

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**24 May 2000**

**(extract from Book 8)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)**

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**FIFTY-FOURTH PARLIAMENT — FIRST SESSION**

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Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
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Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
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Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

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

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

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

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



# CONTENTS

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## WEDNESDAY, 24 MAY 2000

### PETITION

*Rail: Deer Park station*..... 1675

PAPERS ..... 1675

### BUSINESS OF THE HOUSE

*Program*..... 1675

### MEMBERS STATEMENTS

*ALP: election commitments*..... 1675

*Gaming: West Heidelberg site* ..... 1676

*FOI: schools*..... 1676, 1677

*Industrial Deaths Support and Advocacy*..... 1676

*FOI: TAFE* ..... 1676

*CFA: Moe*..... 1677

*FOI: multimedia*..... 1677

*Geelong High School*..... 1677

*Brimbank and Melton: Koori heritage plan*..... 1678

*FOI: Turkish earthquake appeal* ..... 1678

### PETROLEUM PRODUCTS (PRICING) BILL

*Introduction and first reading*..... 1678

*Second reading*..... 1678

### INFORMATION PRIVACY BILL

*Introduction and first reading*..... 1679

### COURTS AND TRIBUNALS LEGISLATION

#### (FURTHER AMENDMENT) BILL

*Introduction and first reading*..... 1679

### VICTIMS OF CRIME ASSISTANCE (AMENDMENT)

#### BILL

*Introduction and first reading*..... 1679

### STATE TAXATION ACTS (MISCELLANEOUS

#### AMENDMENTS) BILL

*Second reading*..... 1680

*Remaining stages*..... 1682

### VICTORIAN LAW REFORM COMMISSION BILL

*Second reading*..... 1682

*Remaining stages*..... 1693

### CHILDREN AND YOUNG PERSONS (APPOINTMENT

#### OF PRESIDENT) BILL

*Second reading*..... 1693

*Third reading*..... 1701

*Remaining stages*..... 1702

### ARTS LEGISLATION (AMENDMENT) BILL

*Second reading*..... 1702, 1709

*Remaining stages*..... 1712

DISTINGUISHED VISITORS ..... 1703

### QUESTIONS WITHOUT NOTICE

*New South Wales budget: tax relief*..... 1703

*FINA World Cup*..... 1703

*Public sector: wages growth*..... 1704

*Youth: Pathways project*..... 1704

*Bovine Johne's disease*..... 1705

*Youth: risk survey*..... 1706

*Preschools: participation rates*..... 1707

*Community legal centres: funding*..... 1707

*MAS: management committee* ..... 1708

*GST: tourism* ..... 1708

### LAND (REVOCATION OF RESERVATIONS) BILL

*Second reading*..... 1712

*Remaining stages*..... 1719

### ELECTRICITY INDUSTRY ACTS (AMENDMENT)

#### BILL

*Second reading*..... 1719

*Committee*..... 1726

*Third reading* ..... 1728

*Remaining stages*..... 1728

### APPROPRIATION (2000/2001) BILL

*Second reading*..... 1728

### ADJOURNMENT

*Lysterfield Primary School*..... 1755

*Police: Lancefield station*..... 1756

*Preschools: Gardenvale*..... 1756

*Hume: Sunbury separation* ..... 1756

*Rail: Shepparton–Numurkah–Cobram service* ..... 1757

*Courts: Heidelberg complex*..... 1757

*Tallangatta: employment contract*..... 1758

*VIP Security Services*..... 1758

*Phylloxera* ..... 1758

*Footscray Boat Club*..... 1759

*Hampton Bowls Club*..... 1759

*Responses* ..... 1760



**Wednesday, 24 May 2000**

**The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.35 a.m. and read the prayer.**

**PETITION**

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

**Rail: Deer Park station**

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

The humble petition of the people of Deer Park sheweth that passenger trains depart from Melton station travelling to Spencer Street station each week day morning at approximately 8.35 a.m., 8.45 a.m. and 10.55 a.m.

These trains pass through Deer Park Station at approximately 8.49 a.m., 9.00 a.m. and 11.10 a.m. but do not stop at this station.

Your petitioners therefore pray that the Public Transport Corporation program these trains to stop at Deer Park station to pick up passengers at the earliest possible date.

