a drug on tasks other than driving would also be relevant to determining whether taking the drug would result in the person being unable to drive properly.

The bill provides for other qualified persons as well as medical practitioners to take a sample of blood and be furnished with a sample of urine. This provides flexibility in the allocation of resources and assists in minimising delays in the attendance of a suitably qualified person. It will also reduce the possibility that drug-affected drivers avoid prosecution because the required procedures could not be completed within 3 hours of driving or being in charge of a motor vehicle. The other qualified persons will be experienced nurses registered in division 1 of the register kept under the Nurses Act 1993 and persons approved for the purpose by the director of the Victorian Institute of Forensic Medicine. It should be noted that these people will also be authorised to take blood samples under the alcohol

provisions of the Road Safety Act, Marine Act and Transport Act, but with one exception.

The exception is that persons who are taken to hospital or other place of treatment as a result of an accident and who are required to furnish a sample of blood for analysis under section 56 of the Road Safety Act or corresponding provisions of the Marine Act or Transport Act will not be required to furnish the sample to a person other than a doctor. These provisions will remain unchanged because of concerns expressed by the Australian Nursing Federation and other stakeholder bodies about the possible impact on nursing workloads and other factors in hospital emergency situations.

A person who is guilty of driving while impaired by a drug will be fined up to \$1200 for a first offence, and up to \$2500, or up to three months imprisonment, for a second or subsequent offence. These fines are similar to the fines for drink-driving offences. A person convicted or found guilty of the offence of driving while impaired by a drug will be disqualified from driving for a minimum of 12 months for a first offence, and a minimum of 24 months for a second or subsequent offence.

The bill provides offences of refusing to undertake the assessment of drug impairment, and refusing to provide a blood and/or urine sample. The penalties are the same as refusing to cooperate with drink-driving laws.

Drivers who are disqualified from driving for an offence of driving while impaired by a drug will be required to apply for a licence restoration order from a court before being relicensed, and will have to complete a drug education program, and be assessed for drug problems. Drivers charged with driving while impaired by a drug will be subject to immediate licence suspension until the case comes to court. However, the driver may appeal to the Magistrates' Court against the suspension. These requirements are similar to those imposed on drink drivers with a high blood alcohol concentration or prior offences.

The bill contains provision for certificates as evidence of the procedures followed in taking blood and urine, the results of the analyses, and the effect of a drug on behaviour. These certificates are to be proof of the matters contained in them in the absence of evidence to the contrary.

Section 85 statement

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

Section 94B of the Road Safety Act 1986, as inserted by clause 13 of this bill, states that it is the intention of section 55B(4) to alter or vary section 85 of the Constitution Act 1975.

Section 94A(2) of the Road Safety Act 1986, as inserted by clause 17(6) of this bill, states that it is the intention of sections 55(9E) and 57(8) of that act, as amended by clause 17 of this bill, to alter or vary section 85 of the Constitution Act 1975.

Section 107C of the Marine Act 1988, as inserted by clause 29 of this bill, states that it is the intention of sections 31(9E) and 32(9) of that act as amended by clause 27 of this bill to alter or vary section 85 of the Constitution Act 1975.

Section 255C of the Transport Act 1983, as inserted by clause 34 of this bill, states that it is the intention of sections 96(12) and 98(10) of that act as amended by clause 31 of this bill to alter or vary section 85 of the Constitution Act 1975.

The effect of these provisions is to confer immunity on certain persons for carrying out certain procedures under the Road Safety Act 1986, the Marine Act 1988 and the Transport Act 1983 and thereby prevent the bringing of proceedings against those persons in the Supreme Court in respect of those procedures.

Section 55B of the Road Safety Act 1986, as inserted by clause 9 of this bill, is part of the new procedures for detecting drivers impaired by drugs. It includes provision for medical practitioners and approved health professionals in certain circumstances to take blood samples and/or to be furnished with urine samples. The reason for the variation of the Supreme Court's jurisdiction is that immunity is necessary to enable persons who properly carry out procedures for the detection of drugs in the body of a driver to do so without fear of litigation by disgruntled persons.

Clause 17 of this bill amends the Road Safety Act 1986 to enable approved health professionals to take blood samples for analysis for the presence of alcohol. This function is currently limited to medical practitioners. Clause 17 also amends sections 55(9E) and 57(8) of the Road Safety Act 1986 to extend to approved health professionals the immunity given to medical practitioners performing this function. The reason for the variation of the Supreme Court's jurisdiction is that immunity is necessary to enable persons who properly carry out procedures for the detection of alcohol in the body of a driver to do so without fear of litigation by disgruntled persons. Like medical practitioners, the specified nurses and other approved persons have the

expertise, technical training and knowledge to ensure that the procedures are properly carried out. In so doing, they should receive the same immunities as medical practitioners.

Clause 27 of this bill amends the Marine Act 1988 to enable approved health professionals to take blood samples for analysis for the presence of alcohol. This function is currently limited to medical practitioners. Clause 27 also amends sections 31(9E) and 32(9) of the Marine Act 1988 to extend to approved health professionals the immunity given to medical practitioners performing this function. The reason for the variation of the Supreme Court's jurisdiction is that immunity is necessary to enable persons who properly carry out procedures for the detection of alcohol in the body of a person in charge of a vessel to do so without fear of litigation by disgruntled persons. Like medical practitioners, approved health professionals have the expertise, technical training and knowledge to ensure that the procedures are properly carried out. In so doing, they should receive the same immunities as medical practitioners.

Clause 31 of this bill amends the Transport Act 1983 to enable approved health professionals to take blood samples for analysis for the presence of alcohol. This function is currently limited to medical practitioners. Clause 31 also amends sections 96(12) and 98(10) of the Transport Act 1983 to extend to approved health professionals the immunity given to medical practitioners performing this function. The reason for the variation of the Supreme Court's jurisdiction is that immunity is necessary to enable persons who properly carry out procedures for the detection of alcohol in the body of a person engaged in safety work on a railway or tramway system to do so without fear of litigation by disgruntled persons. Like medical practitioners, approved health professionals have the expertise, technical training and knowledge to ensure that the procedures are properly carried out. In so doing, they should receive the same immunities as medical practitioners.

Other amendments

The other general amendments of the Road Safety Act to which I referred earlier relate to:

ensuring that the regulation-making powers are sufficient to implement the enforcement measures contained in the national uniform driving hours requirements for buses and trucks;

improvements in the power of councils to determine local parking penalties;

repeal of unproclaimed and redundant provisions concerning tailgating and menacing driving;

giving protective services officers the power to prosecute parking offences against the act;

authorising service at an address given to the corporation by a person that is not that person's business address or place of residence;

use of digital traffic camera systems.

The most significant of these measures relates to local parking penalties. Traditionally councils have had the ability to determine at the local level the penalties for minor infringements in parking areas, such as leaving a vehicle at an expired meter. Amendments to various acts and regulations at the time of the commencement of the Local Government Act 1989 have raised doubts about whether councils still have the powers that they have continued to exercise. The bill removes these doubts and provides that the penalties imposed, none of which exceed \$50, are to be taken to be valid.

Overall these provisions are relatively minor when compared with the provisions relating to drugs and the detection and treatment of drivers who are impaired by their effects. The bill aims to provide an appropriate balance between protecting the rights of the individual and the community expectation that effective measures will be brought to bear on the problem of drivers who continue to drive while impaired by drugs.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 30 March.

PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL

Second reading

Mr HAMILTON (Minister for Agriculture) — I move:

That this bill be now read a second time.

The Prevention of Cruelty to Animals Act 1986 provides a comprehensive and contemporary level of protection for the welfare of animals kept or used in a wide variety of circumstances.

The purpose of the bill is to amend the Prevention of Cruelty to Animals Act 1982 to —

1. provide for the Governor in Council to make codes of conduct on the recommendation of the minister; and
2. ensure the safety of dogs whilst they are being carried on motor vehicles and on trailers attached to motor vehicles.

The amendments reflect the government's objective of ensuring the welfare of animals is fully supported by legislative controls.

I shall provide some background to the bill and information about the two proposals included in the bill.

The first proposal relates to section 7(1) of the Prevention of Cruelty to Animals Act 1986, and simplifies the process for making a code of practice under this section.

The current provisions of the act require the minister to seek approval from the Governor in Council to prepare a code of practice. Following Governor in Council approval, the minister makes the code, and seeks further approval from the Governor in Council for the code which is then tabled in the Parliament for 14 sitting days. Finally the code is gazetted, at which stage it takes effect.

The proposed amendment will allow the Governor in Council on the recommendation of the minister to make a code of practice. The code would not be required to be returned to the Governor in Council, but would proceed directly to the Parliament for the statutory 14-day exposure period. In this way an unnecessarily complicated procedure will be simplified, without removing the necessary checks and balances.

The second proposal relates to section 15A of the Prevention of Cruelty to Animals Act 1986, which provides for the welfare and safety of dogs on moving trucks.

When administering this section of the act, there has been difficulty in interpreting the meaning of 'truck' and 'open tray'.

With respect to interpreting the term 'truck' there was no definition in the Prevention of Cruelty to Animals Act 1986 and the definition of truck in the Road Safety Act 1986 was used. However, under the Road Safety Act 1986 the definition of truck was restrictive in that it only covered vehicles which exceeded 4.5 tonnes gross vehicle mass, thereby excluding utilities which were originally intended to be included in the legislation.

The problem with the definition of 'open tray' is that it can have more than one meaning, including a tray with or without sides and with or without a top, thus leaving the administration of this section of the act open to legal challenge. The intent of section 15A of the legislation was to protect dogs being conveyed on utility-type vehicles.

To clarify the vehicles to which section 15A applies, it is proposed to remove reference to 'truck with an open tray' and to refer instead to a 'motor vehicle with a tray'. Definitions of a motor vehicle and a tray are proposed with a 'motor vehicle' being defined as 'having the same meaning as in the Road Safety Act 1986' and a 'tray' being defined as a 'part of a motor vehicle behind the cabin that is an open compartment and is principally constructed to carry a load'.

Through the use of the wording of 'motor vehicle' and 'tray' consequential changes will be made to subsections of 15A to ensure that this section of the Prevention of Cruelty to Animals Act 1986 can be effectively enforced.

The bill proposes a transitional provision which preserves existing codes of practice and allows the Governor in Council to vary or revoke them as if they had been made by the Governor in Council.

I commend the bill to the house.

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

Debate adjourned until Thursday, 30 March.

HIRE-PURCHASE (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

The bill before the house will extend the operation of sections 24 and 25 of the Hire-Purchase Act 1959 until 30 June 2003.

Section 24 of the act allows courts to vary or cancel hire-purchase agreements for farm machinery that are considered to be harsh and unconscionable.

Section 25 of the act allows courts to grant a 12-month moratorium on the repossession of farm machinery, to allow farmers extra time to remedy breaches of hire-purchase agreements.

Most of the act was repealed by the Hire-Purchase (Further Amendment) Act 1997. However, as a saving for farmers, that act retained the application of sections 24 and 25 to hire-purchase agreements for farm machinery entered into within two years of the commencement of part 2 of that act. This period expires on 1 April 2000.

At that time, the saving provisions were considered necessary to protect farmers because of the erratic nature of farming income.

The retention was expressed to be for only two years to allow time to conduct a review of appropriate statutory protection regarding farming finance generally.

However, in the meantime the commonwealth inserted section 51AC into the Trade Practices Act 1974, which came into operation on 1 July 1998.

Section 51AC prohibits unconscionable conduct in business transactions and would encompass credit dealings between farmers and financiers regarding farm machinery. It sets out wide criteria for assessing unconscionability and the courts have wide powers to compensate small traders, such as farmers, for a breach of the provision.

The extension will allow time for the testing in the courts of section 51AC so as to enable an assessment of whether it, rather than sections 24 and 25 of the Hire-Purchase Act or any other proposal, provides better protection for farmers in their business dealings with financiers.

It is likely to take several years for section 51AC to be sufficiently tested in the courts and for a clear picture to emerge of its effectiveness.

In the meantime, the government will not allow the protective provisions of the Hire-Purchase Act to lapse without there being an adequate alternative for farmers.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 30 March.

NATIONAL TAXATION REFORM (CONSEQUENTIAL PROVISIONS) BILL

Second reading

Debate resumed from 2 March; motion of Mr BRUMBY (Minister for Finance).

Ms ASHER (Brighton) — The opposition does not oppose the National Taxation Reform (Consequential Provisions) Bill which implements aspects of the intergovernmental agreement on the reform of commonwealth–state financial relations. That significant agreement is incorporated into the bill as a schedule. I advise honourable members to read the schedule because it sets out clear landmark provisions of the agreement between the commonwealth and the states for the most significant taxation reform we have seen in Australia's history.

I understand the government proposes to introduce another bill covering that intergovernmental agreement and that this bill covers only a number of specific aspects of the agreement and is in no way intended to cover the entire agreement.

I do not propose to go through the bill clause by clause because it is fundamentally state implementation of something that has been agreed to by the commonwealth and the states. I comment on the explanatory notes — I assume Parliamentary Counsel are responsible for them — because they are the clearest I have seen in many years in this Parliament.

We will hear much in the future about the goods and services tax (GST) and local government. The first significant feature of the bill is that it enables state entities, including local government, to make GST-equivalent payments. The bill also gives the Treasurer power to direct entities to make payments.

The second feature of the bill is an unusual clause which enables the Governor in Council to make regulations to increase fees up to the amount of the GST. The process outlined in the bill is unusual, presumably because of the bulk of regulations that cover fees and the time frame in which those fee increases will have to be addressed. Ministers will be able to make recommendations to the Governor in Council. The bill allows ministers to bypass the Subordinate Legislation Act, which is unusual. Honourable members will know that the Subordinate Legislation Act invokes a community consultation program before regulations are promulgated. It is an obligatory program that requires advertisement of the regulations and people may make comments on them. As I recall the Subordinate Legislation Act, ministers are bound by law to consider those submissions from the general public.

The bill bypasses all that long-established process and allows ministers to make recommendations directly to the Governor in Council without the necessary public

consultation and cost-benefit analysis that would be undertaken in other circumstances.

Clause 7(3) states:

The Minister may make a recommendation under sub-section (1) only if he or she considers that the increase in the fee or charge is necessary to cover the increased cost of the supply ...

Many ministers will be grappling with a range of issues as they work out what is necessary to cover the increased cost of the supply. One would expect the Scrutiny of Acts and Regulations Committee to have made comment about bypassing the Subordinate Legislation Act. Indeed it has, and I refer to *Alert Digest* No. 3 of 2000 which states at page 4:

Given the nature of the new taxation arrangements introduced by the acts giving effect to the new tax system the committee accepts the necessity of such a regulation-making power.

The committee has pointed out that bypassing the Subordinate Legislation Act is a significant departure from usual practice, but has accepted that under the circumstances it is probably the only way to deal with the matter.

The only constraint the bill puts on ministers is in a clause which is not sunsetted. Clause 7(5) confines ministers to one attempt only at the price increase — so if the minister gets it wrong there can be no double dipping, which is a good thing. Clause 7(5) stipulates that:

A fee or charge may be increased only once under this section.

The opposition has some concern about bypassing the requirements of the Subordinate Legislation Act but is guided by the findings of the all-party Scrutiny of Acts and Regulations Committee. Bearing in mind the number of fee changes and the time frame in which they will have to be made, I accept the committee's comments about the particular process. The opposition understands that fees enshrined in legislation will be the subject of a second bill and that this bill deals only with fees that arise from regulation.

The third point is that the bill amends the Financial Institutions Duty Act by putting in place the technical mechanisms necessary for financial institutions duty to cease to apply from 1 July 2001. That is a fundamental feature of the state and commonwealth agreement and of national taxation reform.

The bill amends the Stamps Act to allow for the cessation of stamp duty on quoted marketable securities from 1 July 2001 and broadens the definition of

'recognised stock exchange' to a more acceptable, modern standard. The abolition of stamp duty on quoted marketable securities is a key component of the intergovernmental agreement and is referred to specifically in that agreement. The clauses in the bill that reflect that simply provide the technical mechanisms to allow it to occur.

The bill also removes state subsidies for off-road diesel for the simple reason that the commonwealth will pick up that support from 1 July 2000. Again, that is part of the intergovernmental agreement, and the bill simply puts into effect what the states have signed up to do.

The bill also ensures that payroll tax by contractors and employment agents is no different from payroll tax paid for wage earners. The technical amendments to the Pay-roll Tax Act reflecting the government's desire to treat those classes of employees equally are incorporated in the bill.

The bill also transfers the liability for stamp duty on used cars from dealers to purchasers, as one would expect with a new goods and services tax regime. That is reasonable.

I turn to the issue of circular taxation, because some mention was made of it in the second-reading speech. Recently public comments have been made on the matter by financial journalists and others.

The fundamental shortcoming of the bill — and the opposition places its concerns about the issue on the record — is that the government has not eliminated all instances of circular taxation. I fully understand that the government has an obligation to protect its revenue base — indeed the problem of the states' limited revenue base is addressed head-on by the intergovernmental agreement. I acknowledge that the states and the commonwealth are trying to come to grips with the limited revenue base the states have traditionally had, but nevertheless the government's bill eliminates only some instances of circular taxation. It has dealt appropriately with the issue of stamp duty on rental agreements and on cattle and pig sales — —

Mr Nardella interjected.

Ms ASHER — Obviously there is strong support from people associated with that industry. However, the government has not removed all instances of circular taxation. I acknowledge it is a difficult issue, but the government could do a bit more homework on the issue.

I express the opposition's concern about the issue of stamp duty because there has been much comment

about whether a tax will be levied on a tax and whether state governments will achieve windfall gains from levying a stamp duty on a price that includes a GST component. Obviously a number of peak associations have had much to say on the issue. The bill does not address the concern, and I am not privy to the government's considerations of the second bill and therefore do not know whether it will consider the issue as part of the second bill. However, there is no doubt that there is a possibility of windfall gains to state governments via stamp duty.

It is not just opposition members who say that is the case. I refer to an interview with Michael Egan, the New South Wales Labor Treasurer.

Mr Lenders — A good man.

Ms ASHER — The honourable member for Dandenong North says Mr Egan is a good man, and I am delighted to have that on the record because Mr Egan is concerned about windfall gains to the states. The honourable member for Dandenong North has been a member of the chamber for only a short time and will perhaps learn not to interject so hurriedly in the future.

Michael Egan, the New South Wales Treasurer — —

Mr Nardella — A good man.

Ms ASHER — The comment is reinforced, as always, by the honourable member for Melton, who makes a lot of noise.

In an interview with John Laws — I am waiting for the interjections — on 22 October 1999, Mr Egan addressed this issue. In answer to a number of questions from John Laws Mr Egan said:

But by the way I haven't said anything about what the stamp duty rate will be down the track. It could well be that if there is a windfall for the state, and indeed all of the states, that there is a case for the states to vary the current stamp duty rates to take that into account.

One must bear in mind that the New South Wales Labor Premier, Bob Carr, was a signatory to the agreement. It was acknowledged that there is a possibility that the states may make windfall gains from stamp duty as a consequence of national taxation reform. Mr Egan further stated:

Yeah but not everything is going up 10 per cent. I mean it's very complicated, but some things might be going up 5 per cent, some things might be going up 6 because of the complexity of the GST arrangements, but certainly I can see that the price of insurance will go up and the stamp duty will be applied on the new price of that insurance. Now as I say,

that might mean that overall if we take in the losses and gains to the states they may be better off, and I think that may constitute some sort of a case for the states to look at changing the rate of stamp duty down the track.

The opposition seeks an assurance from the minister that, if Michael Egan's concerns prove to be correct and there is a windfall gain for the states from the GST via stamp duty, the government will look at passing on those savings to consumers and reducing the rate of state stamp duty.

Mr Nardella — What is your estimate of a windfall gain?

The ACTING SPEAKER (Ms Davies) — Order! The Deputy Leader of the Opposition should not respond to the interjection.

Ms ASHER — Yes, Madam Acting Speaker, I will not be distracted by the honourable member for Melton. One of the great glories of leaving the Legislative Council was that I thought this empty vessel would keep away from me. He has followed me down to this chamber and I still have to listen to these questions. I will take your advice, Madam Acting Speaker, and get on with issues relevant to the bill.

The bill also adjusts gambling taxes to take account of the GST. There is a specific clause in the intergovernmental agreement based on the premise that gaming and gambling are taxed at a higher level in all states. Rather than having double taxation it is accepted that taxes on the gaming industry will be offset to cover the effect of the GST, and all the states and the commonwealth have agreed to treat gambling in that way.

In the bill the Victorian government abolishes duty on bookmakers' statements, and the opposition has no problem with that. The bill will offset the GST impact on Tattersalls and Tabcorp by reducing their tax rates. I understand the second bill will address the issue of Crown Casino and the adjustment of its tax rates to take account of the GST impact. However, opposition members note that the state Labor government, which has been so critical of the gaming industry, has passed on the full GST to the operators. The government has clearly made the assumption that there will be no offsets to be made by Tattersalls or Tabcorp. The government's approach in its rhetoric is quite inconsistent with its financial handling of Tattersalls and Tabcorp.

I place on the record the fact that the gaming industry has been given a full offset for the GST by the Labor government. I acknowledge that offsets are part of the

intergovernmental agreement. However, the government has made a policy decision to give Tattersalls and Tabcorp a full offset, which suggests that government members think there will be no embedded tax savings in gaming. It remains to be seen in due course whether other industries receive that treatment.

It is important that the three aspects of the bill that are not part of the intergovernmental agreement are placed on the record, and I will briefly touch on them.

The first is a retrospective change to amendments to the Gaming Machine Control Act. Retrospective changes normally excite much interest from honourable members, particularly those on the Scrutiny of Acts and Regulations Committee which has already commented on those retrospective provisions. They consist of minor adjustments to cross-referencing in the Gaming Machine Control Act and have no policy significance. The necessity for those provisions was accepted by the Scrutiny of Acts and Regulations Committee and the opposition is relaxed about that.

The second issue is a minor housekeeping amendment. Clause 22 clarifies the duty to be levied on each sheep, goat or carcase sold.

The third issue is the recognition of the value of the wine industry to Victoria, so it is important. The bill continues the 15 per cent subsidy for cellar-door and mail-order sales of wine, instituted by the former Kennett government and promised in the tourism policy of the election strategy. I am delighted that the government has taken up the former Liberal government's practices and policies. I place on record the enormous contributions made by wineries to tourism and regional economies.

Mr Hamilton — And to agriculture.

Ms ASHER — And to agriculture. I am pleased that that provision is included in the bill. I am sure that honourable members representing winegrowing areas will have plenty to say about it.

I refer briefly to several aspects of the bill concerning the intergovernmental agreement on the reform of commonwealth–state financial relations which, as I said, is reproduced in full in the schedule to the bill.

As I listened to the rather churlish second-reading speech of the Minister for Finance when he introduced this mechanical bill, it struck me as odd that the Labor government was seeking to distance itself from the arrangement at the expense of state colleagues of its political persuasion. The agreement was signed by the

former government, the New South Wales Labor Premier Bob Carr, the Queensland Labor Premier Peter Beattie, and the Tasmanian Labor Premier. The simple reason that those Labor states are cosignatories to the agreement is that under it the states receive a better deal overall.

The schedule to the bill contains the intergovernmental agreement on the reform of commonwealth–state financial relations, which will yield \$12 billion in income tax cuts. The whole process of national taxation reform will yield business taxation reductions of \$7 billion to \$8 billion. As I said, it is the most substantial reform of the taxation system in Australia's history.

The abolition of wholesale sales taxes which are levied at various rates and which artificially propped up prices is a welcome element of the agreement. Most interesting of all to members of state Parliaments is that the goods and services tax, which is a growth revenue, will flow directly to the states. That is why Labor Premiers were happy to place their signatures to the intergovernmental agreement.

It is clearly outlined in the schedule and guaranteed in writing in the agreement that the states will receive a guaranteed minimum amount from the commonwealth for transition costs. Given that the Labor Premiers of other states were more than happy to put their signatures on the document, much of the argy-bargy from the Victorian state branch of the Australian Labor Party is unwarranted.

Mr Hamilton interjected.

Ms ASHER — The Labor Party was not in government then. Recently the ALP has been excited about the commonwealth expecting Victoria to find \$100 million in embedded tax savings. The opposition's advice from Treasury is that those savings may be found quite easily. I am unaware whether Treasury has changed its advice or the ALP is simply politicking on that.

Given the claims that are being made it is clear that the government is not passing on savings to the consumer. I am aware that the commonwealth has deducted \$100 million from the guaranteed minimum amount. However, it is important for the Labor government to pass on the savings, bearing in mind that a vast number of fees are not subject to the GST. The government has not done its homework sufficiently well. It would rather bleat about the impossibility of achieving the task than do the work required, which I acknowledge is a big job.

The most interesting aspect of the intergovernmental agreement is the position of the federal ALP. Members of its current leadership have clearly indicated the GST will not be changed if they come to office. They know the revenue gains they will receive and that state governments, Labor or Liberal, are happy that they will finally have access to a growth tax. The federal Labor Party has indicated it will roll back the GST on only one or two individual items. It has absolutely and utterly embraced the package of the intergovernmental agreement. Members of the public should bear in mind that the federal leader of the ALP, Kim Beazley, has clearly indicated that he will not change the fundamental structure of the current agreement.

I see that the chihuahua from Dandenong North is about to get to his feet. Members of the public should bear Kim Beazley's attitude in mind as they listen to the comments that flow from the honourable member for Dandenong North. Perhaps the chihuahua from Springvale will also speak. As one listens to their little contributions, it should be borne in mind that Labor governments in three states signed the agreement and that Kim Beazley has said that if it comes to power the federal ALP will not fundamentally alter the GST.

An honourable member interjected.

Ms ASHER — Beazley is your leader! Most importantly, the federal Labor Party has not ruled out income tax increases, which is probably the most interesting fact of all.

The opposition does not oppose the National Taxation Reform (Consequential Provisions) Bill. It is fundamentally a mechanical bill that implements those aspects of the national agreement that the state Labor government has opted to consider first. The opposition awaits a second bill on the matter and places on record its concerns that the New South Wales Treasurer has acknowledged the possibility of windfall gains from stamp duty. I seek an assurance from the Minister for Agriculture that if the Victorian government has windfall gains from stamp duty it will consider a similar reduction to that in New South Wales.

The opposition also places on record the favourable treatment of Tattersalls and Tabcorp and will look to see if other institutions receive that favourable treatment.

Mr Holding interjected.

Ms ASHER — The chihuahua from Springvale asks when did the former Liberal government reduce taxes and charges. I refer him to three successive budget reductions in payroll tax — in complete and utter

contrast to the reneging on policy promises by his side of politics.

This is a mechanical bill that the opposition does not oppose. I look forward to further contributions from government members when they will explain why so many Labor branches support this monumental taxation reform — the most monumental taxation reform Australia has seen.

Mr LENDERS (Dandenong North) — I have been looking forward to speaking on the National Taxation Reform (Consequential Provisions) Bill because it is fairly dear to our hearts, not the bill itself but because of the circumstances we are in. As in any debate, the role of the second speaker for the affirmative is probably to pass some comment on the debating style of earlier speakers. As a former debating adjudicator, I know that you are required to mark on manner, method and matter. On manner, the honourable member for Brighton would have been rated at about 30 out of 40. Her speech was well presented and entertaining. On matter I would probably rate the honourable member 10 out of 40 and will go into the details of that shortly. Method is really determined on the team approach and team case. That is a bit hard to score at this stage because we do not know whether it is the team at the club or the team in the shadow cabinet.

The government welcomes the opposition's support for the bill. It is necessary legislation and bipartisan support is important for Victoria, particularly to get the state out of the mess involved in the implementation of the goods and services tax. Although the government finds no joy in the legislation, it is pleased it deals with problems caused by the GST. A lot of thought has gone into the bill and it has been well drafted. However, fundamentally it addresses a problem not of the government's making. The government is ideologically opposed to the tax. It was inflicted on us by an intergovernmental agreement signed by the previous government in June 1999. For the good governance of the state the Bracks government is obligated to address that problem.

The clear second-reading speech by the Minister for Finance two weeks ago sums up the bill, its clauses and reasons. I will not go methodically through the bill because that was well covered by the Minister for Finance. I will try to cover its impact on Victoria, particularly the impact on Victorian small business, and explain why it provides uncertainty in the state and why the legislation is necessary to deal with those issues.

In dealing with some of the issues raised by the honourable member for Brighton, not only do I need to

comment on the debating style, but I remind the honourable member that she is a member of the Victorian Parliament. Given her previous life as an adviser to a former New South Wales Liberal government, I understand her fascination with all things from that state. However, we are talking about an autonomous state — Victoria. We are talking about the decisions that need to be made by Victorians to deal with Victoria's destiny.

Although we are always interested in what members of the Labor governments in New South Wales, Queensland and Tasmania may think on issues, because they are good friends of ours and good people, in the end we are unashamedly Victorian and the issues facing Victoria come before anything else. The Victorian interest comes before the interests of the three other states. Although I understand the interest the honourable member for Brighton has in New South Wales, government members are more interested in what is happening in Victoria and in fixing the mess inflicted on our state by the Prime Minister's ideological crusade.

In dealing with the bill some assumptions need to be made. Firstly, the intergovernmental agreement that is attached as an appendix to the bill is an unusual occurrence. It outlines step by step the arrangement Victoria was committed to by the previous government. Although the agreement was signed in June last year, the great spin on why the GST would be good for the states was the growth revenue that the honourable member for Brighton talked about so eloquently and with such enthusiasm, as one would expect from a person who believes in this form of inequitable tax.

The great fraud is that when the great tax adventure and crusade was first put before us by the then Leader of the Opposition, now the Prime Minister, it was all about a single tax system which would by a magical formula give growth revenue to the states. Since that initial campaign many compromises have been made so that the legislation could be passed through the Senate. The entire cake of the GST has been reduced. For states such as Victoria, the pie that was so tantalisingly held out to people at the time of the 1998 federal election was suddenly reduced by the grubby political deals that the federal coalition needed to make with the Democrats to get the legislation through the Senate. The delivery to Victoria was obviously reduced before we even started. The simplified tax system that was to include so many things now excludes many things, and that is part of the dilemma with the legislation.

Before referring to the bill, I will touch on the \$100 million in embedded savings. It is easy to make

an actuarial assessment or accounting assessment to say those things can be passed on; therefore, Victoria will receive \$100 million less in compensation for taxes that have been scrapped and will have to find it through embedded savings. In theory it probably works, but in practice such things do not always work, as we all know — particularly anybody who went through the fairly difficult time of the metric conversion through the 1960s, 1970s, 1980s and even into the 1990s, with the various components of currencies through to weights and measures and so on. Inevitably, people take shortcuts, embedded savings are not passed on, some are hard to find, and some are administratively difficult to find. It is an unrealistic assessment that Victoria should be able to find the \$100 million in embedded savings.

The reality is that the legacy of the Kennett–Napthine government is that we have been left with a \$100 million revenue shortfall that the former government willingly agreed to.

Mr Holding interjected.

Mr LENDERS — A black hole, as the honourable member for Springvale says. The incoming Labor government is responsible for fixing the mess. It seems to be an increasing part of the government's obligations to deal with black holes and the mess it has inherited. That is an ongoing problem and was one the Minister for Finance addressed eloquently in his second-reading speech, and it will be a burden the government faces continually as a consequence of this horrendous tax that has been inflicted on Victorians.

As I said, the Minister for Finance covered most of the clauses in his second-reading speech, but I will refer to a couple. The honourable member for Brighton mentioned circular taxation, which is relevant. The latter parts of the bill deal with circular taxation, which is a complex issue. Probably more time and energy has gone into it in the drafting of the bill than the implementation of other GST issues. It is as complex as embedded taxation because one cannot do one thing without there being consequences on another.

The honourable member for Brighton is correct — the state government has an obligation to protect its revenue source. It also has an obligation to bring in a system that does not diminish the revenue source, is equitable, fair and does not unfairly burden members of the community. That is an easy phrase to say and an easy concept to support. However, most of the clauses in the bill that deal with circular taxation are about trying to minimise the complexity and the burden.

I refer to the complexity issue. The goods and services tax, as I have said before, is to small business as the boll weevil was to the cotton industry last century. It inflicts endless burdens. Big business and state government can put the time and resources into dealing with the GST because of their size and ability to bring in expertise. This is the second GST bill introduced — one involving the building industry was introduced last week or the week before — and is one of a series that will need to be addressed by the Parliament if the tax is to be bedded down so that on 1 July it can be administered.

However, when the ongoing things such as the July pay-as-you-go statements come in — in August for big business and at the end of the first quarter, during October, for small business — the real blight of the tax will hit the state and the real grief will hit small business. People who do not have the benefits of governments and big business will feel the burden when they have to deal with it themselves. Those are the issues that small businesses in my electorate of Dandenong North will most acutely feel with the burden of the GST. Despite the assurances from the honourable member for Brighton about all the joys this great tax adventure will bring to people, I do not imagine many of my constituents, particularly the small business constituents who service the growth corridor, will find any great joy when lodging their pay-as-you-go returns in October and later.

Mr Hamilton interjected.

Mr LENDERS — The Minister for Agriculture has a very pertinent point, but I will not comment on it. Those matters and Victoria's response to them are the issues the bill seeks to address.

Determining whether deemed rates are taxable, separating components from contracts — all such matters will be more complex. The government will not endeavour to put a tax on a tax, but the reality is that the complexities of the legislation on the differential between service fees and direct tax fees will make the task difficult to administer. Certainly the government will have no joy in administering it!

The bill deals with amendments to a series of pieces of state legislation, mainly the Stamps Act, and other consequential charges. The honourable member for Brighton referred to some of the teething problems that inevitably come with legislation such as this, and in the spirit of goodwill said some of those things were necessary, particularly the temporary ministerial setting of charges without referral to the subordinate legislation regime. That is charitable of her. However, it also hides

the enormous burden placed upon the state by having to put the regime into place in the short time available to it.

As honourable members are aware, the federal government is putting its great tax adventure into place under a very restricted time line because it wants the voting public to absorb as much of its pain as possible before the next election. Honourable members present, particularly the honourable member for Polwarth, who has a small business, and others who speak constantly and loudly on behalf of the small businesses in their electorates, will know that small and microbusinesses will loathe and despise the tax. The grief the tax will cause the community is something that all members opposite who signed up to the great tax adventure will have to justify to their electorates. The federal election will produce the same anxiety. People in rural and regional Victoria are also aggrieved and will hold their members of Parliament accountable.

Honourable members have an obligation to reduce as much as possible the tax burden and its accompanying pain. Although the issue is ongoing, it is one the government will not shrink from. Ideologically the Labor government has no sympathy for the legislation, but as members of a responsible state government we are obliged to carry it out. Obviously our preferred position would be that the legislation had never gone through the federal Parliament and that the Democrats, Nationals and Liberals had not forced it upon us. However, that is history. The obligation now is to find ways and means of fixing it.

Many of the bill's clauses deal with the adjustment of taxation levels to provide certainty to the community. The Labor Party supports change, but change for the better. The community will support change if it is for the better, but the GST is change for change's sake — an ideological obsession gone wrong. The proposed legislation is an attempt to ease the burden on people as much as possible, which is not a lot in the current environment.

They are the challenges before us. The bill will be passed with bipartisan support; it will go on to the Legislative Council and presumably get the royal assent well before 30 June, which will enable the state to continue its strategies to deal with it. However, we must not forget what all this will do to people in our electorates. It is just another part of the complex web that has been left to us to fix.

Mr Hamilton interjected.

Mr LENDERS — The Minister for Agriculture interjects that it is impacting on farmers more severely than on even the small businesses in my electorate. The burden has been left; the government has to fix the problem. If it does not, matters will become more confusing because pay-as-you-go returns have to be lodged in July or October, depending on the size of the business. It cannot be taken lightly; we have to deal with it. I urge support of the bill.

Mr WELLS (Wantirna) — I restate that the opposition does not oppose the bill. By way of background I point out that the bill has come about as part of Victoria's obligations under the Intergovernmental Agreement on the Reform of Commonwealth–State Relations, which was signed in June 1999 by the previous government. The goods and services tax will be implemented on 1 July this year, with all GST revenue flowing to states and territories and wholesale sales tax being abolished also on that date.

The bill brings to an end the ridiculous process of state premiers and chief ministers of territories having to go to Canberra each year with a begging bowl to work out their financial arrangements. It guarantees that the Victorian budget will not be worse off during the transitional years of the new system.

Government members have said constantly that things will be worse under the new tax because \$100 million of embedded savings will have to be found, but that is a very small part of the overall equation. First one must determine why it was necessary to go down this path. Australia had a complex indirect tax system which was mostly unfair and penalised businesses. A GST will cut the cost of business by 3 or 4 per cent.

A government member interjected.

Mr WELLS — Those figures are from the federal Treasury and they are the most reliable figures available.

A government member interjected.

Mr WELLS — I will get to small business very soon. The federal government's goods and services tax will give to the states a growth tax they can rely on and a revenue that will abolish reliance on federal grants.

The wholesale sales tax was implemented in 1930. It is interesting that the state Labor government wants to maintain a system in which it has to rely on grants. The wholesale sales tax penalises exports. One would think the Labor government would want to off-load the wholesale sales tax to encourage export and business

growth in Victoria, because the state has such a large manufacturing base that it needs to encourage manufacturers.

In addition, the wholesale sales tax was first implemented at 2.35 per cent. Over the years it rose to 22 per cent and it has now reached a stage where on some products it has risen to 45 per cent. The problem is that it is a hidden tax. Most consumers would not know how much wholesale tax they were paying on particular products. At least with the federal Liberal government's fairer system wholesale sales tax will be abolished and tax will be a straight 10 per cent.

It has frequently been said that state expenditure exceeds the revenue it can raise itself. That has to do with the way the constitution is written — the commonwealth will raise more revenue than it spends. The reason is that the constitution states that the commonwealth government can put a tax on goods whereas the states cannot.

It is also interesting to note that the offer to the states was conditional on their being able to accept GST revenue as of 1 July 2000 and do away with some state taxes. Some of those taxes are unfair and among the worst taxes ever introduced. On 1 July 2001 the states will abolish the financial institutions duty, and sufficient tax revenue will be received to make it possible to abolish duties on marketable securities. That must happen or the states will get into a bidding war among themselves. That happened with Queensland a few years ago.

The states will be required to compensate the commonwealth for the cost of administering the GST. As I said earlier, it is important to note that under the package the commonwealth will ensure that in each of the first three years following the introduction of the GST the states are no worse off financially than they would have been under the current arrangements. On the revenue projections contained in the package, this will require the commonwealth to make grants to the states in 2001–02 and 2002–03. In addition, in 2000–01 to cover the financing shortfall in that year the commonwealth will make available to the states short-term, interest-free loans repayable the next year. From 2003–04 the states will be better off financially and will continue to be better off because the GST revenue will grow at a rate appreciably higher than the commonwealth payments and state taxes being replaced.

The Labor government does not understand that GST revenue will be distributed conditional on the states applying horizontal fiscal equalisation. That will ensure

that some of the poorer states such as Tasmania and South Australia get a fair deal — because of their populations they would not be able to provide reasonable services if they were to rely solely on GST revenue.

The Deputy Premier comes into this place talking about the embedded \$100 million tax savings the government will have to make up, but I refer to the answer he gave in question time on 14 March. He said the GST deal is worse for Victoria because the previous government signed a GST agreement that reduces federal payments to Victoria by \$100 million. He has not got it right. He has not read his briefing papers, and he has not understood the equation that is part of the GST package.

The Labor Party's own bill sets out the transitional arrangements. Under the heading 'Transitional arrangements' Appendix C to the bill states:

... the budgetary position of a state or territory is not worse off during the transition period.

The Treasury papers, which are incorporated in the bill, provide that the state will receive a grant or an interest-free loan to be repaid to the commonwealth in full in 2001–02. The document sets out the formula to be applied and clearly states that the budgetary position will not be worse.

Mr Lenders — And you believe that?

Mr WELLS — It is in your legislation. The honourable member for Dandenong North asks whether I believe it, but we are debating his party's legislation. It is in black and white in your legislation. You are questioning your own paperwork. You are disputing your minister and the people who drafted it —

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member for Wantirna will direct his remarks through the Chair.

Mr WELLS — Thank you for your guidance, Mr Acting Speaker. I am fascinated that some of the people on the government back benches are doubting the bill. It is quite ironic.

Appendix C to the Labor Party's legislation under the heading 'Guaranteed minimum amount' states:

The amount of a State and Territory's entitlement to transitional assistance in a financial year will be calculated by subtracting its entitlement to GST revenue grants from a 'Guaranteed Minimum Amount' constructed in the following way ...

The formula takes into account state revenues forgone, reduced revenues, interest costs on cash flow shortfalls, loan repayments, additional expenditures, other items, reduced expenditures, growth dividend and adjustments. At the end of the formula the provision states:

In addition, \$269 million in total, spread evenly over three years, will be included in the new Commonwealth–State Housing Agreement starting in 2000–01 ...

Those words are not quoted from *Hansard*, Liberal Party policies or federal Treasury and Finance documents; as I said, they are taken from this bill.

When the honourable member for Dandenong North made his contribution to the debate he, like his Deputy Premier, referred to the \$100 million embedded savings that had to be found. When the Liberal Party was in government Treasury officials said it would be possible for those savings to be clawed back. The Labor Party is making a cheap political point by saying that this is the be-all and end-all. It is interesting that the \$100 million embedded savings have the Labor government transfixed. There is a \$1.7 billion surplus, yet Labor members are worrying about the \$100 million embedded savings, which Treasury officials told the former Liberal government could be clawed back.

It is apparent that Labor members are being somewhat contrary, particularly when one considers the situation Victoria was in when the Liberal Party handed it over to the Labor Party compared with the situation it was in when Labor handed it over to the Liberals — with a current account deficit heading towards \$3 billion a year. It is ironic that so much time is now being spent talking about the \$100 million embedded savings.

The honourable member for Dandenong North also referred to the impost on small business. As an accountant I point out that one of the fundamentals of a successful small business is the keeping of accurate sales and expenditure records. If the small business people in the electorate of Dandenong North are finding the GST to be an impost because it requires accurate records to be kept, I am sure the Australian Taxation Office would be questioning whether they should be running small businesses. If small business people do not keep accurate sales and expenditure records they are breaking a number of fundamental small business principles. Small business people in New Zealand, Germany and South Africa, where either a GST or a similar sort of tax is in place, are able to cope with the system. It would seem that the honourable member for Dandenong North underestimates the intelligence of Victoria's small business people.

One issue that concerned me relates to part 4, which deals with government fees and charges. Clause 7(3) states:

The Minister may make a recommendation under sub-section (1) only if he or she considers that the increase in the fee or charge is necessary to cover the increased cost of the supply ...

Two issues are involved. Firstly, I would have thought that the bill would refer to an increase or decrease, but the assumption is that the cost of every state government service will be increased. The provision does not take into consideration savings in fuel or diesel prices or savings in other areas, or the fact that some costs may be reduced. The bill does not allow for any reductions in government charges.

Secondly, under the provision I have just quoted the minister can simply say, 'It is a 10 per cent increase' and blame the GST. The increase may be only 4 or 5 per cent, but where is the check or balance to say the minister may not make the increase 10 per cent and blame the GST? The opposition raises that concern with the minister. It can accept his word, but based on some of the other promises the house has been given by the Labor government, I am not sure how much water the minister's word would hold.

A number of other members wish to speak on the bill. It is important that the bill have bipartisan support. I wish it a speedy passage.

Mr MILDENHALL (Footscray) — In their typically miserable and nitpicking way opposition members have thrown their unanimous support behind the bill. I would have thought that, given it was an agreement to which the opposition signed up, there would be a little more enthusiasm for the bill than has been demonstrated so far. It is a curious political phenomenon that a state Labor government will pass legislation with which it does not agree that has been virtually imposed by the federal government and enthusiastically supported by an opposition which would not necessarily support a state Labor administration but which is extremely enthusiastic about the imposts and chaos the new tax system is about to inflict, particularly on small business.

The supposed new national tax system has provided a field day for the federal spin doctors. It is interesting to read the attachments. The objectives of the reform set out in the agreement include:

... the achievement of a new national tax system, including the elimination of a number of existing inefficient taxes which are impeding economic activity ...

If that is the overall goal, the agreement signed by the government falls far short of achieving significant progress. As to the dimensions of the exercise, the new tax measures will affect less than 10 per cent of the state's tax revenue — that is, it will eliminate less than 10 per cent of the indirect taxes levied by the state. The Deputy Leader of the Opposition referred to so-called windfall gains to be made from the GST, but honourable members saw ample evidence in the estimates provided to the house during question time yesterday that state revenues will not flow into the black in sufficient magnitude to allow the government to consider eliminating payroll tax until about 2007.

The catchcry was always that payroll tax was the measure and the milestone: if we could eliminate payroll tax — a tax on employment — we would certainly be a fair way down the track to removing, as the agreement puts it:

... inefficient taxes which are impeding economic activity ...

In other words, the wonderful new initiative will not start to deliver the goods until 2007 at the earliest.

The honourable member for Wantirna went to great pains to point out that the federal government had underwritten state budgetary revenues until 2003. But if the projected downturn in the national economy materialises, as a number of analysts predict, and if we enter a period of subdued economic activity or even a recession over the next few years, particularly beyond 2003, the state budgetary position would still be vulnerable to economic activity — that is, dramatic variations in income, turnover taxes and other taxes. No underwriting has been guaranteed beyond 2003.