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

**By Mr LANGUILLER (Sunshine) (234 signatures)**

**Laid on table.**

**PAPERS**

**Laid on table by Clerk:**

Auditor-General — Performance Audit Report No 63 — Represented persons: Under State Trustees' administration — Ordered to be printed

Prevention of Cruelty to Animals Act 1986:

Revised Code of Practice for the Welfare of Wildlife during Rehabilitation

Revocation of Code of Practice for the operation of Wildlife Shelters.

**BUSINESS OF THE HOUSE**

**Program**

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

That so much of sessional orders be suspended for today to allow, in substitution of a discussion of a matter of public importance pursuant to sessional order 9, consideration of general business notice of motion no. 26 and government business after statements by members.

By way of a brief explanation, the intent of this procedural resolution is to enable the matter of public importance that was scheduled for today by the government to be superseded to allow the continuation of the examination of the legislative program and, later today perhaps, the appropriation debate.

It will also facilitate debate on notice of motion no. 26 under general business, which is a first reading of a private member's bill to be introduced by the honourable member for Mildura. It is envisaged that leave will then be sought to proceed forthwith to the second-reading stage. Once that has happened and the debate has adjourned the house would proceed to consider the legislative program. I understand there is broad agreement to that procedure around the house.

**Mr McARTHUR (Monbulk)** — The opposition is happy to grant leave for and support the motion. We are pleased to see a procedure established for the introduction of private members bills, and of course we are confident that the same privilege will be extended to other members who might want to introduce a private member's bill.

**Motion agreed to.**

**MEMBERS STATEMENTS**

**ALP: election commitments**

**Ms ASHER (Brighton)** — The Labor government's promise of being open and accountable is clearly a sham. On 9 February I wrote to the Department of Treasury and Finance requesting, under freedom of information (FOI) provisions, an analysis of Labor's financial statement, which was audited by Access Economics and was the document that was most talked about during the election campaign. I considered it a reasonable assumption on my part that there would be a Department of Treasury and Finance analysis of that particular document.

However, to my surprise, on 11 April I was informed by the government that no such document existed in the Department of Treasury and Finance. To my even greater surprise, on 2 May I heard the Premier state on 3AW that he had handed the Access documents to all of the departmental heads to do separate costings. I quote the Premier, who said:

And so they therefore could put that into action to do the separate costings and that was the stock [in] trade that we had for the expenditure review committee.

It is outrageous that, on the one hand, the Premier has acknowledged in public that the public sector was

required to do costings; and, on the other hand, the government is telling me through FOI that no documents on costings exist at all. I have accordingly written to the Ombudsman, as is my right under section 27 of the Freedom of Information Act, to complain and to have the matter investigated. Where are the separate costings — costings that the Premier acknowledged in public exist? Are they in cyberspace or are they in his head?

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

### **Gaming: West Heidelberg site**

**Mr LANGDON** (Ivanhoe) — I rise to congratulate constituents in my electorate on their involvement in the ongoing campaign against Mr Bruce Mathieson and the Colosseum Hotel site. To inform the house briefly, I advise that an appeal against the decision of the Liquor Licensing Commission to refuse a liquor licence went back to the Liquor Licensing Commission on 8 May. Mr Mathieson and company have returned to the commission to try to have the original ruling overturned.

Members of my constituency have long been involved in the campaign. They have gone out of their way to represent themselves and my electorate to stop the proliferation of poker machines within the West Heidelberg area. In particular I congratulate the Reverend Garry Heard from the Rosanna Baptist Church; Ms Saraswati; Mrs Robertson; Ms Licen; Mr Pither; Ms Howden; Mr Cathrine; Ms Le Page, and Mrs Hirst, who spoke on behalf of Mr Oldmeadow. Those people have been actively involved throughout the entire campaign and have attended the commission on several occasions and before that the Administrative Appeals Tribunal on the planning issue. It has not been just a brief encounter but an ongoing issue for a good two or three years. I commend them on their community service.

### **FOI: schools**

**Mr HONEYWOOD** (Warrandyte) — Labor's claim to transparency in government is a sham. I refer to two freedom of information (FOI) requests I have put before the Department of Education, Employment and Training, in which obviously the Minister for Education has had a role in ensuring that minimum and in some cases no information whatsoever has been provided.