Claims have been made that the magnificent new tax system will forever take the worry out of coping with the state budget, but the basics have not significantly changed. New revenue to the state will probably be at the rate of about half of its annual gaming revenue. I do not suggest \$700 million or \$800 million revenue is insignificant, but it would certainly not be a major proportion of the \$9 billion of state taxation revenue.

It is fascinating to listen to the debate about embedded savings. The opposition argues that the state should easily save \$100 million, but only because of the advice it was given. Obviously the government has also been advised on the issue, but it has been told that savings of that order will be extremely difficult to achieve. I would like opposition speakers in this debate to give the house details of that advice — perhaps its date and author — because it is certainly not the advice the new government is receiving.

I have been interested to hear the different forms of intellectual and verbal gymnastics opposition members have used in their contributions to the debate to try to either justify the cuts to the budget or argue that there is no problem, that the budgetary cuts will not be necessary.

The Deputy Leader of the Opposition told the house that \$100 million in savings would be easy to achieve. As ministers are telling the community and their departments, unfortunately the community will be affected through service and funding cuts as the so-called embedded savings are passed on.

I am sure the incoming Labor administration particularly would regard that as the worst option, the last and most undesirable option — cutting those human services and education outlays that Labor regards as of high priority.

The honourable member for Wantirna commented that the state's budgetary position is underwritten so the \$100 million is somehow covered by the transitional underwriting provisions that last until the year 2003. Unfortunately for the honourable member for Wantirna, the \$100 million in embedded savings was part of the agreement that his government signed and that simply has to be found. It is not underwritten; it is not guaranteed; it is not provided for. That \$100 million has to be extracted from state operations and outlays.

Having asserted that the \$100 million is covered by that guarantee and is underwritten and that it is going to be easy to achieve that amount — the consistency of those two arguments might well be questioned — the honourable member then suggested that the \$100 million could be taken out of the state budget surplus. So the propositions the opposition expects the government to accept are, firstly, that \$100 million in government outlays is easy to find; secondly, that \$100 million is not required because the state revenue position is underwritten; and, thirdly, that \$100 million is required to be found and should be taken out of the surplus. Anyone who can find the consistency in those three assertions is certainly doing better than I am.

It is a well-known fact that the Kennett government cut outlays to the bone and cut departmental operations to a bare minimum. In combination with productivity cuts, to ask for another \$100 million to be found and not expect that to impact on services is testing the credibility of opposition spokespeople.

One aspect of the application of the agreement that will cause grief in my electorate is its impact on education. It was a sad moment for me at the end of last year to be

in the audience of a meeting at St Monica's Primary School in Footscray, a small, humble school of 120 to 130 children, 10 per cent of whom would come from a traditional Australian-Anglo background. The rest of the children are of Vietnamese or African cultural background. I know of the extreme measures the school has to take to maintain its financial viability through fundraising and the support it gets from government. The school attempts to roll up the costs of excursions and books into one simple fee.

The students put on some fairly creative and enthusiastic little acts at the end-of-year concert, but Father Beasley put a dampener on the concert when he got up and said, 'I have to announce that because of the GST school fees for next year are going up'. A few people standing near me said, 'The GST doesn't apply to education, does it?'. That education is GST free is another one of the spin doctor stories from Canberra: it does not apply except for excursions, books, services for which an income is sought and materials that will be owned by students. As the honourable member for Dandenong North indicated, when it comes to the crunch for small businesses later this year, when struggling parents in my electorate go to pay their children's school fees, that is when this wonderful new tax system will start to hit home in a nasty and miserable way.

It is typical of the agreement — I would expect to find something of this nature in the agreement — that the commonwealth government will legislate to require the states to withhold from any local council that does not register for the GST and make voluntary GST payments a sum equivalent to the GST payment. The partnership-in-government approach that was refined by the Kennett government, that wonderful relationship established with local government, has now been passed on to the federal government. In anticipation of the eventuality of a council daring not to comply, the commonwealth government has legislated to force it to comply — it has brought out the financial baseball bat. That is federation! That is cooperation at each level of government for the common good and for the overall growth of our community!

The bill generally represents a mechanistic approach, with a series of provisions setting out the requirements the state must meet and the way in which the intergovernmental agreement is to be implemented. The main issue I see facing both the state and federal governments is the information provision challenge. There is still an enormous level of concern and confusion about the flow-through effect of the GST on the community. I note that each state government department has undertaken to devote a section of its

web site to clarifying the impact of the GST. I have not checked those sites, but that is an extremely good move. Both state and commonwealth levels of government and departments need to pay particular attention to information provision.

I would like to take up a couple of other comments by opposition members. The overall result of the legislation and the agreement with the commonwealth is revenue neutral for the state, with there being the potential for a variation from the present financial situation of less than \$1 million. That shows the inaccuracy and falsity of the claims by the opposition that there are windfall gains or hidden opportunities for the government to achieve some sneaky increase in state revenues.

Finally, I was surprised to hear opposition members' arguments about circular taxation. For many years stamp duties have been applied to goods that are also subject to wholesale sales tax. The former Liberal government did not rush headlong into addressing that situation. The few remaining instances where stamp duty will be applied to goods subject to a goods and services tax (GST) show the hypocrisy and inconsistency of the comments of opposition members.

With those few words on the overall impact of both the general intergovernmental agreement and specifically the provisions of the bill in the curious political context in which they operate, I wish the bill a speedy passage. Given the comments from both sides of the house I am sure it will have a speedy passage.

Mr JASPER (Murray Valley) — I am extremely disappointed with the comments from the honourable member for Footscray. He was completely negative about the bill, even though it has been introduced by the government. He talked about the whingeing, carping opposition but I think we have a whingeing, carping government!

It is a fact of life that following the introduction of the goods and services tax (GST) from 1 July there will be changes to the taxation system in Australia. All state and territory governments, including Labor governments throughout Australia, have been involved in discussions about the tax and the agreement to it has been signed.

The Victorian Labor government is now complaining about the legislation and not referring to any positive aspects of the tax. I want to know whether there are any positives in either this legislation or the GST. I suggest that there are good things about the changes to the taxation system, and that many people on the

government benches and other members of the Labor Party recognise the need to make changes.

I am extremely disappointed that the honourable member for Footscray, who has been in this house for many years, did not try to find a balance in the legislation. He did not say that while there are concerns about the GST and the legislation there are also positives and necessary changes. Of course, if the government has concerns they should be discussed.

The bottom line is that the bill implements the changes to state taxation that will follow the introduction of the GST on 1 July as part of the agreement between the federal and state governments for the reform of commonwealth–state financial agreements. While there are concerns about how the tax will be implemented, the Australian taxation system must be changed — we must give people an incentive to work.

Members of the Victorian Labor government talk about the impost of the GST. No-one has talked about the reductions in company and personal tax, for example. Other changes that will come into effect automatically on 1 July include an increase in benefits paid to aged people and others. I ask the Labor government to take a balanced approach to the legislation and talk about it in a positive manner.

The GST proposed by John Hewson, a former federal Liberal leader, was the best model and should have been introduced. Under that system of taxation all taxes throughout Australia would have been removed and a 15 per cent goods and services tax introduced. In many respects the GST being introduced on 1 July is a mishmash. The current tax on some items will not be removed while petrol, tobacco and alcohol will be highly taxed. Under the Hewson proposal the tax on these products would have been removed and a uniform GST would have been introduced.

Mr Holding interjected.

Mr JASPER — It is disappointing. I hear the interjections from government members, but I suggest to them that when they were in opposition they should have talked more to their federal colleagues and been more involved in the discussions on the GST. They dealt themselves out of the discussions and left the Australian Democrats to negotiate and get the GST legislation through. The federal Labor Party let down its supporters because it did not bother to negotiate with the federal coalition government to get what it believed to be a better deal on the GST.

The actions taken by the Australian Democrats in their negotiations with the federal government were

disappointing. The GST will be difficult to implement because of the changes made and the exclusions of some items, including food.

I have been disappointed by the continuing criticism of the tax by various Victorian Labor ministers. The state Labor premiers were involved in discussions about the implementation of the GST and all states signed the agreement for its implementation. The Attorney-General and the honourable member for Footscray have said that the implementation of the tax will cost Victoria \$100 million, but estimates show that the states and territories will gain approximately \$500 million with the elimination of the wholesale sales tax.

The Minister for Education, supported by the honourable member for Footscray, detailed where the GST will be applicable to some school items. She did not comment about the reduction in taxation for companies and individuals and the increase in pensions applicable after 1 July.

We must have a balanced view on the introduction of the GST. Along with government members I have concerns about its introduction, as do people in my electorate of Murray Valley. The concerns of small business operators obviously come to my attention. My family was involved in the motor vehicle industry in north-eastern Victoria, and I grew up with an understanding of how business operates. I understand the effect the GST will have on those businesses. But the tax does have positives.

Mr Holding interjected.

Mr JASPER — I will listen to your contribution in a few minutes. If you want to interject, make sure that I can hear and I will respond. I am happy to respond to any comments but the yabber coming from government members is incoherent and does not help at all. If the honourable member for Springvale is prepared to make himself heard, I am prepared to respond to his interjection.

The government must understand the need to find a balance in the introduction of the GST. I agree that there are and will be difficulties in its implementation.

I refer to some particular areas of the legislation. The Subordinate Legislation Committee, on which I served for many years, is a parliamentary committee which reviews regulations made under acts of Parliament. Subclause 7(4) in part 4 provides:

... the Subordinate Legislation Act 1994 does not apply to regulations made under this section.

Subclause (5) provides:

A fee or charge may be increased only once under this section.

So it is clear that although the Subordinate Legislation Act does not apply to regulations that are made to introduce government fees and charges, this is a once-only situation. However, I am concerned that Parliament's usual review of regulations should continue and that any regulation that is made to introduce fees and charges should be subject to the Subordinate Legislation Act and the review of the committee. As I said, I acknowledge that subclause (5) makes it clear that this is being done on a once-only basis, but I highlight that concern.

The other area I will deal with relates to the changes that are being implemented and the support provided in the legislation for the continuation of the 15 per cent rebate on cellar-door and mail-order sales of wine. That area has been of major concern to me as the representative of the electorate of Murray Valley, which has a huge wine industry. Under the old system vigneronns enjoyed a state rebate on their licence fees, then there was a federal government rebate, and under this legislation that system will be continued by the state government.

The history of taxes imposed and licence fees levied on the wine industry in Victoria goes back to the 9 per cent licence fee levied on full strength beer and wine. That fee increased to 11 per cent and stayed at that level through the 1990s, but over many of those years the state government rebated the fee to the vigneronns. A definition of 'vigneron' was, and still is, contained in the Liquor Control Act.

I pay due credit to the Labor government in power during the 1980s for not increasing the impost on wine when there was enormous pressure, particularly from the beer industry, to impose a licence fee for cellar-door sales. The former Deputy Premier of Victoria, Robert Fordham, after receiving representations from people in the wine industry, supported the industry and maintained the vigneronns' exemption from the payment of that licence fee. That practice was continued by the coalition government through the 1990s, thus providing for expansion in Victoria's wine industry.

Unfortunately for the states they suffered the complication of the 1997 High Court decision that declared invalid the franchising and licensing fees state governments imposed on petrol, tobacco and liquor. The federal government was cooperative, however, and agreed to collect the fees on behalf of the states. Nevertheless, it complicated the situation for the wine

industry, which was then receiving a 15 per cent rebate on the wholesale price.

Added to those changes the industry expanded enormously around the state and the wine tourism industry was developed — led largely by the vigneronns of Rutherglen and north-eastern Victoria. Wine tourism is now popular in many parts of Victoria.

The federal government, to its discredit in my view, at the behest of the beer industry has steadily increased taxation on wine. The intention has been to increase the price of wine sold in Australia. The debate on that topic really hotted up in the lead-up to decisions about the implementation of the goods and services tax. There is a general belief that wine prices will be higher as a result of the GST. That has become a subject of great debate.

Vigneronns have tried to retain the rebate on cellar-door sales, and extensive representations have been made to the federal government by a wide range of people. A letter on the subject of wine industry taxes from Chris Pfeiffer, the chairman of the Victorian Wine Industry Association, states:

The government's 29 per cent wine equalisation tax (WET)/10 per cent goods and services tax will increase the total wine tax rate to a 46 per cent equivalent rate of wholesale sales tax (WST); compared to the current 41 per cent. However, the federal government will increase its tax take out of the wine industry by a staggering 75 per cent, because you —

this is a letter to the federal Treasurer, Mr Peter Costello —

have used the combined federal/state sales tax surcharge level of 41 per cent WST as your starting point for comparison, rather than the true level of 26 per cent WST federal wine tax.

I do not need to read any further. That paragraph highlights the increases.

A letter from Cr Don Chambers, the mayor of Indigo shire, addressed to both the former Victorian Minister for Agriculture and Resources and the federal Treasurer states:

In calculating the WET/GST tax mix, the federal government has assumed the starting point of comparative wholesale sales tax as the full 41 per cent — thereby combining the federal and state WST surcharge components as a continuing federal government only tax from 1 July 2000. However, the introduction of the 29 per cent WET exacerbates this position by effectively setting the new tax regime at 46 per cent WST equivalence — a 12 per cent rise in the real rate of tax on wine.

I will shortly also refer honourable members to two paragraphs from a letter from the Assistant Treasurer,

the Honourable Rod Kemp, to me late last year following my representations on the critical issue of how the wine industry in Victoria and around Australia can be protected.

Another complication arose in the negotiations with the federal government, which the federal Labor Party dealt itself out of — it abrogated its responsibilities and left it to the Democrats. The Democrats negotiated for an exemption of up to \$300 000 for vigneron, and of course that campaign was supported, but the critical step was to get the 15 per cent rebate for cellar-door and mail-order sales.

The Assistant Treasurer states in his letter:

As part of a new tax system, the current wholesale sales tax regime for wine will be replaced by the GST and the wine equalisation tax (WET). Under existing arrangements, the states rebate 15 per cent of the wholesale value of wine and beverages consisting primarily of wine bought by unlicensed people at the cellar door and by mail order. It is expected that the states will continue to provide this tax relief following the introduction of the WET.

To ensure that small winemakers are not adversely affected by the introduction of the WET, the commonwealth has committed to augmenting the states' schemes for cellar-door and mail-order sales. In effect, the commonwealth will provide an additional 14 per cent rebate on cellar-door and mail-order sales up to \$300 000 per annum. This rebate then tapers to zero for sales between \$300 000 and \$580 000 per annum. Sales in excess of \$580 000 attract the 15 per cent state subsidy alone. The combination of the existing state subsidy and the proposed commonwealth assistance will mean that cellar-door and mail-order sales up to \$300 000 per annum are effectively WET free.

I acknowledge the federal government's contribution but support provisions in the bill for a continuation of the 15 per cent rebate for cellar-door and mail-order sales by vigneron. It is critical for the wine industry in Victoria to support the vigneron and wine tourism to the greatest extent possible.

The federal government chose to introduce a goods and services tax system similar to that operating in New Zealand in the belief that bureaucrats would be involved in developing a simpler system. As we now see, the system has become more complicated rather than simpler. Nevertheless, people in business and industry have concerns about the present tax system, and it clearly needs changing. I am sure there will be teething problems during the implementation phase of the goods and services tax, but the final result will be good for Victoria and for Australia as well as for the people of Australia. We will be able to get on with positive economic developments that will help all Australians.

Mr NARDELLA (Melton) — The Deputy Leader of the Opposition says she does not oppose the bill. That statement amazes me. We are talking about the tax system devised by the Liberal and National parties. Members of those parties fully believe in the goods and services tax (GST) and have been beating us over the head with it. Yet in debate on the bill before the house they have simply said they are not going to oppose it.

Why don't they put their money where their mouth is and actually support it? The legislation is part of their philosophy of broadening the tax system and affecting all the little people out there. But no, they have gone jellyback; they will merely not oppose it.

What a stupid position for the Liberals and Nationals to take. It is simply part of the inconsistency they show time and again on such legislation. Why would the Deputy Leader of the Opposition — the aspiring leader — not come out and support Peter Costello, the saviour of the Liberal Party in Victoria, in trying to come between the warring factions to protect the position of the Leader of the Opposition? Such inconsistency is obviously part of the Liberal Party's position.

In the short time I have left I wish to make a number of points. The Deputy Leader of the Opposition referred to the Labor government's having signed up to the agreement. Of course it has. However, unfortunately she has not read and has no understanding of the bill. If she had read it she would know that in paragraph 3 at page 32, the schedule says, in part:

... the agreement of New South Wales, Queensland and Tasmania to the reform of Commonwealth-State financial relations does not imply their in-principle endorsement of the GST;

The agreement does not imply their in-principle endorsement of the goods and services tax! Despite that, the Deputy Leader of the Opposition — the aspiring leader, although unfortunately she could not go to the Naval and Military Club because she had a shadow cabinet meeting to attend — said the state Labor governments agreed with it. They do not endorse the GST in principle.

My constituents do not believe in and hate the GST. The government also hates the GST, but it has had to introduce the consequential legislation. The government is negative about the GST because the GST is negative. If one talks to small business operators — a number of small business operators sit on this side of the house — one will find their only support for the implementation of the GST is \$200. How much does an accountant charge a business to fill out the forms for it to receive an Australian business

number? Accountants charge between \$250 and \$300 just to fill out the forms. What a disgrace.

The honourable member for Wantirna said that small business loves the GST because it will reduce costs. Of course it will reduce costs, because every quarter businesses will have to submit an activity report. They will have to work out whether or not they will pay GST and get it reimbursed on every transaction, and put away the tax they collect on every transaction. They will become the taxation office for the taxation office. Despite that, the honourable member for Wantirna says small business loves the GST, yet that is not the case with the small businesses I have talked to in my electorate.

Mr Stensholt interjected.

Mr NARDELLA — Nor is it in the electorate of the honourable member for Burwood. The GST will be a job killer. It will be to accountants and bookkeepers what the Y2K was to computer industry workers, a windfall, because it will be so complex and demanding on the resources and revenues of small businesses. It will destroy jobs and place people in much worse positions.

Anyone who analyses how the tax will impact on new house prices will see how subcontractors in the building industry will be affected. The median house price in Victoria is \$245 000. Although there will be some discounts, with a 10 per cent GST increase new home buyers will have to find on average around \$20 000 to \$24 000 on top of the original price, on top of which will be fees and all the other things that will attract the GST. Yet the opposition says the new tax system will be terrific for the economy.

I say to both the National and Liberal parties that they will rue the day the new GST tax system, which the government opposes, is brought in. Labor did not sell out like the Democrats. It did not want to put a tax on books, which the Democrats sold during the election campaign. Labor had and maintains an in-principle position. For those reasons, the government supports the bill.

Mr STENSHOLT (Burwood) — I join the debate on the National Taxation Reform (Consequential Provisions) Bill without any great enthusiasm because it is one of the bills that deal with the goods and services tax (GST). As all honourable members know, the GST day is coming — 1 July 2000. Listening to the honourable member for Brighton one might think it was Independence Day.

Many people are already paying GST on a range of services, including subscriptions, insurance, and even

when attending the football. Already people have come to my office to ask me questions about the GST because they have not received answers from their local federal member — Peter Costello, the federal Treasurer. He should be called the Teddy Bear Treasurer, as opposed to the Chocolate Frog Leader of the Opposition in Victoria, because he cannot cope and goes around holding teddy bears, or is it bears, with pyjamas bearing labels revealing their GST prices. The Teddy Bear Treasurer is trying to patch holes not only in the GST but also in the Liberal Party. Pretty shortly the 10 per cent GST could increase to 11 per cent, because that seems to be the standard of the Chocolate Frog Leader of the Opposition.

The federal Treasurer, who introduced the GST, is now trying to lead the Victorian Liberals. There has been utter confusion over the GST and what it does and does not apply to. Everyone is uncertain about what it will apply to. Will it apply to hot or cold chickens, hot or cold pies at the football, tampons, coffins, schools, school excursions, and to all the other goods and services listed by the honourable member for Dandenong North? Will the tags be on or off? There is utter confusion.

Even the honourable member for Murray Valley said, quite eloquently, that the GST is an utter mess. I am in total agreement that the tax reform is an utter mess — and particularly having to start paying for it already. The other night I went to the football. Having been forced out of Waverley Park through the inaction of the previous government, St Kilda supporters like me have to do as many people in the south-east now have to do and go to Colonial Stadium — or perhaps it should be Which Stadium? Those supporters already have to pay extra to get a reasonable seat there, and from July they will have to pay extra again because of the application of the GST to memberships, seats and pies, depending on whether they are hot or cold.

Although Premier Bracks and the Labor government do not support a GST — and neither did other Labor premiers, as can be seen in the schedule to the bill — the government is obliged to honour the former government's commitments under the intergovernmental agreement between the federal and state governments. I recall that the previous government could not sign off quickly enough, despite the fact that it was to leave a \$100 million black hole, which this government must now make up. That is where the honourable member for Wantirna got it completely wrong. He asked questions along the lines of, 'Why can't there be a lower GST on government services? They should be around 4 per cent'. He missed the point completely because of his lack of understanding. The reason that cannot occur is that the

embedded taxes were given away by the previous government.

There seems to be a lack of commitment on the other side because no opposition members are speaking on the bill. I reluctantly support the bill as a member of the government that has had to introduce it.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 15 March; motion of Ms ALLAN (Bendigo East) for adoption of address-in-reply.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — In speaking in the debate on the address-in-reply, I first extend my congratulations to Sir James Gobbo on the terrific speech he made on that wonderful day on which the Bracks government came into the chamber for the first time to lead the move for true reform of the house.

I acknowledge the people in my electorate who voted for me. I gained a major increase in my vote in the electorate of Altona, and while it would be nice to think that was in large part due to my efforts in the area, I really think it was an indication of support for the Bracks government and a clear message that people wanted change. I thank the voters of Altona for supporting me.

I also put on the record my thanks to all those members of the Labor Party who supported me, to my family who did the hard yards by wandering the streets putting information in letterboxes so that the voters could make an informed choice, as do the families of all honourable members. I also acknowledge my opponent, who conducted a very clean campaign. We actually enjoyed ourselves.

The people of Altona raised a number of issues with me that I want to put on the record. Obviously the Bracks government will take note of these issues and make changes. Planning was, and remains, a big issue in the electorate of Altona, which includes not only Altona but also part of Hoppers Crossing, a growing area, and Laverton. The electorate takes in a large number of new housing estates where planning has provided small allotments. There is now a move by developers to put

large numbers of units on small allotments. Those allotments are not large enough to cater for multi-unit development and the surrounding streets were not designed to take the additional traffic such development would generate.

A number of campaigns have been conducted on this issue in the Altona electorate. The government is moving to ensure that the amenity of particular areas of my electorate is protected by the state's planning provisions. The government understands it needs to cater for a range of different housing needs and not just adopt the one-size-fits-all model.

During my first term in Parliament the Altona hospital was closed. The decision was met with great sadness in the community. People got together and decided it was important that if the hospital were to close they should ensure it became a facility which was owned by the community and which would respond to community needs. The facility is now up and running and a number of community organisations are located in the former Altona hospital. That is a terrific example of how the community can deal with a bad and upsetting decision by creating something of which the community can be proud.

Another issue about which the community fought hard was the closure of the banks. I was closely involved in providing support to the community, not only so that their voices could be heard but also so that action could be taken. In Laverton both the Commonwealth Bank and National Bank branches closed within the space of weeks, leaving no bank branch to serve the community. A banking facility was provided through the newsagency, and there was an ATM, but people had no access to a bank branch on a regular basis.

The community was saddened by the decision but decided not to be beaten by the big banks, and a fund was established to raise the money needed to establish a local community bank. It was a big project and many people said they would not win. They are fairly close to making a terrific announcement. That shows how a strong community can take bad decisions and turn them around so that it controls what is happening and is not completely controlled by decisions made by outside groups, such as banks, or in the case of the hospital, the previous government, which directly affect it.

The three campaigns I have referred to were run over a three to four-year period. When I was first elected in 1996 the Labor Party was concerned about whether it would be able to address those issues, but it responded well on them.

Having acknowledged the issues I have been involved in over the past four years, as the local member I am

looking forward to playing a slightly different role in the next four years. Because I am now a member of the government my role will need to change, but I am keen to ensure that many initiatives of the Bracks government are put in place in my own electorate.

I acknowledge the support I have had from the Altona community. I give a commitment to continue to work for that community, to build on its strength and take it forward with the Bracks government.

Mr McARTHUR (Monbulk) — Like the Minister for Post Compulsory Education, Training and Employment, it is a pleasure and a privilege for me to join the debate on the address-in-reply to the Governor's speech.

I bring to the Governor a message of loyalty and support from the electors and residents of the Monbulk electorate. I also compliment Sir James and Lady Gobbo on the excellent work they have both done as the leading couple in the Victorian community in recent years. Sir James is recognised for his dedication to his task and his extraordinary achievements in the community during his former career, and is much respected and loved by people from all walks of life. That respect extends to Lady Gobbo.

As members on both sides of the house have said in recent weeks, last September the community decided to make some changes. The voting public supported the then Leader of the Opposition, the Honourable Steve Bracks, in his call for open, honest and accountable government. They delivered to the then Leader of the Opposition and the Labor Party a substantial gain in the number of seats they had on the basis of the promises the then Leader of the Opposition made regularly and loudly to the Victorian community.

The community supported the calls by the honourable member for Broadmeadows, now the Minister for Finance, when he campaigned throughout regional and rural Victoria. He promised people from Ouyen to Omeo and Mildura to Moe a new deal. He promised large amounts of government funding without charges or fees being increased. He promised open access to government decision making, open and transparent decision making, an end to secrecy and the removal of the so-called bias towards people living in metropolitan Melbourne. The now Minister for Finance won strong endorsement and support in his campaign.

I will spend a little time discussing those issues in my response to the speech of His Excellency the Governor. As the honourable member for Pakenham said in his contribution to the address-in-reply debate, honourable member should be prepared to acknowledge that governments of all persuasions generally come to

government with goodwill and the desire to improve the lot of the community. I do not doubt that the Premier has that desire, just as I believe the Premier should not doubt that former Premier Kennett, during the seven years he served as Premier of this state, wanted to improve the lot of all Victorians. In the future when people look dispassionately and rationally at the record of the Kennett government they will acknowledge that during that period remarkable achievements were made. Honourable members on this side of the chamber have listed those achievements both in this place and outside and I believe the community is well aware of those achievements, so I will not enumerate them now.

In requesting appreciation of the achievements of the former Kennett government I am willing to acknowledge that the Bracks Labor government will seek to achieve its promise to improve the lot of all Victorians. I will examine the manner in which the government has gone about delivering on its election promises and goals that were so loudly proclaimed in opposition and now in government by the Premier, the Minister for Finance, the Attorney-General and other members of the Labor frontbench.

Given the unexpected result of the election — the Labor Party was as surprised as the community, the media and the Liberal Party — it is reasonable to expect that the Labor government will not have all its plans in place. Labor said it had plans and an extensive legislative program to put in place, but I am prepared to acknowledge that it needed some leeway to finetune its program before introducing legislation. During the almost six months since the Bracks Labor government was elected to government we have seen little of its reform program. The community was promised extensive reform of the Victorian constitution. Indeed, the government rushed into the house late in the last session, on the eve of Christmas, the Constitution (Reform) Bill.

Since then some adverse comments have been made about the contents of the bill and the government has now discovered that the three Independents, who insisted in their charter on reform of the constitution, particularly the restructure of the upper house, are unhappy with the model bill that the government has introduced. It now appears the government has gone cold on constitutional reform. There have been no discussions on the bill despite the fact that it could have been debated early this session. In fact, it was listed for debate on 29 February, the first day of the autumn session. The government has not brought on that debate. It has given no indication of its intentions. The opposition believes the bill should be withdrawn and redrafted so that a more acceptable bill can be presented

to the people of Victoria and Parliament. The opposition believes the upper house should have the opportunity of scrutinising the budget and that its capacity to examine and review legislation coming from the Legislative Assembly before being referred to the Governor in Council should not be reduced. If the government does that the opposition will be happy to examine a new bill and consider the options put forward.

It is clear that a constitutional reform bill should not reduce the number of members in the upper house representing people in regional and rural Victoria. A reform bill should not be like the New South Wales model where there is not one member of the upper house who has an office outside the city. The balance of power in the New South Wales upper house is controlled by crazy fringe groups, which results in ridiculous negotiations and greenmail in order to get legislation passed.

If the government can propose some amendments to the constitution which meet a number of those tests and ensures that the upper house retains its role as a house of review and maintains proper representation for regional and country Victorians, the opposition will give careful consideration to it. The government made the promise and has had one failed attempt at reform of the constitution, so the ball is clearly in its court.

The Premier has promised clear, open and accountable government. He said the government would adhere to strict financial management controls. He promised that the state would not go back to deficit budgeting. He promised that he would deliver significant job growth. During the election campaign he promised to reduce unemployment to 5 per cent seat within the first term of his government. He has backed away from the promise. The mid-year budget forecast, estimates and current economic settings clearly indicate that the 5 per cent target will not be met.

The Premier has walked away from the target. In the house yesterday the Premier admitted he will walk away from the promise to reduce payroll tax. He has pushed that out to 2007. The Premier promised leadership; yet at the first test of leadership during the industrial relations crisis immediately after Christmas he showed no leadership. He was overseas at the time and Acting Premier Thwaites was in charge. The Minister for Health tarnished his squeaky clean image. He should confine himself to surfing at Torquay or Bells Beach.

Debate interrupted pursuant to sessional orders.

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

QUESTIONS WITHOUT NOTICE

Business: commercial confidentiality

Dr NAPHTHINE (Leader of the Opposition) — I refer the Premier to Labor's promise that it would end the commercial confidentiality blanket that hides government contracts from the public and to the government's refusal to disclose details of business incentives offered to the likes of eSign and the National Australia Bank home mortgage loan centre. Can the Premier explain to the house and the people of Victoria the blatant act of government hypocrisy with respect to commercial confidentiality?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question — the first this week on a substantial policy matter. I thank him for getting back on track as an opposition leader should, scrutinising the government and proposing policy initiatives. I am pleased to advise the Leader of the Opposition that — as I understand it from the parliamentary committee involved — in this place there will soon be an examination of the commercial-in-confidence provisions to apply in the future, ensuring that only those matters that are trade secrets will be protected under commercial-in-confidence provisions. It will not be — —

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster is being disorderly.

Mr BRACKS — Soon, a report held secret by the previous Public Accounts and Estimates Committee will be tabled in the house. Extensive work has been undertaken into commercial-in-confidence arrangements under the previous government. The report will contain an approach to dealing with these matters in the future. When the report is tabled it will reveal why the previous government made matters secret. I hope and expect the Leader of the Opposition will support the government in ensuring proper arrangements for commercial-in-confidence matters, so only those things that are true trade secrets will be commercial in confidence. The Leader of the Opposition — —

Dr Naphtine interjected.

Mr BRACKS — Sorry, Mr Speaker, there was some chattering which I couldn't understand.

The SPEAKER — Order! The Premier should not invite interjections and the Leader of the Opposition should cease interjecting.

Mr BRACKS — I look forward to the tabling of the committee's report. It will be a refreshing report on matters held secret by the previous government but revealed by this government. It will pave the way on proper, transparent rules under parliamentary democracy.

Public transport: rolling stock

Mr VINEY (Frankston East) — Can the Premier inform the house of the outcome of negotiations to maximise local content in the manufacture of new trains and trams for Victoria's public transport system?

Mr BRACKS (Premier) — I thank the honourable member for Frankston East for his question. He has stood up for manufacturing in his region, as have most members on this side of the house.

The government is committed to bringing new jobs and new investment to Victoria. The government has successfully negotiated with the National Express group, the operators of Bayside Trains, V/Line Passenger and Swanston Trams an agreement for a significant local contribution in the manufacture, refurbishment and maintenance of trains and trams in Victoria's public transport system. In total — —

Mr Leigh interjected.

The SPEAKER — The honourable member for Mordialloc!

Mr BRACKS — Zero local content under you. That's where we started. Zero!

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member for Mordialloc and the Attorney-General to cease interjecting across the chamber.

Mr BRACKS — In total, the agreement represents \$825 million of new investment — a boost to Australia's rolling stock industry — and thousands of new jobs.

A large proportion of the work will be done by Victorian companies located in and around Dandenong that enjoy a world-class reputation for their capacity to manufacture rolling stock vehicles and components.

The agreement is the result of extensive and exhaustive negotiations conducted by my government since it came to power five months ago. The outcome — —

Mr Cooper interjected.

Mr BRACKS — Mr Speaker, we had an interjection from the previous Minister for Transport — the minister responsible for zero local content. He signed the contract for zero content. You should be embarrassed!

The SPEAKER — Order! The Premier should address his remarks through the Chair.

Mr BRACKS — The outcome of negotiations stands in stark contrast to the zero local content policy of the previous government — an approach that would have resulted in Victoria's losing thousands of dollars in new business and thousands of jobs.

Under contracts with Victoria's public transport utilities and franchisees more than \$1 billion of new rolling stock will be purchased by rail and tram companies over the next four years. The previous Kennett government failed to include any requirement for local content in the final franchise agreements with the private rail and tram operators. In other words, there was no contractual obligation for local content at all. That was an act of gross economic irresponsibility to the state of Victoria.

My government had to overturn the opposition's no-jobs contract policy and obtain an agreement to create jobs. When it came to office the government made it clear to the new operators and their suppliers that it expected them to maximise the level of Australian content in their contracts with the new privatised companies.

The outcome of the extensive negotiations, as I mentioned, is a package for \$825 million of new business to Victorian and Australian companies. As part of the rolling stock upgrade, National Express will place orders for the manufacture and maintenance of more than 150 new trams and trains over the next four years. As a result of the negotiations with National Express it has pledged that at least 42 per cent of the manufacture and maintenance of new trains and trams will involve Australian companies, mainly in Victoria. National Express believes it can do better than 42 per cent and go to 51 per cent, which is encouraging.

A particularly pleasing outcome of the negotiations is the fact that a Dandenong-based company, Adtranz, will manufacture 29 new two-car diesel trains for V/Line at its workshop at Dandenong, as well as maintaining the Swanston Trams fleet.

The government has also negotiated with National Express's preferred contractor, Siemens, for Australian companies to be given an opportunity to supply components for new trams and trains. That also means

those manufacturers will have accreditation under Siemens, which will enable an interchange between Siemens and Australian companies in the future.

All that demonstrates that the government, unlike the previous government, has done everything it can to secure local jobs and local manufacturing in Victoria. Unlike the Kennett government, the current government has a commitment to do everything it can to deliver jobs in Victoria. The government inherited contracts that had zero local content. It has got local content up to 42 per cent, and will get it up to 51 per cent — and it has created \$825 million worth of new investment! That stands in stark contrast to the no-jobs policy of the opposition.

Employment: government commitment

Ms ASHER (Brighton) — I refer the Premier, who is also the Treasurer, to his election commitment of last September to a 5 per cent unemployment rate, a promise he has now abandoned. What are his government's revised unemployment targets for the next 12 months and for the current term of government?

Mr BRACKS (Premier) — As has been indicated in the house previously and as per its policy, it is an objective of the government to achieve 5 per cent unemployment. In line with that policy objective the government will be holding a Growing Victoria Together summit in the house on 30 and 31 March, to which the Leader of the Opposition, the Leader of the National Party and all ministers will be invited. At that summit, which will be attended by representatives of industry, unions and the Victorian community, those sorts of questions will be debated and discussed. I welcome the — —

Ms Asher interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition has asked the question.

Mr BRACKS — It will be an historic occasion, and given the former government's record on contracts and investments it is no wonder opposition members are sneering and doing what they are doing. I can reaffirm that target, as did the previous minister.

I turn to the shadow Treasurer's claim today on radio, which was widely reported on the news, that somehow a surplus of \$2.7 billion was left by the previous government. She was \$1 billion out. She cannot add up! She asked a reasonable question yesterday, but she mucked up today.

The SPEAKER — Order! The Premier is debating the question. I ask him to come back to answering it.

Mr BRACKS — I commend the shadow Treasurer for the question she asked yesterday. I regret that she got her sums wrong today, but I welcome the fact that there has at least been some examination of the government's policy.

Manufacturing: rolling stock

Mr HOLDING (Springvale) — Will the Minister for Transport inform the house of the benefit to Victoria's manufacturing industry of the rolling stock agreements with National Express, and of the benefit to companies in the Dandenong electorate in particular?

Mr BATCHELOR (Minister for Transport) — Just a few months ago local rolling stock supplies were left out in the cold by the Kennett government. That government failed to secure any guarantees for local suppliers to share in rolling stock orders placed by the new private train and tram companies.

Mr Leigh interjected.

Mr BATCHELOR — They were stabbed in the back, and you helped do it — you and the former Minister for Transport!

The SPEAKER — Order! The Minister for Transport will address his remarks through the Chair.

Mr BATCHELOR — Today's announcement by the Premier means that some \$825 million of business will go to Australian rolling stock suppliers and maintenance companies. National Express, in particular, will do a lot of things with new rolling stock. It will have 29 new two-car diesel trains manufactured for V/Line Passenger by Adtranz in Dandenong, which will secure jobs for thousands of Victorians. It will also have 59 new trams manufactured for Swanston Trams and 62 new three-car electric trains for Bayside Trams. That contract has been won by Siemens. Although those vehicles will be built overseas, Siemens has committed to working closely with the government to maximise the opportunities for local suppliers — and that means jobs for people living and working in Victoria. All 150 new vehicles ordered by National Express will be maintained in Victoria. In total, new rolling stock orders will mean an order book opportunity for local suppliers worth \$435 million.

In addition, National Express has announced its intention that three Victorian firms — Adtranz, Clyde Engineering and Goninan — will be given orders worth \$290 million for the maintenance and refurbishment of

National Express's existing tram and train fleets in workshops around the state at Newport, Somerton and Bendigo.

It is an excellent result in addition to the \$980 million infrastructure maintenance contract recently awarded to Thiess Infracore. The Australian railway supply industry stands to benefit from \$1.8 billion of business through National Express. The Victorian government has committed itself to maximising jobs with local content, in stark contrast to the zero policy of the previous government.

Preschools: funding

Mrs ELLIOTT (Mooroolbark) — Given that this year is the first time per capita preschool funding has not been increased, will the Minister for Community Services confirm that Labor's election commitment to increase per capita preschool funding is dependent upon additional poker machine gambling?

Ms CAMPBELL (Minister for Community Services) — The Bracks government is committed to increasing the preschool participation rate and to ensuring that per capita funding of \$4 million to health care card holders, which was an election commitment, is implemented.

It is heartening to know that the work done in delivering the \$4 million to health care card holders is reaping excellent results and increasing the participation rates in preschools because the rate dropped under the previous government; service targets and participation rates were set within the department, only to be dropped once the previous minister found that participation rates were dropping. In addition, the previous regime cut \$16 million from kindergartens. The Bracks government is committed to ensuring that every one of its election commitments is honoured.

Gaming: community impact

Mr LIM (Clayton) — This is a question I have been wanting to ask for some time — —

Opposition members interjecting.

The SPEAKER — Order! I ask the opposition members at the table to cease interjecting.

Mr LIM — I refer the Minister for Gaming to the recently released 'Responsible gaming consultation' paper that fulfils a number of promises made by the Australian Labor Party at the last election. Will the minister inform the house why action to reduce the

negative impact of gaming on the community has not been previously implemented?

Mr PANDAZOPOULOS (Minister for Gaming) — I am pleased to be able to provide information to the honourable member for Clayton, who has been a strong long-term advocate for the creation of a responsible gambling industry in areas with a high concentration of gambling — for example, the City of Monash in his electorate where last year the net loss was \$97 million. I note his support for ethnic communities that are affected by gambling.

For some time the Labor Party has been arguing about the creation of a responsible gaming industry. The Labor Party and the community knew that Victoria needed a responsible gaming industry, but the coalition parties did not.

Since becoming minister, to my shock and amazement I discovered that the Victorian Casino and Gaming Authority — the regulatory authority that wants to create a better system — was also committed to a responsible gambling industry. I discovered that on three occasions in the past 18 months the VCGA, through the Department of Treasury and Finance, had asked the previous government to institute a responsible gaming policy.

Opposition members interjecting.

Mr PANDAZOPOULOS — On three occasions! For the first time, in a radical move, the government recently published figures on net loss by local government in gaming machine turnover.

As I look around the chamber I see the honourable members whose electorates were affected. In Geelong, within the electorate of the honourable member for Bellarine, the net gaming loss last year was \$85 million. When I visited the Greater City of Shepparton I was told that the council had been gobsmacked by a \$21.5 million turnover net loss in the area. Residents of the City of Glen Eira, in the electorate of the honourable member for Bentleigh, have suffered a \$70.5 million loss, and in the City of Kingston, in the electorate of the honourable member for Mordialloc, gamblers lost \$70.1 million. Where are the honourable members who represent Ballarat electorates?

A Government Member — They're on this side!

Mr PANDAZOPOULOS — Yes, they are now on this side of the chamber! Ratepayers of the City of Ballarat suffered a \$39.4 million turnover last year — —

Opposition members interjecting.

Mr PANDAZOPOULOS — That is why you lost those seats — you were not listening! Everyone else was listening: Labor, the community, and the gaming authority!

I will provide some important additional information. On 20 August 1998, in a VCGA minute headed ‘Development of legislative bid on responsible gambling’, the then Minister for Gaming was advised that the government should consider legislation to provide powers that would regulate responsible gambling. The minute states:

The strategy is aimed at the immediate environment in which gambling takes place and the advertising used to encourage people to visit gambling venues.

That is a responsible approach. The authority proposed the need to address the harmful impacts for players and their families. To my amazement I note that at the foot of that minute a handwritten note from the previous minister, the Honourable Roger Hallam in the other place, states:

Please note that the issue of what constitutes ‘responsible’ remains an issue of ‘policy’ and this is clearly within the responsibility of government.

In other words, he thumbed his nose at the regulating authority, the VCGA, which said a responsible gaming industry should be created. In effect, he told the authority to butt out of policy because that was the role of government. In effect the VCGA, which had been criticised time and again for not taking action, tried to have the government take the lead.

Only one month later, on 24 September 1998, the acting head of the gambling policy unit in the Department of Treasury and Finance prepared a brief for the minister requesting that he consider —

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

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. Any member of the house is entitled to take a point of order.

Mr Holding — The minister has clearly been quoting from various documents. Is he willing to make those documents available to the house?

Honourable members interjecting.

The SPEAKER — Order! Will the government benches cease interjecting!

Mr Leigh — On a point of order, Mr Speaker, I know the minister well and I am sure that all he is doing is using copious notes. One wonders why he needs them.

The SPEAKER — Order! Was the minister quoting from a document?

Mr PANDAZOPOULOS — Yes.

The SPEAKER — Order! Are you prepared to make it available to the house?

Mr PANDAZOPOULOS — Yes.

Mr Ryan — On the point of order, Mr Speaker, I was reluctant to break the flow of the minister’s answer by raising a point of order on the rule of anticipation. On the notice paper there appears the Gambling Legislation (Responsible Gambling) Bill. I ask your clarification about whether its presence on the notice paper precludes debate on its subject taking place?

Mr Batchelor — On the point of order, Mr Speaker, the responsible gambling bill is on the notice paper but is not on the daily program. However, the minister is neither referring to that bill nor anticipating debate. I ask that you rule the last point of order out of order.

Mr McArthur — On the point of order, Mr Speaker, there is a longstanding custom and tradition in this place about the rule of anticipation. All that the Chair needs to consider in determining the matter is how far ahead debate on the bill is scheduled. If one examines the notice paper one can see it is scheduled to be considered when the house next sits. That clearly falls within the rulings of previous Speakers about anticipation. It is clear that in his response the minister is concentrating on responsible gaming. That is the purpose of the bill listed on the notice paper. I put it to you, Mr Speaker, that, firstly, he is debating matters that will be contained in the bill, and secondly, he is in breach of the rule of anticipation.

The SPEAKER — Order! I have heard sufficient on the point of order. It is true that a minister or any other member should not anticipate debating what is listed on the notice paper. However, that is limited to what is contained in the legislation. The minister can canvass the wider issue. I ask him to ensure that he does not transgress the rule of anticipation.

Mr PANDAZOPOULOS — I understand that when the opposition was in government it liked to gag

debate in this place and did not engage in discussions with the community to explain why we do not have a responsible gaming industry.

I was referring to the brief prepared on 24 September 1998 by the then acting head of the Gambling Policy Unit of the Department of Treasury and Finance. Not only did the Victorian Casino and Gaming Authority want legislation but it also sought permission from the minister to prepare a responsible gambling policy paper.

Another document states:

There is an absence of an overall policy that embraces the broader issues of concern to the community generally and upon which individual departments and agencies can formulate relevant strategies regarding gambling policy.

...

This policy paper has been developed in accordance with the commitment by the government to embrace the 'test of social advantage' concept announced by the Governor in his speech to open the autumn 1998 session of Parliament.

We remember the test of social advantage. The Department of Treasury and Finance was saying that there is government policy and it wants to test anything to do with the impact on the community. They sought permission to prepare a policy paper on responsible gambling. What happened? There was no reply from the then Minister for Gaming. The former government was saying, in effect, that the policy provided an opportunity to adopt a committed approach which may result in Victoria setting the benchmark for world best practice.

The SPEAKER — Order! Allowing for the interruptions on points of order, the minister has now been speaking for 7 minutes. I ask him to conclude his answer.

Mr PANDAZOPOULOS — Over 18 months the former government had three opportunities to create a responsible gaming industry. The same document states:

The majority of recent policy decisions regarding the gambling industry have focused on the development of the EGM and casino products and the minimisation of criticism of the government.

That was the mode of operation of the former government. It had not just one opportunity but three.