The first FOI request in question is dated 6 March. I quote from the letter written in response:

I refer to your freedom of information ... request received on 6 March 2000 for access to documents relating to the current location and condition of the 200 relocatable classrooms that the Department of Education, Employment and Training transferred over the 1999–2000 holiday period, prior to the commencement of the 2000 school year. I also refer to the letter to you dated 24 March 2000 where Mr Neil Morrow, Manager, FOI, indicated that because of the volume of documents involved processing your request was likely to attract refusal under section 25A of the FOI Act.

I also refer to my FOI application relating to class sizes dated 1 March. While the minister, by way of leaking, has released information on primary class sizes, I am still waiting on details of secondary school English class sizes. Even though every one of those government high schools was required to submit details of class sizes by the end of February, two and a half months later the FOI request still has not been processed because the minister and her department are claiming it takes two and a half months to process class size information.

### **Industrial Deaths Support and Advocacy**

**Mr LONEY** (Geelong North) — Last Friday I attended the launch by Industrial Deaths Support and Advocacy of a video titled *Mary's Message*. The video told the story of Mary Bantos and the death of her husband in a workplace accident, and the effect on her and her family of the aftermath of that death and the investigation and prosecution process that flowed from it. The video had a strong message about the need for constant vigilance in ensuring safe workplaces and underlined the message that every worker should be entitled to a safe workplace and should have the basic right to return home at the end of a working day.

Industrial Deaths Support and Advocacy, under the guidance of Liz Mobayad, Mary Bantos and many other workers and volunteers, is filling a great need in our community. It is the only organisation in Australia that specifically deals with the families of people who are left behind after fatalities in the workplace. The organisation is spreading to other parts of Australia. Its work is very important and should be recognised and supported.

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

### **FOI: TAFE**

**Mr BAILLIEU** (Hawthorn) — In April the government denied me access under freedom of information provisions to substantial parts of the minutes of the State Training Board. It was not an

onerous request, but the response did not arrive until some five weeks after the 45-day deadline.

The reasons for denial varied from the suggestion that 'the information is considered commercial to the department' and that it was 'an internal working document containing advice, opinion and recommendation' to this doozy — I quote:

Public disclosure of information that could lead to identification of the individual TAFE institutions that come in for some criticism within the summary document is not in the public interest. Disclosure would have the real possibility of uninformed public debate about the apparent performance of individual TAFE institutions which would have a detrimental impact on those institutions concerned, especially for persons attending or working at the institutions.

The government does not want students or staff to know about the performance of their TAFE institutions. As for the public, no way! What a disgrace. What an indictment of Labor's claims to be open and accountable. Labor's freedom of information claims are a joke.

### **CFA: Moe**

**Mr MAXFIELD** (Narracan) — On Saturday night I attended the presentation evening for the Moe brigade of the Country Fire Authority. It was a wonderful evening, celebrating the achievements and milestones of the Moe CFA. As a member of the CFA, I am acutely aware of the wonderful work of CFA volunteers. The city of Moe is fortunate enough to have people with 35 to 40 years of service with the Moe CFA. Those people have dedicated their lives to protecting their community. They have got up in the middle of the night many times, giving up time with their family and friends so they can protect their community.

The Moe CFA brigade works very well. It is a fine crew and they are a fine bunch of men and women. The women in the brigade take on a vital role. All honourable members should be pleased with and proud of the protection they provide within the Moe area. As a local member it was fantastic for me to have the privilege of attending that evening, recognising the wonderful work performed by the CFA volunteers.

### **FOI: multimedia**

**Mr PERTON** (Doncaster) — The matter I wish to raise continues on from the matter raised by the honourable member for Hawthorn. On 3 November 1999 I sought documents under freedom of information (FOI) provisions from the Department of State and Regional Development relating to multimedia programs

and advice given to the minister. After a two-month delay, on 28 January I received a refusal under sections 30(1), 28(1)(b), 28(1)(ba) and 34(4)(a)(ii) of the Freedom of Information Act. To top it off, the main reason for refusal of the release of the documents was stated as follows:

It would also be contrary to the public interest to release this documentation, as it would lead towards confusion and unnecessary debate of the possibilities considered ...

Can honourable members imagine that freedom of information provisions are being used to deny the release of documents because the public might be confused and might actually debate the possibilities considered! It is a monumental act of hypocrisy. The letter was written to me in the week in which the Attorney-General released his new FOI guidelines. The documents were also exempted on the basis of commercial confidentiality — not commercial confidentiality of the parties but commercial confidentiality of an agency. You wouldn't believe it, would you?

### **Geelong High School**

**Mr TREZISE** (Geelong) — On Monday I had the pleasure of participating in the opening of Education Week in Geelong. I was delighted to attend because it was conducted at and by my old school, Geelong High School. It is also the former school of the honourable members for Geelong North and Ballarat East. Geelong High School has always deserved its reputation as a centre of excellence. I am pleased that its reputation is still well deserved.

Attendees at the opening were treated to a great show of song, dance and comedy performed by the students. I offer my congratulations to all the students who participated, particularly the performing arts captains, Simone Shiells and Shane Jaimeson. I also extend my congratulations to Doug Mann, the school's performing arts director, and the principal, Mr Geoff Brebner.

### **FOI: schools**

**Mr WILSON** (Bennettswood) — Like other members on this side of the house, I have lodged a number of freedom of information (FOI) requests with ministers and government agencies. My experience is that the government's claim about open and transparent government is simply rhetoric and hot air.

I have lodged FOI requests with the Minister for Education about two issues. The first concerned the government's intention to allow condom machines in schools. I received one piece of paper from the

government in response to that request — a newspaper clipping from as far back as 1992. Surely that cannot be the only document the government has available. What is the government withholding?

The second FOI request sought documentation relating to the use of a former school site in Blackburn South for the Distance Education Centre Victoria. I received some bland documentation, but other documentation was withheld because it was claimed that releasing it 'would not be in the public interest'. The request involved a suburban school site, for heaven's sake! Like the shadow Minister for Education, the honourable member for Warrandyte, I am concerned that freedom of information in the Department of Education, Employment and Training is being monitored and strongly influenced by the minister's office.

I am sure the minister would have read the Attorney-General's letter earlier this year promising a new era in FOI openness. My experience is that the Attorney-General's instructions and policy are being completely ignored by the Minister for Education and other ministers.

### **Brimbank and Melton: Koori heritage plan**

**Mr LANGUILLER (Sunshine)** — I commend the municipalities of Melton and Brimbank for developing the heritage strategy and Koori plan, which aims at protecting Kororoit Creek and Aboriginal sites in the area. As honourable members would know, Kororoit Creek is a significant area because it shows traces of some of the oldest Aboriginal settlements in Victoria.

The initiative is about having a Koori heritage plan for the western suburbs. The community, councils, schools, Victoria University of Technology and the many environmentalists in the western suburbs welcome the strategy and are actively involved in its implementation.

Melton Shire Council received a \$32 000 grant from the government to revegetate the area. The honourable member for Melton and I are actively involved in and supportive of the strategy. The government welcomes the involvement of the community and local environmentalists. Unlike the previous government, which was not concerned about community involvement, this government is encouraging the many communities and schools, the university and the environmentalists to ensure they have a plan that will enable them, in consultation with the government, to do everything possible to protect the environment, the heritage of the area and the Koori sites, which are of state and national significance.

### **FOI: Turkish earthquake appeal**

**Mr KOTSIRAS (Bulleen)** — On 22 March I lodged a freedom of information (FOI) request to the Premier concerning the Turkish earthquake appeal. In response to that request I received a letter stating that the government had found 23 documents. However, only 6 of those documents will be released to me in full, because the rest of them are exempt under FOI legislation. Seven of them are fully exempt because they are minutes — —

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

### **PETROLEUM PRODUCTS (PRICING) BILL**

#### *Introduction and first reading*

**Mr SAVAGE (Mildura)** introduced a bill to regulate the retail price of petrol and liquefied petroleum gas in Victoria and for other purposes.

**Read first time.**

#### *Second reading*

**Mr SAVAGE (Mildura)** — By leave, I move:

That this bill be now read a second time.

Before discussing the bill may I commend the government for allowing debate on issues that it not only has not initiated but with which it may not agree. May I thank also the opposition for facilitating this process by allowing the first and second readings to take place simultaneously. It will be to the benefit of all Victorians if this is a precedent which future governments and parliaments follow.