The SPEAKER — Order! I have asked the minister to conclude his answer. If he does not do so in the next sentence I will sit him down.

Food: genetic modification

Mr STEGGALL (Swan Hill) — Given the government's direct involvement in field trials for genetically modified foods, can the Minister for Agriculture explain to the house and the people of Victoria the government's policy on research and production of genetically modified food crops?

Mr HAMILTON (Minister for Agriculture) — I thank the honourable member for his question on what is an important issue. I trust that he does not want the complete answer during question time because I may be pulled up by the Chair. I do not want to underestimate the importance of the question or of the government's policy on genetically modified organisms (GMOs) compared with the policies of the previous government.

The government has ruled a line in the sand about research on GMOs and will be releasing its policy in due course. That will be done in a proper manner — not without completely understanding the importance of the issue not only to government or the opposition.

Dr Napthine interjected.

Mr HAMILTON — The Leader of the Opposition shows his complete lack of understanding of the importance of this particular issue. The government will be releasing its policy in due course after due consideration and proper consultation with all involved.

Apprenticeships: funding

Mr HOWARD (Ballarat East) — I refer the Minister for Post Compulsory Education, Training and Employment to the unprecedented demand for traineeship and apprenticeship positions in Victoria. What is the latest action the government has taken to meet the need of young Victorians for training and employment opportunities?

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I thank the honourable member for Ballarat East for his question and for his interest in a properly funded training system. The previous government left a negative legacy in training with inadequate funding, declining quality, financial insolvency and black holes. The situation left by the former government is a disgrace.

Dr Napthine interjected.

Ms KOSKY — There were not record apprenticeship numbers. Apprenticeships were going

down; traineeships were going up. You are wrong again.

The most recent figures from the Commonwealth Grants Commission show that Victoria spends on training 66.5 per cent of the amount set by the commission. Victoria spends \$100 per person when the Commonwealth Grants Commission recommends \$155.

The Bracks government has implemented strategies to get the system right and ensure a sustainable quality system. It is interesting to note that between the time the Bracks government was elected and the time I placed a freeze on growth in private providers — —

Mr Baillieu interjected.

Ms KOSKY — The honourable member for Hawthorn would do well to listen because he has raised concerns about the freeze. The member on the move took a long time to establish his office because he was not sure where it would be.

In the period between the election of the Bracks government and my placing the freeze on growth in private providers, 5000 additional trainees were left unfunded. Some \$12 million for trainees was not funded. Where was the money going to come from? It was going to be ripped out of the TAFE institutes. That was the strategy of the former government — rip the money out of TAFE institutes. That is why the institutes are struggling financially.

The Bracks government will not take that approach; it will not be irresponsible in funding the training system. The Bracks government has committed \$12.5 million a year to fund the 5000 additional places. That sum is on top of the additional money put into TAFE institutes, on top of the review that we have put in place to look at the issue of quality and on top of the fact that the government will ensure Victoria has a focused training system that is not operating on the basis of growth through efficiency — that is, ripping money out of TAFE institutes.

When I take the government's case to discussions with federal government colleagues I will make it very clear in the new Australian National Training Authority agreement that Victoria will not have growth through efficiency: Victoria will have growth through additional dollars. The Bracks government will not run the training system down like the previous government did. The Bracks government has a commitment to quality and sustainable training.

Hospitals: infection control

Mr DOYLE (Malvern) — I refer the Minister for Health to recent infection control issues at the Box Hill, Frankston and Rosebud hospitals and ask what action the minister proposes to take to ensure that infection control protocols are followed in the future.

Mr THWAITES (Minister for Health) — I welcome the question from the honourable member. It is the first question on policy he has asked in the house. Infection control is a critical issue for the Bracks government. The government is committed to increasing resources for cleaning and infection control in Victorian hospitals by \$24 million over the next three years.

On the way to Parliament House today I picked up a document released by the previous Treasurer. It includes the policies the previous government took to the last election on these issues. I thought the issues might be raised today.

The document is very instructive about what the previous government intended to spend on infection control in the next three years. It reveals that the former government intended to spend just \$1 million a year. The former government was not prepared to put adequate resources into infection control.

The shadow minister asked what the government will do. I will be very specific: the government will employ extra infection control nurses who are experts in that area to assist with infection control. Draft cleaning standards for hospitals have been prepared and distributed to the hospitals. This will enable hospitals to maintain cleaning standards at a level consistent with modern standards.

The former government slashed spending on cleaning.

Dr Napthine interjected.

Mr THWAITES — The Leader of the Opposition asks, 'What about these incidents?'. Today the government received a report from the Frankston Hospital about the recent incident. On Friday evening it became apparent that there had been a breakdown in infection control at Frankston Hospital. The cause of the breakdown was that an anaesthetist who was recently appointed to the hospital had reused syringes. The doctor had recently arrived from New Zealand and had been accredited with the appropriate college — the Australian and New Zealand College of Anaesthetists. He had been appointed to the hospital staff following appropriate reference checking.

I have asked personnel at the Frankston Hospital and all Victorian hospitals to ensure that in future appropriate orientation is provided to new doctors about Victorian standards of infection control. The former government did not implement that initiative in seven years. It is incredible that the shadow minister, having done nothing about the issue during his four years as parliamentary secretary and after supporting a policy that put only \$1 million a year into infection control, can come into the house today and seek to make political capital out of what appears to be a mistake by one individual.

I believe in future the Bracks government will oversee a system where hospital staff receive support instead of being attacked by the shadow minister. All he has done as shadow minister is go out and criticise the staff. He has accused them of complacency, and he has attacked the unions. The shadow minister has not come up with one policy idea because he says it is not his role to have any policies. He has jumped in in an opportunistic way and criticised the staff who are doing their best to look after patients.

I believe the vast majority of the medical profession do a magnificent job and are well aware of infection-control procedures. The fact that a mistake is made in an isolated case such as this should not be seized upon in this opportunistic way by the shadow minister.

Honourable members interjecting.

The SPEAKER — Order! The house should come to order to enable the minister to complete his answer.

Mr THWAITES — I inform the shadow minister that following a request from my department the standing committee on infection control will be reviewing the issue of the orientation of overseas doctors.

Mr Wells interjected.

Mr THWAITES — The honourable member for Wantirna talks about a summit. He seems to be suggesting that the standing committee on infection control should be left out. I do not know whether he has any idea of the complexity of infection-control issues. Those issues cannot be addressed without full consultation with the medical profession, which the government is having.

Credit cards: former government

Ms GILLETT (Werribee) — I refer the Minister for Finance to the flagrant abuse of taxpayer-funded credit

cards under the former Kennett government and I ask: what action has the government taken to crack down on inappropriate and illegal use of government credit cards?

Mr BRUMBY (Minister for Finance) — I am delighted to announce today new rules for the use of government-issued credit cards. Those rules replace the widely discredited guidelines issued by the former government in 1994. The rules are necessary because of the massive abuse and misuse of government-issued credit cards that occurred under the former Kennett government.

Ministers and public servants ran amok in their use of government-issued credit cards. Although it may shock newer members of the house I will list some of the uses to which government taxpayer-funded credit cards were put. Ministers and public servants used their credit cards to purchase bed sheets, crates of wine, cushions, shoes, tickets to the opera — —

Mr Wells — All repaid.

Mr BRUMBY — What a clown! You would be a prize clown. All repaid!

The SPEAKER — Order! The Minister for Finance shall refer to honourable members by their proper titles.

Honourable members interjecting.

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

Mr Hamilton interjected.

The SPEAKER — Order! The Minister for Agriculture should respect the authority of the Chair when he is on his feet.

Mr BRUMBY — It is extraordinary that after documented claims of misuse, abuse and plain illegal use of government-issued credit cards that the honourable clown over there — —

The SPEAKER — Order! I have already asked the minister to refer to members by their proper titles. If there is a further transgression he will be severely dealt with.

Honourable members interjecting.

Mr BRUMBY — I withdraw 'honourable'.

Honourable members interjecting.

The SPEAKER — Order! The honourable members for Doncaster and Frankston shall cease interjecting. I have already warned the honourable member for Doncaster for interjecting out of his place.

Mr BRUMBY — The misuse of taxpayers' funds is an important issue. Other uses to which government-issued credit cards were put included Liberal Party fundraisers; the purchase of sunglasses overseas; the payment of TAB accounts; the purchase of tickets to Asian strip shows — —

Honourable members interjecting.

The SPEAKER — Order! Both sides of the house are not behaving in an orderly parliamentary fashion. I ask the house to come to order to enable the minister to conclude his answer.

Mr BRUMBY — Government-issued credit cards were used at health farms, to pay for massages, lavish meals and the purchase of alcohol, and to obtain cash. All of those were in clear breach of the guidelines issued by the former government.

Because it is late on Thursday I will not go in full through the newspaper articles I have, but the headlines include 'Wade admits using credit card to pay hotel expenses', 'Health boss used credit card to buy antiques', 'Premier's staff dine out on cards', 'McNamara staffers dining tab revealed', 'Tehan used card for party dinner', 'Probe bid on Wade', 'Stockdale card query', 'Premier's staff endorsed own spending', 'Kennett staffer to face card inquiry', 'Fraud check on Kennett staff', 'Probe on credit card use' and 'Feeding time at the zoo'.

In the article about a bill for \$66 000 in the *Age* of 8 November 1998 the then shadow Attorney-General is quoted as follows:

'This gives a whole new meaning to feeding time at the zoo,' Mr Hulls said. 'The only way the Premier can get this credit card monkey off his back is to order an independent inquiry.'

The Auditor-General also called for an inquiry. He investigated the matters and they were widely reported in the media. The Bracks government is acting on those matters.

I believe the house should acknowledge the efforts, diligence, assiduousness, persistence and perspicacity of the present Attorney-General when he was shadow Attorney-General.

Honourable members interjecting.

The SPEAKER — Order! Would the house come to order. The minister has been speaking for 8 minutes and I ask him to conclude his answer.

Mr BRUMBY — The rules I have announced today prohibit the private use of government-issued credit cards. They abolish credit cards for ministers and their staff and prohibit — —

Mr Leigh interjected.

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

Mr BRUMBY — The rules prohibit the use of a credit card to obtain cash. They require cardholders who have incurred coincidental, official and private expenditure on a single billing system — for example, a hotel bill — to settle all private expenses personally prior to charging the balance to the government credit card. They require agency heads to oversee discipline in respect of card misuse, including the referral of significant abuses to the police for action. All the new rules will be overseen by the Auditor-General.

This is a new commitment by the Bracks government to transparency, openness, honesty and accountability. It fixes up the misuse, the gross abuse and the illegal use of credit cards under the former government. In the future there will be no credit cards for booze or shoes or any of those things. This is a new approach — it is transparent, open, honest and accountable.

The SPEAKER — Order! The time set down for questions has expired, and the minimum number of questions have been asked and answered.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed.

Mr McARTHUR (Monbulk) — Before the suspension of the sitting I was outlining my disappointment in the leadership of the Premier and in his absolute and abject failure to deliver on his election promises about openness, accountability and honesty, on which we just heard the Minister for Finance parroting on about during question time. Government members preach openness but they practise secrecy. I will give a range of examples.

The best example is that the media is now starting to take notice of this secret state. There is in today's *Age* a major comment article outlining the range of times

when the Bracks government has said it will be open, honest and accountable to Victorians and to the Parliament but has failed to do so. It has had secret deals on eSign Australia. It never disclosed how much it paid or encouraged the National Australia Bank to establish its mortgage clearing house in Melbourne.

It has made secret offers to try to keep Virgin Airlines in Melbourne and failed. It has a secret arrangement to encourage the Heineken golf classic here which it will not disclose. It has not disclosed any of the arrangements that led to the extension of the Australian Formula One Grand Prix to stay in Melbourne. It has not disclosed the payment, the arrangements, the emoluments, or whatever other bickies are going the way of the failed former Labor government ministers — Jolly, Pope, and a range of others.

The government talks about openness and accountability and practises secrecy. Today the Premier, formerly a member of the Public Accounts and Estimates Committee, talked about the investigation undertaken by the committee on commercial in confidence during the last Parliament. He claimed the report was withheld by the former government. Not so. He was a member of that committee and knows full well the committee had not completed its work and was unable to report on that issue. I shared a position on that committee with him. I know he was there; I know he was aware of the reasons the report was not presented; I know he misled the house today.

Let's examine another secret deal the Premier and the government have entered into. There was a good deal of discussion about the Snowy River in the lead-up to Christmas, and less discussion since then. I have it on good authority from my sources in the Labor Party that the Premier entered into a secret agreement with the honourable member for Gippsland East in return for his support of the Labor Party in government. I have it on good authority that the honourable member for Gippsland East wrote to Steve Bracks as Leader of the Opposition at the time and made a series of demands. I am confident of that fact because he also wrote to Premier Kennett and made the same set of demands.

It has been confirmed to me by no less a person than the honourable member for Gippsland East that he wrote similar letters to both parties making a series of demands with a series of deadlines. The first of those demands was that the Labor Party, the Liberal Party, or the coalition, should commit to honouring all the demands by 15 October. That deadline has passed, and clearly the Labor Party, at least, agreed to all of those

demands by that deadline, because after all the honourable member voted Labor into government.

The second deadline was 31 December 1999, when he demanded that an agreement be completed between Victoria, New South Wales, and the commonwealth over the ways to return 28 per cent environmental flow to the Snowy. That deadline passed and no agreement has been made public. I give the Premier one thing: he has admitted the Minister for Energy and Resources, the Honourable Candy Broad in another place, failed to get the agreement, and he has pushed back the deadline.

Another deadline is fast approaching, that of 31 March. The Premier has agreed to the demands of the honourable member for Gippsland East to decommission the Mowamba aqueduct by the Jindabyne Dam and return the flows of the Mowamba River and the Cobon Creek to the Snowy River. The Premier agreed to that and has written to the honourable member for Gippsland East. He has never disclosed it to the public or to the Parliament.

If the Premier is honest, open and accountable why will he not come into the chamber and put the agreement on the table so that we can all examine it? He should explain what it will cost, what engineering works are required, what agreements are required between Victoria and New South Wales, and Victoria and the commonwealth, and what we are doing to ensure South Australia's access to the water going down the Murray is not jeopardised? If the Premier is open, honest and accountable, he should bring it in, put it on the table, tell us what is happening, and explain why and how much it cost.

Instead of that, the Premier scurries out of this place, denies access to documents, covers up deals, protects failed former Labor ministers from the 1982 to 1992 period, and lies to the people of Victoria. He lies consistently to the people of Victoria.

Mr Nardella — On a point of order, Madam Acting Speaker, standing order 108 deals with reflections on another member of the house. The honourable member has just accused the Premier of lying and I ask him to withdraw.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Monbulk has been asked to withdraw.

Mr McARTHUR — I understand that only the person who is offended can ask for a withdrawal.

The ACTING SPEAKER (Mrs Peulich) — Order! Although I accept the point that only the

aggrieved member may ask for comments to be withdrawn, the reference was unparliamentary and I ask the honourable member to withdraw that comment.

Mr McARTHUR — Madam Acting Speaker, I defer to your wisdom. However, I hope the Premier will come in here and be similarly offended because I intend to continue to talk about the amount of times he has misled the public of Victoria and the Parliament.

The Premier is a recidivist on this issue. He talks about one thing in public and does another in practice. He preaches openness; he practises secrecy. He also proudly proclaimed he would protect whistleblowers. What has he done? The first public servant who has actually complained about a government decision has been pushed out of his job. The Premier's response? 'He asked for a transfer'. Really, Mr Premier!

We know that ministers from the New South Wales Right were in Melbourne in January giving advice to the neophyte ministers of the Bracks government on how to handle things. We know how the New South Wales Right handles issues of dissidents. How much was his arm twisted? Was he pushed or did he jump? Come on, Mr Premier, come in and tell us!

I now refer to the performance of the Minister for Environment and Conservation, the minister who has gutted Parks Victoria, who has failed to deliver on her promises on a regional forest agreement, who has ordered bans on Department of Natural Resources and Environment (DNRE) staff to prevent them talking to members of the opposition but has provided special access for independent members to allow them to talk to those staff — something that she has denied in the house, saying simply that similar rules applied under the previous government.

I have it on authority from a number of senior members of the DNRE that during the seven years of the Kennett government no such guidelines were drafted or circulated among DNRE staff. Let the minister explain that. Let her be open, honest and accountable about that. She cannot be; she has misled the place again. She has delayed acting on the northern Mallee pipeline; she sat on her hands while the people in north-west Victoria were desperately in need of a pipeline to provide farms with water. She has failed on the issue of sewerage for small towns; she has 2000 letters waiting to be answered. She is a total failure.

Mr SEITZ (Keilor) — I send my greetings and best wishes to Sir James Gobbo and Lady Gobbo. I also place on record my congratulations to the honourable member for Mill Park, the Speaker, on achieving high

office in this place, which is an honour bestowed on very few members of Parliament during their careers. I also wish to congratulate our Premier and the Bracks government. Being somewhat late with my making this speech on the address-in-reply, I have had time to observe the progress of the Bracks government in honouring its election commitments.

Madam Acting Speaker, it is very pleasing to compare the number of commitments mentioned in the Governor's speech with those that have been honoured so far. Considerable work has been done by individual ministers, and the work was hard because the public sector was not prepared — it had not even read the policies of the Labor Party. The Labor Party in government was totally aware of that. However, it meant that individual ministers and their staff had to take on much extra work to bring about the changes so rapidly.

Nowhere is that better demonstrated than in the field of education, and I am pleased to see the Minister for Education at the table. Teachers in my electorate were quick to display huge relief that the gag on them had been removed. They can now talk honestly and openly, express their views about the shortcomings of the system and the changes they would like to see occur. They no longer feel fear; they can communicate honestly with parents and students and the wider community without having to embark on a political campaign. They enjoy simply being treated equally with every other Victorian citizen. They have freedom of expression, which was denied to them under the seven years of the Kennett regime. That alone has given a huge morale boost to the teaching fraternity and has assisted the educational process taking place in our schools today.

The government's commitment to reducing class sizes at primary level is proceeding smoothly. The only real concern I have heard about from my electorate was one school's need for a larger portable classroom. Unfortunately one was not available, so the school made representations and I think it is now managing with a smaller portable classroom.

From telephone contacts I have had with the schools and conversations with parents and teachers, I can say that the rest of the schools in my electorate seem to be going reasonably smoothly. I congratulate the minister for that, because the election to government occurred just before Christmas, which meant that honourable members had to put things in place over the Christmas break — a difficult time. It is a job well done.

Honourable members will be aware that the legislation introduced earlier today was outlined in the Governor's speech. At question time today the Premier and the Minister for Transport were once again righting a wrong created by the previous government when they spoke of the production and manufacture of rolling stock. Such a move will create jobs, keep money in Victoria and provide opportunities for trainees, apprenticeships and employment. Victoria will maintain the skill base it so clearly needs.

Many members would be aware that the prospect of a goods and services tax (GST) has created a boom in the building industry and a shortage of skilled labour. An increased manufacturing industry will provide many more employment opportunities. Jobs in the metal trades and manufacturing industries will include jobs for auto-electricians in the manufacturing of trains and trams; boilermakers; sheet metal workers and painters; and traineeships and apprenticeships.

The commitments mentioned in the Governor's speech are well on the way to being realised in full. The Bracks government has acted as quickly as humanly possible to achieve that, and Victorians should be — and are — proud. A survey carried out in the previous week has revealed that Victorians are satisfied with the work of the Bracks government.

I thank the people of my electorate for supporting me and increasing my vote in the area, which happened in spite of attacks by individuals who launched a vigorous and vehement campaign not so much against me but against the Bracks Labor government. Some of those people are repeating that assault in the City of Brimbank. It saddens me that others who were at the forefront of the attacks on the Labor candidate have joined the Labor Party since it won government. It also saddens me that individuals like that can join up with the Kennett government when they think, along with the media and many others, that it will win and then, as soon as the Bracks government comes into power, change sides overnight. Such people are nothing but traders and no good for either party. Fortunately, the people in my electorate have seen through them. My vote increased and people are continuing to flood into my office to congratulate me and the Bracks government on the work we are doing.

Just before the election, during the dying days of the Kennett government, coalition ministers put signs up in my electorate about the building of new roads, new this and new that. One of the concerns of my constituents was whether the Bracks government would honour the announcements made by the previous government. Needless to say, the Bracks government will continue

with those projects in my electorate. They include building the Sunshine Avenue duplication, which is the Keilor–Melton Highway duplication through the township of Sydenham, the dangerous level crossing.

The Minister for Transport has put in wicket gates and temporary traffic lights for the safety of the community. He needs to be congratulated. The government will also continue with a study of the St Albans level crossing and hope that will result in something that is acceptable to the whole community. The government is also looking to implement the electrification of the train service to Sydenham and to increase the frequency of the diesel train service to Bendigo not only to provide better public transport to regional areas but also to improve the service to urban areas.

It is therefore a pleasure for me to say in my address-in-reply that what the Governor read out is what my government will do. The work has been carried out to a large extent, and we will honour those commitments still to be met — —

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member's time has expired. I call the honourable member for Bayswater.

Mr ASHLEY (Bayswater) — In joining the address-in-reply debate — —

Mr Seitz interjected.

Mr ASHLEY — Is there a question about the length of time?

The ACTING SPEAKER (Mrs Peulich) — Order! As a point of explanation for the honourable member for Keilor, I understand that under sessional orders the allotted time is 20 minutes.

Mr Seitz — The clock was not set for 20 minutes when I stood up to speak. I seek clarification.

Mr Perton — The opposition understands that the honourable member for Keilor has spoken for only 10 minutes. Although the timer went off the opposition is more than happy for the honourable member for Keilor to speak for another 10 minutes.

The ACTING SPEAKER (Mrs Peulich) — Order! After seeking advice from the Clerk I understand the honourable member for Keilor has another 10 minutes.

Mr SEITZ (Keilor) — That shows that experience counts in this place. I could have lost 10 minutes in which to address the needs and the future of my

electorate, which I was coming to. I have only touched on some of the infrastructure works, such as roads and public transport, in my area. I and the people of my electorate commend the Minister for Transport for his work and the commitment he has shown in addressing the issues affecting the suburbs in my electorate.

Over the past seven years, the Kennett era, those suburbs became inner urban areas. They are no longer in the outer fringe of the Melbourne development. That is the crux of the matter. The electorate of Keilor has now become an inner suburb that has through traffic travelling to and from Melton, Sunbury, Gisborne and Bacchus Marsh via the Western Ring Road. The demographics of St Albans, Taylors Lakes, Sydenham, Keilor Downs, Keilor and Kealba have now changed. Those areas are becoming somewhat congested as a result of the through traffic. They were once frontiers. When people first moved to those areas there was no through traffic, no B-doubles travelling through the streets and no traffic jams.