It is not the intention of this bill to regulate the retail price of petrol and liquefied petroleum gas (LPG). Melbourne prices will continue to be set and to fluctuate in the way they do now. This bill merely seeks to link maximum prices of petrol and LPG in regional Victoria to metropolitan prices.

The effect of the bill will be to limit the wide variations in the average prices of petrol and LPG that currently exist. For example, last month the average price of unleaded petrol in Bairnsdale was 10.2 cents per litre higher than in Melbourne. In Mildura it was 14 cents a litre higher; in Swan Hill, it was 9.7 cents a litre; in Shepparton, 8 cents; in Wodonga, 5.1 cents a litre; in Warrnambool, 8.3 cents; and in Portland the difference was 3.7 cents.

Similar variations occur in the price of LPG gas. Yesterday the price at Hallam was 31 cents a litre, 38 cents a litre at Narre Warren, 33 cents at Nar Nar Goon and 38 cents a litre at Warragul. Two weeks ago the price of LPG in Mildura was 49.6 cents a litre, 42.5 cents a litre in Bairnsdale, 45.6 cents in Wodonga, 38.3 cents in Portland and 44.2 cents in Shepparton.

The purpose of this bill is to ensure that variations of petrol prices in regional Victoria from Melbourne prices do not reflect more than a fair increase above the metropolitan price for the handling, distribution and transport costs associated with delivering petrol and LPG.

The bill provides that in locations less than 200 kilometres from the metropolitan area the prices will not be more than 4 cents a litre more than the average metropolitan price. In locations more than 200 kilometres from the metropolitan area the price will not be more than 7 cents a litre.

The average metropolitan price will be determined by the Director of Consumer and Business Affairs, or his or her delegate. Once each business day, at a time determined by the director, or his or her delegate, suppliers of petrol and LPG, nominated by the Governor in Council, will be required to advise the director, or the delegate, of the retail price of petrol and LPG at outlets they supply.

The director, or the delegate, will then calculate daily average prices for leaded and unleaded petrol and LPG and publish them by 4.00 p.m. that day. This will enable the prices to be widely publicised through the media, and by such means as the director, or the delegate, determines. These prices will then be the basis for determining the maximum retail prices in regional Victoria the following day.

Retailers may be prosecuted for charging more than the allowable maximum price, but it will be a defence to a prosecution if the retailer proves he or she did not know and had no reasonable means of finding out the relevant price determined by the director.

I commend the bill to the house.

**Debate adjourned on motion of Mr BATCHELOR (Minister for Transport).**

**Debate adjourned until Wednesday, 7 June.**

## INFORMATION PRIVACY BILL

### *Introduction and first reading*

**For Mr BRUMBY (Treasurer) Mr Hulls introduced a bill to establish a regime for the responsible collection and handling of personal information in the Victorian public sector, to amend the Parliamentary Committees Act 1968, the Ombudsman Act 1973 and certain other acts and for other purposes.**

**Read first time.**

## COURTS AND TRIBUNALS LEGISLATION (FURTHER AMENDMENT) BILL

### *Introduction and first reading*

**Mr HULLS (Attorney-General) — I move:**

That I have leave to bring in a bill to make miscellaneous amendments to the Legal Practice Act 1996, the Magistrates' Court Act 1989, the Supreme Court Act 1986 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes.

**Mr McARTHUR (Monbulk) — I ask the minister for a brief outline of the contents of the bill.**

**Mr HULLS (Attorney-General) (By leave) — In a nutshell, the bill abolishes the requirement to swear the oath of allegiance to the Queen of England in order to practise law in Victoria.**

**Motion agreed to.**

**Read first time.**

## VICTIMS OF CRIME ASSISTANCE (AMENDMENT) BILL

### *Introduction and first reading*

**Mr HULLS (Attorney-General) — I move:**

That I have leave to bring in a bill to amend the Victims of Crime Assistance Act 1996, the Sentencing Act 1991, the Children and Young Persons Act 1989, the Confiscation Act 1997, the Accident Compensation Act 1985, the Accident Compensation (Workcover Insurance) Act 1993 and the Transport Accident Act 1986 and for other purposes.