I commend the minister for the work he has done. I hope the study now being carried out on the St Albans level crossing will be to the satisfaction of the St Albans traders, who have long been advocates of putting the railway tracks underground. If economical that would be a great asset and a benefit to not only the St Albans traders but also the wider community. It would provide a better environment for economic development, job creation and the expansion of the commercial area of St Albans, which is an old shopping centre that has survived remarkably well. People pay top dollar to lease shops there. Unlike other areas, once buildings go on the market they are snapped up very quickly at competitive prices. The former City of Keilor, now the City of Brimbank, spent large sums of money to make that shopping centre viable.

The shopping centre in the Sunshine area has recently been completed. As a result of state government funding provided to the City of Brimbank for those works it is now a more pleasant shopping centre and is safer for pedestrians. I hope future submissions from St Albans traders and the City of Brimbank for the development of the St Albans shopping district will be given a favourable reception so that those shopping areas can be properly maintained.

People like to have the choice of shopping at places where they know the owners and they shop in the area out of loyalty to the local community. The local shopkeepers are friendly, competitive and cooperative. In the older parts of St Albans most people, including postwar migrants and recent arrivals, know the owners of the shops. They may have met them socially or at the

local church or school and they feel more comfortable dealing with them rather than shopping at big chain stores in some of the larger complexes. The local shops have a friendly, helpful atmosphere, which goes back to the days when people were able to take their pension cheques to the local shops to have them cashed. It is a legacy for the older part of my electorate, which is home to many senior citizens.

Of course, there are always other needs in the area. In the growth area surrounding Keilor there is concern about the environment, particularly the natural waterways. The creeks and the flora and fauna are important. The Maribyrnong River is the boundary on one side of my electorate and Kororoit and Taylors creeks run through it. Development is taking place at the upper edges of the creeks. Planning action needs to be taken to preserve some of the linear parklands in the area and ensure that buildings and subdivisions do not encroach on the beautiful linear park that extends across my electorate and the adjoining part of the Melton electorate.

Preserving the area would be a great benefit for schools because it would enable students to go on nature study excursions. As a former teacher I used to take students to the natural environment for nature studies. Natural creeks are now being turned into what I call long skating rinks. They have been turned into concrete channels and the fauna and flora have been driven away.

My electorate also needs a steady supply of electricity, which has been put at risk by privatisation. It is a constant problem that the electricity supply is not steady. Our homes are totally dependent on electricity — for computers, freezers, dialysis machines and asthma pumps. Many people need access to medical treatments such as dialysis machines and asthma pumps at home. People are encouraged to stay at home when having treatment, so it is necessary to ensure that medical support systems are able to operate in their homes. There can be serious problems if the power fails while someone is connected to a dialysis machine. Those concerns about privatisation have been expressed, and the private operators of utilities need to take note of them.

A large number of Saturday morning English classes are being held throughout my electorate, particularly at St Albans, Keilor Downs and Kings Park secondary colleges. Those classes are needed particularly to assist the many recently arrived immigrants living in my electorate. Extra public transport services throughout the City of Brimbank, particularly in the Deer Park, Delahey and Kings Park

areas, would enable students to attend the classes on Saturday mornings because parents cannot always be taxidrivers. It is important that more frequent public transport services should be available in my electorate.

I ask that the Minister for Transport, who is doing a good job, consider allowing buses to travel along narrow streets and courts to pick up passengers closer to their homes rather than their having to walk half a kilometre or more to get to bus stops; that would be particularly advantageous in areas such as St Albans, where the older people find it difficult to walk extra kilometres to the bus stop. Public transport services should be extended to newer residential areas, particularly on weekends.

I congratulate the Minister for Health on continuing the plans prepared on paper only by the former government to extend the Sunshine Hospital complex. I congratulate the Bracks government on the job it has done to date.

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

Mr ASHLEY (Bayswater) — I preface my contribution to the address-in-reply debate by reiterating my congratulations to Mr Speaker on being appointed to that high office. It is a mark of achievement for him and for Victoria's ethnic communities; it is great to see people like him and you, Madam Acting Speaker, making their voices heard and contributing to Victoria's excellent society.

I also commend the Governor and his wife on the magnificent work they do. After the election I saw Sir James Gobbo in my electorate at a function held by the City of Maroondah. I continue to be impressed by his ability to touch on matters that are meaningful to the people he is addressing so that a sense of togetherness and of being part of the network is clearly conveyed to his audiences.

I take up the issue of how the ship of state is doing now that it is under new skippers. In the light of the past five or six months I would say that generally the waters have been friendly, even if there have been some minor mutinies among parts of the crew during the past few months.

I shall examine how the ship of state is travelling in light of the themes referred to in His Excellency's speech. He dealt with Parliament; the accountability of the government of the day; the role of local government in planning and service delivery; the condition of Victoria's social fabric; the need for rural and regional revival; the provision of health, education and

community services; and prospects for economic growth.

The Governor spoke about Parliament's reputation and its workings; its rules of engagement and conduct; the responsiveness of the executive; and the representativeness of the Legislative Council. A constant refrain of the speech, as we have heard countless times since, was openness, accountability and transparency. I shall not comment on that issue because the honourable member for Monbulk has since brought to the attention of the house certain matters that suggest things have not been as open, accountable and transparent as the government would have liked them to be.

The restoration of public confidence in democratic processes and institutions was also dealt with. Whatever the aspirations behind those noble sentiments, it is difficult to ascertain from the speech what the Labor government means by 'real commitment to democratic practice', which argues that the government's reforms would include increasing community participation in decision making.

It is one thing to consult and seek broad community opinion and advice — I applaud the approach if that is what infuses ministers' understandings of parliamentary representation and democratic practice — but it is another thing entirely if participation in decision making is a code for deference to special interest groups, whether they be unions or others, or for dithering and delaying on decision making over awkward matters such as the deregulation of the dairy industry or invoking the Essential Services Act. The deferring of decisions or referring issues to a plethora of committees or panels would be cause for community concern.

The Westminster system does not provide for direct community involvement in decision making — in advice giving, yes, but not in decision making. According to the Westminster tradition, democracy demands that all in-principle decisions made by those commissioned to govern must run the gauntlet of the legislative chambers in which they are required to be put to the test. Each decision must secure the support of the majority of elected members in the relevant chambers. Our Parliament has always been based on the notion and practice of representative decision making — in other words, on indirect rather than direct involvement in decision making.

The Westminster system is founded on the principle that Parliament is supreme, that it is the final defender of the citizen and the community. It normally functions

best when its activities are characterised by openness, respect and fairness. But in the final analysis the supremacy of Parliament has little to do with observing courtesies and niceties, conventions and codes of conduct. It is about taking and implementing decisions, ruling the state, and gaining and executing authority. For example, in defending citizens and communities in a time of crisis a Parliament may act more as a sword to cut through a whole throng of restraints than as a shield against internal tyranny.

What the Governor's speech did not acknowledge was the fact that the former government quite legitimately used the supremacy of Parliament as both the jaws-of-life to cut through the wreckage it inherited and as a building site upon which to construct economic reform and state revitalisation.

When it is all boiled down, neither a more autocratic approach nor a more participative model can lay claim to being more democratic than the other. Parliamentary democracy honours both tendencies for the valued and important creative roles each plays in the pursuit of good government. As each tendency serves an aspect of the public good, neither is necessarily more or less democratic than the other. In the final analysis it needs to be remembered that each approach is equally subject to the will of the people. It is a furphy to say that Victoria had no democracy before the election or that the election was about restoring democracy to Victoria. Democracy was never lost to Victoria; it would have been lost only if the former government had refused to go to an election.

Put in that context, and given the imperatives of the time, the Kennett government, no less than the new government, can fairly claim that its first priority was the restoration of public confidence in Victoria's democratic institutions. Whatever its shortcomings, the Kennett government restored the integrity of Victoria's finances and expanded traditional service delivery in health, education and community services.

The coalition had to be tough and unswerving for the state to survive, let alone prosper. It was through the instrument and the supremacy of the Parliament and nothing less that the last government was able to reduce Victoria's debt from a crippling \$33 billion in 1992 to a modest \$6 billion in 1999 and to reduce the budget deficit from over \$2 billion in 1992-93 to a surplus of well in excess of \$1 billion in 1999-2000.

The truth is that the new government is fortunate to have been preceded by a government of the times led by a Premier for the times, and that should never be forgotten. Nobody with any sense of neutrality or

fairness could dispute the fact that it was the astonishing achievements of the former government that provided the Labor minority government with the budgetary clout to pursue its policies and agenda. Ironically it is the outsiders, the people from interstate, who seem best able to appreciate the virtues of strong leadership. Sadly, those who live with it are often the first to weary of it.

That brings me to the issue of respect. The current government has placed a lot of store on respect. It, too, was a theme of the Governor's speech. Respect is an interrelational quality. It implies that every other human being is being accorded an intrinsic value no different from that habitually claimed for ourselves. It is to accept unconditionally that another person or group is entitled to be held in the same regard as we would hold ourselves and to be treated as we would treat ourselves and expect to be treated. Respect does not seek to diminish difference; rather, it presumes difference. Respect means not to denigrate or belittle. Respect means to acknowledge the contributions made by others. Respect gives credit where credit is due.

At the parliamentary level, for respect to have any credence we must all begin by acknowledging the good things done by our predecessors without veering off into apologetic, reluctant and mumbled asides. Honourable members must own that we all build on the valuable work done by previous administrations. If we do not, talk of respect is nothing more than idle rhetoric and guaranteed to generate even more cynicism in the electorate.

In this regard perhaps the most notable omission from the Governor's speech was an acknowledgment of the former government's tenacious commitment to govern for all Victorians. It may not have looked that way and often it may not have felt that way, but it was the single overriding focus of the former government and the former Premier. If the former Premier had a fault, it was his impatience with those who could not catch on. If they did not catch on, he was not around long enough for them to catch up.

Jeff Kennett got Victoria moving, and move it certainly did. The danger that now confronts the community under this government, under this ship of state, to mix my metaphors, is having a road map lacking in sufficient detail, having a vehicle with insufficient fuel in the tank, or jamming the state's gear box.

Regarding the accountability of the government of the day, the Governor's speech dealt with adjustments to the role of the Auditor-General, the Director of Public Prosecutions, freedom of information legislation and

the perceived downside of privatisation. The central refrain of the Governor's speech was openness and accountability. The key expression used to describe the mood and intention of the minority government was 'inclusiveness'. The principal objective was stated as public confidence in our democratic institutions.

But what if democratic institutions themselves, as they are today, are the cause of diminished confidence? What if they are not adjusted to delivering recognisably good outcomes for citizens — that is, incontrovertibly good outcomes? If they are not, every effort to bolster a sense of inclusiveness will founder miserably. In one sense it would seem to me that inclusiveness is out of sync with the times we live in. The phenomenon has been developing over the last generation.

In 1980 Alvin Toffler made a number of observations about what he felt was a need to demassify society — he believed mass society had to be demassified because that was the demand following on from the new wave of change. A society was coming about characterised by demassification, with institutions and groups breaking up into smaller entities. Toffler kept making the point that if a society is breaking down into smaller units and looking for different things, it is no good government bureaucracies delivering mass outcomes.

Toffler said that the structure of government is outmoded and existing political systems are swamped by the new diversity because government was designed for a far more uniform society. It cannot cope with demassified millions. It cannot be expected that technology, communications, family life, economics and world relationships can be revolutionised while the old structures of government stay in place. They have to be redesigned.

Toffler's view was that this effect extends all the way down to local government. The advocates of the third way have picked up some of those views. They are saying it is not so much inclusiveness that counts these days; it is societies and groups within societies demanding that relationships and their connections with one another be characterised by mutual obligation rather than being overly inclusive each with the other. In light of that change, very different demands are made of government in planning and service delivery.

The Governor's speech emphasised the development of partnerships in planning and in regional renewal programs. It signalled the abolition of compulsory competitive tendering requirements for municipal authorities. Yet that was one of the devices that demassified and gave respect to different groups within different societies and recognised the ability of certain

groups to deliver as well as or better than other groups. By abolishing compulsory competitive tendering the new government has failed to concede the valuable role it played in advancing a swathe of local government skills and expertise, improving accountability of the tender process, tender preparation and assessment, the quality of information pre-tender and post-tender and the clarity and focus of specification writing. There is much advantage to be lost in the total abolition of compulsory competitive tendering at the municipal level.

Regarding the condition of Victoria's social fabric, the Governor's speech touched on the richness of our multicultural communities, the insecurity of its rural and regional communities, the perils of illicit drug use and the search for solutions to drug addiction, and the reclamation of young and marginalised people into purposeful employment — all noble endeavours, but none of them novel; all reworkings of past efforts.

It would be churlish not to admit that in reality the new government's plans to fund training places for the long-term unemployed and traineeships and apprenticeships follow in the tradition already set by the last government in its community employment programs and in the large number of private providers involved, for example, in the electorate of Bayswater. While the Governor's speech indicated that the full flowering of multicultural maturity depended upon continuing bipartisan support, it gave few substantive clues as to how the government was to go about achieving the rejuvenation of rural and regional communities.

I would like to conclude by reflecting upon the one region that received no attention. It is as though it is missing on the chart of this ship of state as it makes its way through the waters. It is an uncharted island; it is just not there. The island is called the outer east of Melbourne.

The outer east of Melbourne has a population of 500 000 to 600 000 people. The community is the size of Adelaide, yet within the context of the new government's planning and thinking the outer east does not rate a single mention. It does not come into the government's definition of the word 'region'. Yet the largest region in Victoria is the outer east of Melbourne. It is dynamic, and its potential is larger than that of any other single region in Melbourne. To pull away the ongoing planning for the Scoresby freeway and to pull out the new hospital is simply to fail to comprehend what that new region can contribute to Victoria. It is the final region to be properly interlocked with the rest of greater Melbourne. If there is to be no Scoresby

freeway, all the burgeoning activities of the outer east, of the manufacturing base of the state, are there to be whittled away and lost.

The importance of the outer east cannot be underestimated. It is and will be Victoria's new major engine. The power and wealth it can generate for the state of Victoria are immense. For it to be treated as the new government is treating it — as though it does not exist and as though it can be finished off by the new freeway being taken to Ringwood — is not good enough. The people of the outer east will not accept that.

The geography of the outer east is different from that of the rest of Melbourne. The Dandenong Creek has a dogleg turn, from which it flows north-south rather than east-west. That north-south aspect of the Dandenong Creek has created the outer east's transport problems, none of which can be fixed without constructing the Scoresby freeway. It is monstrous to visit the improvement of Stud Road upon the outer eastern community. It will belch pollution into the windows and front doors of the people who live along Stud Road and it will not solve a single problem.

I plead with the government to take the issue seriously. If the government cannot see that it is cutting off its nose to spite its face, as it were, Victorians will see that that is what has happened to them! The outer east of Melbourne is an enormous region and honourable members cannot walk away from the immense demands and opportunities that it potentially gives to the state.

Mr SMITH (Glen Waverley) — I bring the greetings of the people of the electorate of Glen Waverley to the Governor and acknowledge his speech to mark the opening of state Parliament. I ask him to pass on the greetings and loyalty of my electorate to our head of state, Her Majesty the Queen. I express my appreciation for the privilege and honour of being able over the past 15 years to represent the people of Glen Waverley in the Victorian Parliament. One of the great dreams people have is that they might have the opportunity to take part in public life and present without fear or favour the views of an electorate such as Glen Waverley, together with its issues and problems.

Glen Waverley is a dormitory suburb 27 kilometres from the heart of the city, in the south-east of Melbourne. It has a general community although it is a Liberal seat of some standing in the pecking order. However, some people in Glen Waverley deal with incredible problems ranging from school issues through to noise emission. One such problem is presented by

the Mountain View Hotel, on the boundary of my electorate. For the past 12 months it has been a key issue for the people living in the area because the hotel could not be described as a good corporate citizen. During that time I have been at the Liquor Licensing Commission six times, discussing the gaming licence of the hotel. I have been trying to get the Mountain View Hotel to observe the noise restrictions at the nightclub which is held there, particularly on Thursday nights which seem to be the worst.

One of my constituents, Mr Dale Sedgman, together with all the people in Groom Court and the area around the Glen Waverley Primary School, have been victims of the incredible noise which is made mainly from about 11.00 p.m. until about 3.00 a.m. I know that the Minister for Gaming who is at the table is a busy man, but I would be pleased if he could investigate the problem, which is a great nuisance to the people of Glen Waverley. The problems caused by the hotel, owned by Carlton and United Breweries, are not only associated with the noise levels; they include the bad behaviour of the hotel's customers. In some ways Mr Sedgman has been scorned by the owners of the hotel.

As a result of my six appearances before the Liquor Licensing Commission, the hotel has addressed the damage problem. Customers roll out of the hotel and go down High Street Road causing damage to letterboxes and breaking fences. In each case, because of the surrounding publicity, the hotel has provided compensation. However, the noise factor is the main issue that is causing consternation.

Mr Sedgman is one of the candidates in Napier ward in next Saturday's Monash council elections. While there are other good candidates, who include Liberal and Labor members, for that ward, Mr Sedgman, who is not standing as a member of my political party, has used my name in his literature and I do not take exception to that.

One of the Labor candidates has most unwisely included in his campaign literature that he is supported by the principal of the local Glen Waverley Secondary College. That decision might have been made by the principal, Mr Darell Fraser, who is free to do so. However, if a principal becomes involved in politics, particularly with a candidate about whom there has been a certain amount of controversy, the principal might need to be counselled by the education authorities. I understand that the Labor candidate is a former student and that Mr Fraser considers him to have been a good student, but as he is a Labor candidate, the principal is not only unwise — —

Ms Barker — He is not an endorsed Labor candidate.

Mr SMITH — No, but the principal is quoted as saying:

We are delighted to be able to support Geoff Lake's bid to become a Monash city councillor.

If that is not supporting, I do not know what is.

Ms Barker interjected.

Mr SMITH — That's fair enough. I take your point. The issue is that in making such statements the principal brings himself into the political arena, and the matter should be canvassed in that particular way. Mr Lake, the Labor candidate for Napier ward, is a member of the staff of the honourable member for Frankston East. Mr Lake states in the literature that has been published in the newspapers that he is a Labor Party member. Anyone standing for election must be up front from the outset. It would have been sensible for the Liberal candidates to put their names on the board because people really want to know about a candidate's party affiliations and whether a candidate will act without political pressure. It is a little precious to expect people not to want to know where their candidates are coming from.

I will not pursue that issue any further because I wish to raise what is happening in Jells ward, also in the City of Monash, where the number of candidates includes a well-known union official whom I have come to admire and respect. Mr Collins, who is a Labor Party member, is being opposed by the mayor, who is claiming to be an Independent.

The word is out that once the mayor has won in Jells ward, and he is confident that he will win, he will join the Labor Party through an application that he has already made. My point is that I would rather see a good man like Mr Collins, a declared Labor Party member, get up with his usual colours than someone like the mayor who I believe is playing games. It remains to be seen whether he joins the Labor Party but the word is out in the area that the day the election is proclaimed the mayor will be using it for his own political advantage. So be it. If I am wrong, I will be the first to apologise. The information I have is that people in the Labor Party are very dirty on the fact that their candidate, who is now having to wear the sobriquet of being Labor, is being opposed by someone who says he is an Independent.

Debate interrupted pursuant to sessional orders.

The SPEAKER — Order! The time allocated for the consideration of the address-in-reply has expired.

Motion agreed to.

Ordered that address-in-reply be presented to His Excellency the Governor by the Speaker and members of the house.

PERSONAL EXPLANATION

Mr PLOWMAN (Benambra) — I wish to make a personal explanation. Today I inadvertently advised the house that you, Mr Speaker, had advised me I was not to quote from *Hansard* when making a personal explanation. The advice I gave the house was correct, but due to the fact that the issue had arisen more than three months before, I had failed to recall that you had later revised that advice and had further advised me that the practice was allowed under standing order 93. You did, in fact, give me permission to quote from *Hansard*, and I later did so.

I apologise to the house for that omission, and I regret any imputation that may have been taken against the Chair.

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.

Schools: Benambra

Mr PLOWMAN (Benambra) — I raise for the attention of the Minister for Education an issue concerning the 1999–2000 budget allocation for two schools in my electorate. One of them, Mitchell Secondary College, is in the process of building a gymnasium that will include changing facilities for girls. Until recently the school had only boys and its facilities for girls were hopelessly inadequate. The building program at Mitchell also includes a science block, an arts area, a new library and an area for personal development. The original allocation for the whole project was \$2 845 000.

The second school, Beechworth Secondary College, is building a new science block and a music and drama area. The original allocation for that project was \$388 000.

In the budget information paper *1999–2000 Public Sector Asset Investment Program* tabled by the Premier earlier this session Mitchell Secondary College is allocated only \$2 760 000, a reduction of \$85 000, and Beechworth Secondary College is granted \$283 000, a reduction of \$105 000.

On 6 March I was interviewed on the *Drive* program on regional ABC radio. My interview was immediately followed by one with the Minister for Education, who responded to my claim that both schools were, according to allocations listed in budget information paper no. 1, underfunded by saying that I had been loose with the truth and that the figures I quoted were nonsense.

I ask the minister if she can confirm to the house that the original figures I quoted are correct, and I ask her to put in writing to the schools concerned that they will receive the total amounts originally allocated to them — namely, \$2 845 000 for Mitchell Secondary College and \$388 000 for Beechworth Secondary College.

Rail: Melbourne–Bendigo service

Ms ALLAN (Bendigo East) — Before raising a matter for investigation by the Minister for Transport, I take the opportunity to congratulate the minister on his successful negotiations with National Express, which will secure jobs in my electorate of Bendigo East at the now privatised Goninan workshops.

I ask the minister to investigate the possibility of an early morning train being run from Melbourne to Bendigo. Currently the earliest train leaving Melbourne for Bendigo departs at 8.35 a.m. and arrives at 10.30 a.m. That means people who wish to travel from Melbourne to Bendigo during the working week — people going for work, meetings or study, as well as aged pensioners and the unemployed — and who want to arrive at the start of the working day are unable to do so. The earliest train departs Melbourne at 8.35 a.m. and stops at Sunbury, Woodend, Kyneton and Castlemaine. It would also be to the advantage of people in those towns who wished to travel early to Bendigo if the train were to leave Melbourne a couple of hours earlier and arrive in Bendigo at about 8.30 or 8.45 in the morning.

In the previous Parliament the honourable member for Bendigo West, who is now the Minister for Local Government and Minister for Workcover, lobbied as an opposition member for an early morning train to Bendigo and raised the issue with the then Minister for Transport. I have received representations on the issue

from employers and people who work at places such as the Bendigo Health Care Group, the La Trobe University, both students and academics, and the City of Greater Bendigo.

All honourable members would recognise fast, effective train services are important to regional centres because they grow the economies and businesses of those centres. Such services are also important to people who make lifestyle choices to live in regional centres but still need to travel to Melbourne in their professional lives. Such a service would give those professionals the flexibility to travel back to Bendigo at the start of a working day.

The government is currently undergoing a feasibility study into having a fast train from Melbourne to Bendigo, for which I also commend the minister. It has captured the imagination of the city council and the many people who live in Bendigo.

Ballarat: televillage

Mr PERTON (Doncaster) — I ask that the Minister for State and Regional Development come in and explain to this house why he has not answered any questions on notice.

There is a great deal of confusion in the community as a result of the minister's Connecting Victoria statement because not one aspect of the statement has been implemented. The people of Ballarat are becoming more and more confused by the minister and his performance. Last night in this house the minister for the fourth time tried to define a televillage. It would have been easier for him to have answered the question that was asked in November on behalf of the people of Ballarat — that is, to define a televillage and indicate what budget will be allocated to the project for the financial years 1999–2002 — instead of saying that he has allocated some money to the Regional Infrastructure Development Fund. He has not told the people of Ballarat how much money he has placed in that fund, nor indicated to them for what it is to be used.

The honourable member for Ballarat West is looking a little red faced because she and her colleague the honourable member for Ballarat East are utterly confused. In the Ballarat *Courier* of 30 November 1999 the honourable member for Ballarat East said that the televillage was based on Ennis in Ireland. For the benefit of the house, Ennis is a village in Ireland that has received some £15 million to be wired up for 18 000 people. That says to me that if the minister is serious about a televillage in Ballarat it is a \$60 million proposition. What has the minister allocated to Ballarat

for the project until now, five months into the project? Only \$27 000. It is a joke.

On 14 March the Ballarat *Courier* reported the honourable member for Ballarat East as saying that the final format of the project is yet to be decided and that a consultant would make that decision. However, the honourable member for Ballarat West, a smart alec at the best of times, differed from both her minister and her fellow member when she said that the concept of a televillage was about increasing access to high-speed information technology by building on systems already in place.

The project demonstrates that when the minister came into this house to announce Connecting Victoria he had no clue as to what he was talking about. The honourable member for Ballarat West has indicated she has no clue. At least the honourable member for Ballarat East is thrashing around trying to get an answer for his community. The interesting thing is that the honourable member for Ballarat East said that we are stuck with the televillage because of the performance of his own minister.

Ballarat: radiotherapy unit

Ms OVERINGTON (Ballarat West) — I ask the Minister for Health to ensure that the Bracks Labor government's commitment to the establishment of a radiotherapy unit at Ballarat is delivered. The issue has been ongoing for 10 years.

Cancer patients from Ballarat and the western region who require radiotherapy as part of their treatment need to travel mainly to Geelong. While Ballarat Health Services provides a small bus to take patients to Geelong and back every day, that can be extremely exhausting, particularly if they are undergoing seven weeks of treatment. Every second person in Ballarat knows of somebody who has been on that bus, mostly family members. My mother travelled on the bus for seven weeks. The St John of God Hospital and Ballarat Health Services have worked cooperatively in trying to have the unit established. The Western District radiotherapy group has raised a significant amount of money to furnish the unit.

The previous government played around with the issue for seven long years; it kicked it around like a ball, playing with the emotions of cancer sufferers and their families. It is now time to reassure those people that there will be an end to this needless travel backwards and forwards to Geelong. Two girls who travel on the bus at the moment are friends of mine. Although they do not have much longer — a week or more — to go

with their treatment, when they get home of an afternoon they need to go to bed for 2 to 3 hours just to try to get back some of their strength, because they are absolutely exhausted from the travel and the rigours of the treatment. The issue has been played around with now for 10 long years. Cancer is such an emotional — —

Mr Perton interjected.

Ms OVERINGTON — No, Victor, I don't do that. I have been a member of the radiotherapy group for 10 years. Where have you been?

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

Australian Kidney Foundation

Mr PATERSON (South Barwon) — I raise a matter for the attention of the Minister for Health regarding the promotion of organ donations, and particularly his shabby treatment of the Australian Kidney Foundation. I request that the minister come into the house and explain his behaviour, and perhaps apologise to the foundation for his treatment of it.

The Minister for Health wrote to the Australian Kidney Foundation in January saying among other things:

The Transplant Promotion Council, in collaboration with Vicroads, has recently completed development of a mechanism to enable registration via the licence application and renewal process. Donor status information will also be displayed on drivers licences and will be automatically transferred to the Victorian Organ Donation Registry.

The minister concludes his letter by saying:

I would be pleased to meet with you to discuss these issues in the new year.

At the end of February, the Australian Kidney Foundation was prompted to write to the minister suggesting that although it supported the direction in which the government was moving, it was concerned at the lack of information that the minister's department had forwarded to the foundation. As it had done before, the foundation offered its assistance and expertise to the government. It explained that its expertise and resources cannot be fully utilised when it is left out of the information loop — they are its words. The foundation said in writing that it looks forward to hearing from the minister in due course, and it requested further information and asked again how it could help.

In the meantime, the government had launched the new program without contacting the foundation and without

inviting it to the launch. On 25 February the Australian Kidney Foundation wrote to Minister Thwaites questioning why the government had marginalised the foundation in that way. The line taken by the minister's department was extremely disappointing — they are its words. The foundation said it hoped it was not indicative of things to come. I ask the Minister for Health to apologise to the Australian Kidney Foundation.

Schools: Dandenong North

Mr LENDERS (Dandenong North) — I direct to the attention of the Minister for Education a school-of-choice issue in Dandenong North. My electorate has three wonderful schools, Carwatha, Lyndale and Wellington, covering its three main areas, plus two schools on its border, Cleeland Secondary College and Dandenong High School. I ask the minister to advise me how my constituents can establish an all-girls school, what procedures they should follow and whether it is achievable under government policy.

Of the existing five schools, several years back Cleeland Secondary College was an all-girls school, but it is now co-ed. I ask the minister to advise my constituents of the procedures they should follow.

Mornington Peninsula Freeway: extension

Mr DIXON (Dromana) — I raise for the attention of the Minister for Transport the Mornington Peninsula Freeway extension to Rosebud. The freeway currently terminates at Jetty Road and then continues through to Boneo Road as a two-lane arterial road. Due to the large and increasing number of people who are visiting and living on the Mornington Peninsula there is a major traffic problem.

I ask the minister to accelerate the current investigation Vicroads is undertaking into the extension of the freeway and to look at other options, such as the extension of an arterial road through the freeway reserve or the upgrading of main roads in the area through better signposting and intersection treatment. That would keep the traffic that terminates at Rosebud from feeding onto the main beach road, Point Nepean Road, that runs right through to Blairgowrie and Sorrento. A large number of people visit the Mornington Peninsula all the year round, not only because there is a great local member of Parliament but because the amenities are increasing. It is becoming a more popular place to live on either a part-time or a full-time basis. Rather than being busy for four weeks of the year, it is now busy for four months of the year and on almost every weekend.

If the traffic on Point Nepean Road is moving, it is very slow, and it regularly comes to a standstill. One of the obvious problems that creates is the threat to safety when families and individuals cross a busy road from residential and shopping areas to the beach and vice versa. It is dangerous to dash between the traffic.

The spoiling of the amenity of the strip shopping areas fronting the beach, the density of the traffic, the opportunities to cross to the beach and the pollution from the large number of vehicles that move through the area need to be addressed. Investigations into the freeway extension need to be accelerated. Vicroads is working diligently with the Mornington Peninsula Shire Council to bring that about. I ask the minister to accelerate the investigation. The need is great, is growing and will not go away.

Member for Chelsea Province: electoral enrolment

Mr HOLDING (Springvale) — The matter I raise is for the attention of the Attorney-General. During the adjournment debate on 24 November last year I raised with the Attorney-General the question of the electoral enrolment of the Honourable Cameron Boardman, a member for Chelsea Province in the other place. From the Attorney-General I firstly sought information on whether the honourable member for Chelsea Province had voted in the electorate of Carrum during the election on 18 September last year. Secondly, I sought advice on whether that breached any of Victoria's electoral legislation. Thirdly, I sought information on any investigation into whether Victoria's electoral legislation needs to be amended to prevent that occurring in the future.

This afternoon I seek further information on whether the Attorney-General's investigation has been concluded and whether he can provide the house with any information on the matter. On 30 November 1999 I wrote to the Attorney-General on the question and at his request supplied him with documentation: the electoral roll from the district of Carrum showing the member for Chelsea Province enrolled there, and a summary of variations to the register of members' interests showing his residence deleted from the register in January 1999.

An article in the *Sunday Herald Sun* of 5 December last year states:

Victorian Liberal MP Cameron Boardman cannot remember which electorate he voted for at the September 18 election.

And he said he 'forgot' to notify the Electoral Commission when he moved house in January this year, even though the

law requires voters to do so within 21 days after living in an electorate for one month.

Mr Boardman, 28, said he was busy on election day and was not sure for which MP he voted.

It is understandable he would not remember whether he voted for the former member for Carrum — the now failed and discredited former member — or the member for Frankston in this place. Both are eminently forgettable. The article continues:

He said he remembered voting at a polling booth in Frankston, but was not sure for which seat he voted.

'I honestly can't remember — I'm vague about it. I was everywhere that day,' he said.

I seek advice from the Attorney-General on the investigation into the matter and whether Victoria's electoral legislation needs to be amended to prevent the honourable member for Chelsea Province conducting himself in that fashion.

Dr Napthine — On a point of order, Mr Acting Speaker, I seek a ruling on the eligibility of the matter raised by the honourable member for Springvale during the adjournment debate.

My understanding, based on my years of experience in the house, is that during the adjournment debate honourable members may seek certain action from ministers. The adjournment debate does not provide an opportunity for members to ask de facto questions without notice or to seek advice; it is not about seeking advice but about seeking administrative action by ministers. It is similarly not about seeking changes to legislation, which the honourable member raised briefly; that is also out of order in adjournment debates. The honourable member for Springvale should be asking for administrative action by the minister. I listened carefully to what the honourable member for Springvale said. He sought advice on whether legislative changes are needed, and on my understanding of the issue that does not qualify to be dealt with during the adjournment debate.

Mr Acting Speaker, I ask that you consider the matter and rule that the issue raised by the honourable member for Springvale is out of order and does not warrant a response.

Mr HOLDING — On the point of order, Mr Acting Speaker, I asked specifically whether the Attorney-General had conducted an investigation, whether he would be able to provide the results of that investigation and whether he had been able to determine where the honourable member for Carrum voted. Check *Hansard*! I asked for information about

any recommendations for legislative reform that may have been received and about the implications of that. That is exactly what I asked for, and a reading of *Hansard* will reveal that.

The ACTING SPEAKER (Mr Phillips) — Order! I do not uphold the point of order for a number of reasons. One is that Speakers Plowman and Delzoppo have ruled that matters can be raised on more than one occasion, and a similar matter the honourable member raised previously was not ruled out of order. Secondly, honourable members should not use the adjournment debate simply as a tool to criticise other honourable members, and I do not believe the honourable member for Springvale has done so. He is seeking clarification of whether the honourable member voted legally and whether he voted in the right spot in compliance with the act. Having heard what the honourable member said, I believe there is no point of order.

Courts: Moorabbin complex

Mrs PEULICH (Bentleigh) — I refer the Attorney-General to a matter I have previously raised in the house — that is, the proposed court complex at the former Moorabbin council offices. The last time I raised the matter the Attorney-General was gracious enough to agree to inform himself of that proposal and to reach an assessment. I was disappointed to receive a very quick reply, which demonstrated that he had not given it his full consideration.

The Attorney-General had dismissed the proposal, which has been strongly supported by the Moorabbin Traders Association and the Kingston City Council. He said, 'There is no immediate need for the complex' — even though the Department of Justice says there will be a need within the next two or three years — 'and therefore we are not prepared to look at it', even though space for such a facility will be very hard to come by. As a way of circumventing the need to make a decision he said he would review the decision to close the Prahran Magistrates Court complex.

I ask the Attorney-General to agree to look at the facility at first hand before making any decision. He can come in his white car, come by helicopter if he likes or he can even ride Cheeky. Better still, he should catch the train, because the facility is so well served by transport services, such as the Nepean Highway and Moorabbin station on the Frankston rail line. The former Moorabbin council complex is a marvellous facility that will represent a big opportunity missed by the government because of its short-sightedness and what appears to be its pork-barrelling of its own electorates and its ignoring of the needs of other

electorates, in particular those with elected members of Parliament who do not represent the Labor Party.

I invite the Attorney-General to look at the facility at first hand. The honourable member for Mordialloc and I will be a wonderful welcoming committee.

Drugs: safe injecting facilities

Mr MILDENHALL (Footscray) — I seek the assistance of the Minister for Health to balance the information received by the Footscray community regarding the drugs issue, and heroin abuse in particular.

I believe that the outrageously inflammatory and inaccurate leaflets distributed by opponents of the government's supervised injecting room policy led to the hostility of the overwhelming majority of the 400-strong attendees at a public meeting on Tuesday last week and to their having apparently already made up their minds about the issue. The flyer, an example of which I have before me, was twice letterboxed into Footscray houses and was used in doorknocking residents. It asserts, among other things, that the aim of the Bracks government is to actively encourage heroin users to come to Footscray.

The leaflets were distributed and authorised by candidates for Saturday's council election — Catherine Cumming and David Kompes — who have previously advocated the presence of vigilantes in the shopping centre as a way of resolving the issue. They are the worst examples of the nimby syndrome and the fearful aggression that overtakes people when they think about the problem: last year 29 people, 12 of whom were local residents, died of heroin overdoses in Footscray.

I ask the minister to assist the council and Dr Penington's group to provide balanced and factual information to Footscray residents, particularly about the government's policy on supervised injecting facilities and the proposed strategies.

This morning one of the candidates who is advocating the use of vigilantes claimed a brick had been thrown through a car window —

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

Responses

Mr BATCHELOR (Minister for Transport) — The honourable member for Dromana raised with me the issue of the Mornington Peninsula Freeway. He requested that Vicroads accelerate its investigation on

when the project would be slotted in for its attention. He also raised a number of other attendant traffic issues. I will take up the matter with Vicroads.

I understand the important role that the Mornington Peninsula plays in the economic life of Victoria, both as a holiday destination and increasingly as a place where people choose to live. The added difficulty for residents there is the increased volume of traffic during summer periods, particularly on weekends and public holidays.

There are limited opportunities for further traffic measures around Rye on the Nepean Highway, and certain environmental issues associated with the existing Nepean Highway alignment where it crosses the Tootgarook swamp must be taken into account. A study is needed to investigate traffic movements and to determine priority traffic treatments to meet the needs of local residents and visitors. Perhaps the extension of the Mornington Peninsula Freeway could be considered at that time.

I remind the honourable member for Dromana that the freeway extension would be expensive. The previous government did not commence its construction nor did it provide funds for the construction in its forward estimates. Notwithstanding the neglect of the previous government, I shall take up with Vicroads his request about the investigation to see what time lines are possible and get back to the honourable member in due course.

The honourable member for Bendigo East raised with me the issue of train journeys to Bendigo and the anomalous position of the first train leaving Melbourne and arriving in Bendigo later in the morning at an inappropriate time. She asked whether there is an opportunity for earlier services to be provided. The train services are now conducted by a private provider, National Express, a company that has provided the additional jobs throughout metropolitan Melbourne and country Victoria.

Dr Napthine interjected.

Mr BATCHELOR — The Leader of the Opposition interjects that it is good news. Yes, it is — notwithstanding the neglect of the previous government. The Leader of the Opposition was part of the public transport subcommittee of the previous cabinet that did not stipulate any local content for the provision of extra Sprinter trains that this government will provide to Bendigo. National Express will provide a service, but in the interim we will ask National Express to examine the timetabling issue, have it investigated and report back to the honourable member

for Bendigo East, who is concerned about providing a good service and making it more economically viable for the people of Bendigo. We want to keep up the good work.

Mr BRUMBY (Minister for State and Regional Development) — I am delighted to have the opportunity to respond to the honourable member for Doncaster, who raised a number of issues generally about the performance of the government in the area of information technology and multimedia. He asked about the televillage in Ballarat and the answers to questions on the notice paper.

Questions on the notice paper that have been asked by the honourable member for Doncaster are word-for-word identical to those asked by other opposition backbenchers in another place. They were answered and signed off by me before the commencement of this sessional period.

I have some advice for the honourable member for Doncaster and the Leader of the Opposition, who is sitting beside him: if they cannot organise a question-on-notice strategy, they do not deserve to be in this Parliament!

Mr Perton — On a point of order, Mr Acting Speaker, the minister is reflecting on the authority of the house.

Government members interjecting.

Mr Perton — Those of you who are not new would have heard the minister making the same point when he was on this side of the house. The minister is holding this house up to ridicule by saying he is prepared to answer questions in the other place but not in this house.

I ask you, Mr Acting Speaker, to refer the contempt of this house by the minister to the Speaker for his consideration. The minister has indicated he has prepared answers to questions from members of Parliament in the other house, and he has not answered them in the Legislative Assembly.

Mr Robinson — On a point of order, Mr Acting Speaker, I put it to you that the only person being held up to ridicule in the debate is the honourable member for Doncaster.

The ACTING SPEAKER (Mr Phillips) — Order! I suggest to all honourable members that there is no point of order. The Chair is not satisfied that the minister is not going to answer the question because he has not completed his response. I suggest to all

honourable members that part of the theatre of this place is being able to take a little bit of rough and tumble from time to time. Unless a member feels he has been unfairly treated and therefore seeks an apology under standing orders, there is no point of order. The Minister for State and Regional Development, completing his response.

Mr BRUMBY — Thank you, Mr Acting Speaker, for your very learned ruling.

As I look back through the pages of questions I note that they are identical to the questions asked on the shadow minister's behalf in another place. The honourable member for Doncaster has access to those answers. Perhaps he did not have the integrity to say that in his contribution to the debate.

I will respond to the issue about the commitment the Bracks government has made to the televillage in Ballarat. The Bracks government has given a commitment to establish two televillages, one in Ballarat and one in Portland. It is disturbing that the honourable member for Doncaster, who has a keen interest in information technology, spends all his time whingeing, whining and criticising government initiatives aimed at helping the growth of the industry and the growth of regional Victoria. The honourable member cannot seem to adjust to his new life in opposition.

Why are members on the other side of the house in opposition? There is a range of reasons, but one reason is their appalling and shameful neglect of regional Victoria over the past seven years. The Bracks government is doing something positive for Ballarat. We have appointed a coordinator and progressed the first televillage proposal for country Victoria to a remarkable degree. We have notionally allocated funds for the project from the Regional Infrastructure Development Fund. What does the honourable member for Doncaster do? He whines, whinges and carps about the positive things the government is doing to rebuild regional Victoria. I could not care less how much the honourable member for Doncaster whinges, whines, carps and criticises. The Bracks government will continue with its program of rebuilding opportunities in regional Victoria.

The honourable member raised the issue of the use of information technology, and he has previously referred to issues such as web pages. Honourable members will be pleased to know that congratulations are in order for the honourable member for Doncaster because his web site was nominated for the *New Statesman* new media

awards. The nomination cites the honourable member for Doncaster as:

... experimenting with electronic democracy for over four years. He has led the Australian debate on privacy law and has led the Victorian government's electronic commerce framework group.

That is quite a rap. Given the quality of his web site, I was a little surprised at his nomination for what is a prestigious award. On closer inspection I saw that the honourable member for Doncaster's web site was nominated by a Ms Jane Woolard. Honourable members will be interested to know that Ms Jane Woolard is the same Jane Woolard who is employed by the honourable member for Doncaster as his electorate officer.

Honourable members interjecting.

The ACTING SPEAKER (Mr Phillips) — Order! The house should come to order and the minister should complete his answer.

Mr BRUMBY — The honourable member for Doncaster nominated himself! If one had to describe that, one would say he is a big-noter or, on a more serious level, guilty of cyber fraud. Members of the house will not be surprised to learn that the honourable member for Doncaster was not short-listed for the award.

A print of the honourable member for Doncaster's 1998 August news page states:

In this last month before spring, let us welcome you to our August 1998 newsletter, Victor, Jennifer and Jane.

Presumably Jane is the person who nominated the honourable member for Doncaster for the award. In the same newsletter the honourable member for Doncaster comments on the GST in the following terms:

The Victorian government is right behind the federal Liberal government's tax package. Premier Kennett has declared the package unequivocally good for Australia. It is good for growth, good for jobs because it reduces business costs, good for exports, good for families with children, good incentives for low-income earners to work as poverty traps have been reduced, good for rural Australia because of the reduction in diesel excise. The federal government should be congratulated for developing a tax system that will support jobs, exports and families into the 21st century.

The Bracks Labor government is proud of its achievements in information technology. Last night I launched the Digital Media Fund with three areas of focus: the interactive screens arts (ISA) program, the digital culture program, and the ABC Cinemedia multimedia production accord. That announcement

follows last week's announcement of funding of \$1.3 million to local government to establish e-commerce across the Victorian community and the announcement some weeks ago of traineeships — the Go for IT program. Victoria is the first state government to enter the e-commerce market.

The government has made more progress in this area in five months than the former government did in five years. The honourable member for Doncaster does himself, his opposition colleagues and his temporary leader no justice by running around the state criticising, whingeing, whining and carping about and bagging every positive initiative the government makes in the multimedia area.

Mr HULLS (Attorney-General) — The honourable member for Bentleigh is nothing if not persistent in again raising the issue of a courthouse in Moorabbin. So far as I recall I wrote to the honourable member for Bentleigh — —

Mrs Peulich — And signed it, too.

Mr HULLS — I indicated that the municipal offices she was proposing are not required for a courthouse in Moorabbin. I know the local community is anxious to ascertain whether those offices can be used for community purposes, and because I did not want to leave it wondering when a decision would be made about those premises I wrote to the honourable member and advised her that at this stage the building will not be required for a courthouse, so it can now be released for appropriate community use by the local community. In relation to courthouses generally — —

Mrs Peulich interjected.

Mr HULLS — I note the honourable member for Bentleigh is interjecting and inviting me to visit the area with her. I am more than happy to go anywhere with the local member and if she wants me to look at the premises — —

Mrs Peulich — The honourable member for Mordialloc does, too.

Mr HULLS — That is a different question. The invitation is rejected. I will not be looking at the premises!

In all seriousness, referring to courthouses generally, the government is committed to ensuring that people are not denied access to justice simply because of where they live. As the honourable member for Bentleigh would know, yesterday I formally announced on behalf of the government the allocation of

\$8.9 million for a new court complex in Mildura. That court complex has been no. 1 on both my list of priorities and that of the government since the election. I was pleased to announce that the government is delivering on that promise.

So far as I am aware the next cab off the rank is Warrnambool. I believe money has been allocated for the purchase of land in Warrnambool with a view ultimately to securing a new court complex there. As I have consistently indicated to the shadow Attorney-General and the people of Mildura and Warrnambool, the first priority was Mildura. That promise has been fulfilled and the government is now looking at Warrnambool.

Currently I am also looking at reopening the Prahran complex. If that were to happen I would have to examine the impact it may have on the people of Moorabbin and whether a new court complex would then be required there. I am looking at court complexes as an entire strategy. I am more than happy to go with the honourable member for Bentleigh to examine the facilities or any proposal she may have at Moorabbin. That should not be read as an indication that anything would go ahead, because there are other priorities for court complexes.

Some time ago the honourable member for Springvale raised an issue about a member of another place, the Honourable Cameron Boardman, and how he voted.

Mrs Peulich interjected.

Mr HULLS — In fact what he was doing, where he voted and how he voted on election day! I say ‘how he voted on election day’ because it appears he is not sure how he voted on election day!

As the honourable member for Springvale pointed out, an article in the *Herald Sun* of 5 December 1999 states:

Victorian Liberal MP Cameron Boardman cannot remember which electorate he voted for at the September 18 election.

And he said he forgot to notify the Electoral Commission when he moved house in January this year.

Further the article states:

... he was busy on election day and was not sure for which MP he voted.

Then there is a quote:

I honestly can't remember — I'm vague about it, I was everywhere that day.

It is an extraordinary admission for a member of Parliament to make. As a result, the honourable

member for Springvale referred the matter to me for investigation. As Attorney-General I referred the matter on to the Victorian Electoral Commission, because I considered it more appropriate that that independent body investigate the matter.

However, there is some good news and bad news in this, depending on who you are. The good news is that as chief law officer I agreed with the view of the Victorian Electoral Commissioner on the matter, which is:

... no further action ought be taken against Mr Boardman in relation to this matter.

An opposition member interjected.

Mr HULLS — No, action will be taken. That is the bad news. Come in, spinner! The good news is that no further action is to be taken against Mr Boardman, but the bad news is that action will be taken in relation to the matter.

I advise the honourable member for Springvale that I have drafted a letter to him about the matter. I refer to the report of the Victorian Electoral Commissioner, Mr Barry, in which he states that he has decided not to take any further action on the matter and has been able to confirm that at the time of the 1999 state election Mr Boardman voted for his enrolled address in the electoral district of Carrum, despite the fact that Mr Boardman was living in Frankston at the time. Mr Boardman has admitted the he was living in Frankston at the time but did not admit — —

Mrs Peulich interjected.

Mr HULLS — We will get to that. He did not admit that he voted in the electoral district of Carrum. Mr Barry states that he is not willing to commence proceedings against Mr Boardman because evidence exists that there are other electors who on election day did not live at the address for which they enrolled. Of course that is a breach of the law, but Mr Boardman is not on his own.

However, the commissioner is of the view that proof would be required that Mr Boardman knowingly made a false statement under section 252(a) of the act for the case to be successfully prosecuted in court. Despite the fact that Mr Boardman voted in an area in which he was not entitled to vote the Electoral Commissioner is of the view that it would be difficult to prove he knowingly made a false statement, particularly when one takes into account what Mr Boardman said, which was that he could not remember in which electorate he voted and that he was so busy on election day that he

did not know who he voted for, and that he was very vague about it.

Based on those statements the Electoral Commissioner is of the view that because it is a serious offence — under section 252(a) it is an indictable offence — any court would be inclined to lean towards the elector. As a result Mr Barry is of the view that it would not be worth proceeding further against Mr Boardman. I agree with that. However, I would have thought someone like Mr Boardman should be setting an example to the rest of the community — a higher example, I suppose — because he is an elected member of Parliament.

Mr Barry continues that the inquiry raised by the honourable member for Springvale has indeed identified a deficiency in Victoria's electoral legislation with respect to the principle that only electors who live in a particular electorate should vote in an election for that electorate. Mr Boardman's actions have therefore brought to light a deficiency in the legislation.

Mr Barry said he will include recommendations for legislative change in his report to Parliament on the 1999 state election, including reinstating that principle. Such an amendment would appear to address similar situations to that involving Mr Boardman. I will consider Mr Barry's recommendation in due course, and I expect I will move amendments to the legislation. One amendment will be known as the 'Boardman amendment'.

Government members interjecting.

Mr HULLS — It is important for the matter to be addressed urgently. The Electoral Commissioner is not prepared to take it further. I agree with that, but I look forward to considering the proposed amendments to the Electoral Act as a result of Mr Boardman's activities on election day.

Ms DELAHUNTY (Minister for Education) — I refer to the issue raised by the excellent member for Dandenong North concerning the establishment of a state secondary college for girls in the Dandenong area. The issue of all-girls schools has attracted quite a bit of interest in Victoria.

There are a number of state secondary colleges in Victoria that are for girls only: MacRobertson Girls High School, Mentone Girls Secondary College, Pascoe Vale Girls Secondary College, Point Gellibrand Girls Secondary College, Preston Girls High School and Gilmore College. All of them are excellent colleges. There is some community interest in the suggestion, particularly from the Islamic community in Dandenong.

The policy gives clear guidelines for the department and the government. Firstly, there must be sufficient growth in the proposed area. That criterion applies for the establishment of any school. The government would need to be assured that there is sufficient growth in the proposed area and a long-term enrolment of about 1100 students without adversely affecting the enrolments of existing schools.

There is quite a lot of interest in all-girls schools. The house will be aware that the jury is out on which form of education is best — it is clear that boys do better in co-educational schools, but the jury is out on whether there is a particular advantage in girls attending all-girls schools.

If the community is able to assure the government that there is sufficient interest and support for the establishment of such a school and that the criterion for long-term enrolments can be met the Department of Education would certainly look at the proposal with great interest. Dandenong is a growth area, and the Bracks Labor government is keen to ensure that there is adequate provision of quality education throughout the state.

The honourable member for Benambra does not give up, does he? He raised yet again the furphy, perpetuated by the shadow Minister for Education, that somehow the Bracks Labor government has been short-changing certain schools in his electorate. I suggest he is the only one short-changing anyone in his electorate! On 6 March he issued a press release alleging that the funding for the Mitchell and Beechworth secondary colleges had been cut. He has raised the matter in this place again, knowing that the government has already responded to his furphy, and knowing that yet again he is misleading the community.

It is unwise and unfair that the honourable member trots out the furchies because he only causes anxiety in Victorian school communities. The government has to clear up the mess in education left by the former government. School communities do not need to be caused further anxiety after watching the Kennett government apply the machete to education for seven years.

I shall deal with the points raised by the honourable member. His press release said funding to the Mitchell Secondary College had been cut. The government checked the facts: in November 1998 the original budget was settled at \$2 726 583; on 29 March 1999 the budget estimate — I remind the house I am talking about estimates for the college's upgrade — was \$2.7 million. But on 6 May 1999 — I ask honourable

members to remember who was in government then! — the project estimate had risen to \$2.945 million.

As the good member would or should know, project estimates change through the journey of a project: the architects put in a bid, there is an agreed estimate, and such estimates change until there is an agreement on the final figure before tenders are let.

On 2 March 2000 — who was in government then? — a letter sent to the principal of Mitchell Secondary College states:

As a result of information provided after the project review and evaluation panel meeting held in November, 1999, approval has been granted for an increase to the scope of works ...

The agreed revised brief and budget was \$3.052 million — the amount has increased. It is disgraceful that the honourable member for Benambra is misleading his community. He is spreading a distorted notion in line with what the shadow minister was saying a couple of weeks ago — that is, that the Bracks government is, to use his words, ‘shamelessly pork-barrelling’. It is a helluva way to pork-barrel: the funds for the school have been increased since the government came to office!

I hope the honourable member will publish a press release in which he tells his community that the Bracks Labor government has increased funding to the school, just as I hope the shadow Minister for Education will issue a press release admitting he was wrong in his assertion that the Labor government was increasing funds only for Labor-held electorates.

I remind the house that the shadow Minister for Education, whose acolyte is the honourable member for Benambra, said the Bracks Labor government was shifting funds for capital works from his electorate — I have just proved he was wrong, mischievous and misleading — to Labor-held electorates. His example was the Williamstown North Primary School in the Premier’s electorate.

I will tell honourable members about Williamstown North Primary School. There was an increase in funding for Williamstown North Primary School because, after seven years of insufficient funding, it was a disgrace. Walls were falling down, windows were falling out and there was rising damp. It was in its dying days when the Kennett government realised it was going to be a nasty legacy, so what happened on 26 May 1999? Let us recall who was in government on 26 May 1999.

Here is the letter that states that the school is authorised to enter into a contract regarding constructions. I do not need to name the contractors involved. The total estimated cost includes an increase for the capital works required. The Kennett government increased the amount of money to be provided for the upgrade at Williamstown North Primary School. Members opposite will stoop so low!

To complete the embarrassment, the honourable member for Benambra was running around arguing that schools in many Liberal and National Party-held seats had allegedly suffered a decrease in funding. Let us consider some such schools. Funding for Shepparton Special School went up by \$1 million, a total increase of \$1.5 million. Guthrie Street Primary School — again in Shepparton; not a Labor seat — had a funding increase of \$53 000. Funding for Echuca East Primary School went up by \$190 000. Bairnsdale Primary School funding increased by \$70 000. Bairnsdale West Primary School also had an increase in funding.

The honourable member for Benambra and the shadow Minister for Education should apologise to the people of Victoria for their duplicity and distortion. The government will put quality teachers into quality facilities but it cannot wave a magic wand after seven years of devastation of our education system.

Mr Plowman — On a point of order, Mr Acting Speaker, the minister suggested I misrepresented my electorate and also misinformed the house. The information I drew on to inform my electorate and to inform the house was from budget paper no. 1, which was presented to the house by the Premier.

Ms DELAHUNTY — You were wrong and you should be ashamed.

The ACTING SPEAKER (Mr Phillips) — Order! I remind all honourable members that members have the right to raise points of order. It is then up to the Chair, having heard the point of order or part of it, to decide whether it is relevant. I am having difficulty in hearing the point of order to enable me to determine whether it is relevant. I ask honourable members to be quiet.

Mr Plowman — Thank you, Mr Acting Speaker. When the minister claimed I was not only misrepresenting my electorate but also misleading the house, I believe she did not accept the fact that the paper I took the information from was delivered to the house by the Premier of the state. It is budget information paper no. 1. I suggest the minister is out of order in making those accusations.

The ACTING SPEAKER (Mr Phillips) — Order! There is no point of order. If the honourable member feels he has been misrepresented he should make a personal statement.

Mr THWAITES (Minister for Health) — I am pleased to be able to advise the house that the Bracks government is committed to the radiotherapy trial in Ballarat. The honourable member for Ballarat West has been a campaigner for such a trial for a very long time, as has been the honourable member for Bendigo East. The commonwealth government has finally signed the radiotherapy agreement. I am pleased about that. I am disappointed that it has taken so long.

In November last year I signed an agreement prepared by the federal government to introduce the radiotherapy trials in regional Victoria. That was sent to the commonwealth minister in December, and it has taken until March for the minister to sign it. That has led to a great deal of anxiety and concern in regional Victoria and to a real doubt about whether the trials were going ahead.

I note that the Bendigo *Advertiser* recently printed an editorial about the matter, severely criticising the commonwealth government for its delays. In the other house the Honourable Ron Best made a fool of himself by distributing false information about the radiotherapy trials, claiming that the Bracks Labor government did not support them. He was put in a somewhat difficult position when it was revealed that the Bracks government had signed the memorandum of understanding in November last year. It was the commonwealth government that was refusing to sign. That was pointed out by the Bendigo *Advertiser*, which criticised the federal government for using the issue for political purposes instead of getting on and signing the agreement.

Dr Napthine — They criticised you as well.

Mr THWAITES — The Leader of the Opposition claims that the Bendigo *Advertiser* criticised the Labor government, but in fact it said:

The state government has clearly stated it wants the project to go ahead.

Letters obtained by the *Advertiser* prove Labor has signed off on its commitment to the service.

However, Dr Wooldridge's position remains unclear.

It was quite clear that the Bracks government is totally committed to the project but the federal government caused extensive delays. The embarrassment that

Mr Best must feel has been reflected in his conduct recently in Bendigo.

The key issue now is that the Bracks government is getting on with the job of delivering the radiotherapy trials. I pay tribute to the work of people like Ron Morrison in Ballarat, who has worked for years to have a radiotherapy trial. Many people in Ballarat have raised money for the trials. The Ballarat Base Hospital and the St John of God Hospital are also committed to the trial. I met hospital representatives last week when they confirmed their commitment to the trial. I look forward to its success.

The federal government has indicated that it has concerns about whether a single radiotherapy machine is appropriate, and the state government acknowledges those concerns. But a trial is conducted to see whether something works. I have no doubt that given the need for radiotherapy for cancer patients in regional areas, the trial will be positively received. I congratulate the honourable members for Ballarat East and Ballarat West and other Labor members in the area.

The federal member of Parliament, Steve Gibbons, raised the matter in the federal Parliament and was commended by the Bendigo *Advertiser* on his forthright statements. I commend the hospitals involved and the people of Ballarat and I look forward to a successful trial.

The honourable member for Footscray raised the issue of safe injecting facilities and leaflets that have been distributed by candidates standing in the forthcoming local council elections. It is easy to try to make political capital out of the tragedy of heroin overdose. It was interesting that many of the people at the meeting and those who spoke on the radio who had concerns and were opposed to the project were very emotional about the existing situation in Footscray — an emotion I acknowledge is justified in many ways. It is a tragic situation. Approximately 29 people died last year in Footscray as a result of overdoses of heroin. But much of the anger expressed seemed to be motivated by the amount of injecting, using and dealing being carried out in and around Footscray.

It must be recognised that it is occurring under the current rules. The problem is that at present the using of and dealing in drugs, and unfortunately sometimes the overdosing, is being done in the streets. That is not a supervised environment; the streets are not safe.

Drug-related activities in the streets cause more nuisance to traders and residents than drug use in a more supervised location. I learnt while I was in

Germany that people running businesses near safe injecting facilities recognise that such facilities reduce the amount of drug use going on in the street and the amount of nuisance for businesses.

Indeed, it was the business people of Frankfurt who sought the establishment of more facilities to cope with the amount of open dealing and using that was causing a decline in business activity and generating a fear that investment in Frankfurt would decline. Once those facilities were established the number of deaths in Frankfurt dropped from 129 a year to a figure in the high 20s — a very significant improvement.

That is not to say that any of us approves of what is going on in safe injecting facilities. All honourable members oppose any sort of drug use. The government is merely trying to reduce the harm caused by it.

The honourable member raised the question of the political way some council candidates have been using the issue in Footscray, even though those same people are also trenchantly opposed to the needle exchange program.

Mrs Peulich interjected.

Mr THWAITES — The honourable member for Bentleigh keeps interjecting. I do not know whether she opposes the needle exchange program or not, but the people running the political campaign in Footscray have been violently against it.

The previous government, to its credit, increased the number of clean needles available through the needle exchange program and was improving the program itself. The Labor opposition supported those actions at the time and did not use the issue for political purposes but gave bipartisan support to the former government for what it was doing.

I support the issues raised by the honourable member for Footscray. I recognise the need to inform people properly, and the government will endeavour to do that.

The honourable member for South Barwon raised the issue of organ donations and the Australian Kidney Foundation. I will take up that issue. I am very concerned to maximise the number of organ donations. Victoria has a desperate shortage of donated organs.

Many people would, I am sure, register themselves as potential organ donors if the process were not so difficult. The government has now moved to make it a lot easier by arranging donor registration through the driver licence system. Our advice is that the new system will increase the number of potential donors.

That will be a benefit for the people waiting for donated organs. Anything else we can possibly do in that area we will also try to do.

Motion agreed to.

House adjourned 5.25 p.m. until Tuesday, 21 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, 14 March 2000

Transport: Eastern Freeway–Doncaster road upgrades

64. MR PERTON — To ask the Honourable the Minister for Transport —

1. What will the government do to deal with the morning traffic problems at the western end of the Eastern Freeway.
2. Will the Government extend the Eastern Freeway westwards to meet the Tullamarine Freeway.
3. Will the Government improve the traffic flow on Hoddle Street southwards in the morning peak period to reduce the traffic jam on the Eastern Freeway.
4. Will the Government ensure the completion of park and ride facilities in Doncaster to enable drivers to use public transport on the Eastern Freeway.
5. Is the Government committed to the completion of the Mitcham Road upgrade.
6. When will the Government commit funds to upgrade — (a) Blackburn Road, north of Reynolds Road; (b) the north end of Springvale Road between Mitcham Road and Reynolds Road; (c) King Street, Templestowe; (d) Andersons Creek Road, Doncaster East; and (e) Victoria Street, Templestowe, north of George Street.

ANSWER:

1. The works to be undertaken on Hoddle Street, detailed in point 3 (below), are expected to provide significant benefits to city bound traffic in the morning peak period through a substantial reduction of queuing on the Eastern Freeway.

Traffic flow is expected to be improved for traffic leaving or entering the freeway via Alexandra Parade through a signal and linking review by Vicroads. Adjustments to signal timings will be undertaken as part of this investigation. Larger cost solutions identified will be referred for consideration in future road programs.
2. The Government will initiate a feasibility study on a more progressive and sustainable solution to traffic congestion at the city end of the Eastern Freeway, including the feasibility of extending public transport links in the corridor.
3. Funding of \$528,000 has been provided in Vicroads' 1999/2000 works program to construct a fourth left turn lane for traffic exiting the freeway to Hoddle Street and for the widening of the southbound carriageway of Hoddle Street between the Eastern Freeway and Vere Street to provide a fourth traffic lane. Associated traffic signal improvements are included in these works, which are expected to be completed by May 2000.
4. The Government strongly supports development of an appropriate Park and Ride facility in Doncaster. I am advised by Vicroads that, as a result of the withdrawal of the original developer, the approach previously adopted is being reviewed. It is expected that the outcome of this review will be available by the middle of next year.

5. The upgrade of Mitcham Road between Springvale Road and Park Road is planned to commence in the first quarter of 2000 and be completed by the end of 2000.
6. (a) Blackburn Road north of Reynolds Road is a local road which is the responsibility of the City of Manningham. Therefore, Council is responsible for the funding of any improvements to this road.
- (b) The reconstruction of the intersection of Springvale Road and Reynolds Road is planned to occur in 2000/2001 as part of the duplication of Reynolds Road. These works are expected to significantly improve the safety and operation of the intersection. There are no further plans to upgrade this section of Springvale Road.

There are currently no immediate plans to undertake upgrades of:

- (c) King Street, Templestowe,
- (d) Andersons Creek Road, Doncaster East, or
- (e) Victoria Street, Templestowe, north of George Street

The priority of possible improvements on these roads will be considered in the development of future programs.

Environment and Conservation: Parks Victoria staff

80. MR PERTON — To ask the Honourable the Minister for Environment and Conservation —

1. How many part time, temporary or casual staff were employed by Parks Victoria between December and March in 1997–98 and 1998–99.
2. How many part time, temporary or casual staff will be employed by Parks Victoria between December and March in 1999–2000.
3. In which Parks will summer rangers be employed by Parks Victoria between December and March in 1999–2000.
4. What skills will summer rangers be required to have.
5. At the end of this summer, who will conduct an evaluation of the summer rangers project and what will be the criteria for the evaluation.

ANSWER:

I am informed that:

1. The number of part-time, temporary or casual staff employed by Parks Victoria varies from week to week. The change is dependent on seasonal requirements, *eg* weather, public holidays, school holidays, etc.

Between December 1997 and March 1998 the number of these staff varied between 106 and 109.
Between December 1998 and March 1999 the number of these staff varied between 92 and 85.

2. The numbers employed for 1999/2000 will be consistent with previous years plus the 40 summer rangers.
3. Summer Rangers will be placed in a variety of locations across Victoria. No more than two will work from the same location. Whilst a number will work solely at a single park, others will regularly provide assistance to several parks in an area.
4. In accordance with the position description the main skills required are:

An understanding of customer needs and requirements.
Good communications skills and ability to relate to the public when providing information.

Knowledge of Parks Victoria's role in providing services with emphasis on national and state parks.
Experience and/or knowledge of natural area and/or park management.
The ability to work as part of a multi-functional team.
Knowledge of basic park maintenance skills.
A current Victorian drivers licence.

5. At the end of the program each supervising Ranger in Charge will undertake an assessment of the respective Summer Ranger/s under his/her control. The main criteria used will be:

The courtesy and accuracy of information provided to visitors (from visitor feedback and observation).
Standard of maintenance of visitor facilities (supervision).
Contribution to a teamwork approach to tasks (supervision).
Ability to assess situations and implement appropriate actions (observation).

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Wednesday, 15 March 2000

Arts: Film Victoria funding

6. **MR WILSON** — To ask the Honourable the Minister for Arts, what total funding will be provided to Film Victoria in 1999–2000, 2000–2001, 2001–2002 and 2002–2003 and what additional commitment or commitments does this represent for each year.

ANSWER:

I am informed that the following Table and Notes outline projected funding arrangements for the Film Victoria business unit of Cinemedia until 2002/2003, and include Labor’s budget initiatives:

Film Victoria Operational Budget	1999/2000	2000/2001	2001/2002	2002/2003
Existing Budget	3,050,000	3,050,000	3,050,000	3,050,000
Additional Funding	400,000			
Labor Policy Initiatives *	200,000	300,000	400,000	400,000
TOTAL	3,650,000	3,350,000	3,450,000	3,450,000
<i>Increase in budget</i>	<i>600,000</i>	<i>300,000</i>	<i>400,000</i>	<i>400,000</i>

NOTES:

Please note that Film Victoria is one of the business units within Cinemedia. The above figures do not include funding for other Cinemedia initiatives which further the development of the film and television industry. Some of these include:

Cinemedia Screen Culture provides financial support for a diverse range of organisations, events and initiatives that promote the growth of Victoria’s screen culture community. Some of these include the Melbourne International Film Festival, Open Channel, Australian Film Institute, Cinema Papers and the St Kilda Film Festival as well as screen forums and conferences.

The Melbourne Film Office, an arm of Cinemedia, markets the Victorian film and television industry nationally and internationally. Cinemedia Screen Education invites discussion and understanding of screen culture through education forums for various audiences including Victorian media teachers. The Cinemedia Access Collection is Australia’s largest film, video and multimedia lending collection. The Collection is available on-line throughout Victoria and across Australia.

Since the new Government took office, the Board of Cinemedia has allocated an additional \$500,000 to film and television production in Victoria. This allocation adds an additional \$400,000 to the Film Victoria Budget for the year 1999/2000.

Arts: film and television production funding

67. MR PERTON — To ask the Honourable the Minister for Arts —

1. Whether the budget for Cinemedia for 2000–01 is to be frozen as per the Minister's statement to Cabriella Coslovich and reported in *The Age* on 24 November 1999.
2. Whether the Minister will increase funding for film and television production by 31%; if so, which grants or multimedia programs will be cut to achieve this increase.

ANSWER:

I am informed that:

In part answer to this question, that I should refer the Honourable Member to my response to Question 6 put by Mr Wilson.

In summary, the Board of Cinemedia has allocated an additional \$500,000 to film and television production in Victoria. This allocation adds an additional \$400,000 to the Film Victoria Budget for the year 1999/2000.