**Dr DEAN (Berwick) — I seek an explanation of the bill.**

**Mr HULLS (Attorney-General) (By leave) — The bill reinstates compensation for pain and suffering for innocent victims of crime, such compensation having been abolished in outrageous fashion by the previous**

government in 1997. I hope all members of the house will support this very good piece of legislation.

**Motion agreed to.**

**Read first time.**

## STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) BILL

*Second reading*

**Debate resumed from 4 May; motion of Mr BRUMBY (then Minister for Finance).**

**Ms ASHER (Brighton)** — In the interests of the orderly business of the house I will not speak for long on the State Taxation Acts (Miscellaneous Amendments) Bill. The opposition does not oppose the bill, which repeals two significant acts and institutes two anti-avoidance procedures.

The bill repeals the Gift Duty Act. Gift duty was abolished on 1 January 1983 and there are no outstanding liabilities owed to the state of Victoria in relation to the act.

The bill also repeals the Probate Duty Act, which was controversial legislation in its time. The abolition of probate tax by successive governments, commencing with Queensland, was a contentious issue in commonwealth–state financial relations. Probate duty was abolished in Victoria in 1984. The repeal of the Probate Duty Act is different from that of the Gift Duty Act because there are outstanding liabilities under it.

The second-reading speech refers specifically to approximately half a million dollars of outstanding liabilities and states that that proposed forgone future revenue is negligible. Although the opposition supports the repeal of the act, the waiving of outstanding liabilities under it is a different matter. It is a reflection of the very healthy financial circumstances inherited by the incoming Bracks Labor government that it can refer to half a million dollars as negligible.

I place on record my thanks and appreciation to the former Minister for Finance for the briefings he provided to the opposition. I congratulate him on his promotion to Treasurer and hope he will continue that cooperation in his new role. I also hope the new Minister for Finance is as forthcoming with briefings to the opposition as was the previous minister.

I asked for details of the half a million dollars of revenue forgone, and I thank the now Treasurer for the details he provided. Obviously no names were

mentioned; I was interested only in the type of revenue forgone. In some of the cases the revenue forgone was originally revenue deferred for hardship relief reasons, and they appear to be legitimate. However, in a couple of the cases there would appear to be a need to look at the procedures of the State Revenue Office. I will not make a political point about those cases because they are well in the past. From my reading of the available information, if it has not already happened in recent times, which may be the case, the procedures for the collection of revenue used by the office need to be improved.

I turn briefly to the two anti-avoidance measures contained in the bill. The first relates to payroll tax. The amendments before the house propose to ensure that everyone pays his or her fair share of payroll tax. It was really an unintended consequence of previous amendments to the Pay-roll Tax Act rather than a matter of avoidance that was of concern. There were unintended consequences where people who were classified as being in the same group may have had the potential to gain additional concessions. That is not to say that anyone did gain such concessions, but the wording of the legislation provided the potential for people to claim concessions over and over again. Clause 5 addresses that unintended consequence.

Of greater interest is the effect of clause 6 in part 4 of the bill in abolishing the use of adhesive stamps for share transfers by private companies with direct or indirect interests in land.

The practice was an avoidance measure that allowed companies with interests in land to avoid paying full conveyancing duties by using adhesive stamps with lower rates of taxation.

The bill enables the State Revenue Office to scrutinise that practice by obliging companies to lodge statements with the SRO. The capacity of the Commissioner of State Revenue to scrutinise former transactions is being extended. By a rather complex series of staggered introduction dates the SRO is going out of its way to ensure no retrospectivity applies.

The Commissioner of State Revenue formerly had the capacity to scrutinise transactions 12 months in arrears. However, his office has advised the government that it needs more time to do that. The bill provides for a progressive implementation, preserving the one-year provision while allowing the commissioner to scrutinise transactions for up to three years.

Although the opposition is not opposed to addressing the avoidance issue, I wish to raise a couple of

concerns, the first of which is the issue of adhesive stamps. I do not know whether the SRO will approach the Treasurer to do away with adhesive stamps altogether, but I caution that many people still wish to use them. I hope the Treasurer will consider their feelings.

In the case before the house, the use of adhesive stamps was ruled out because it was an avoidance measure. However, in this age of technology — and we should all be moving forward — some people, particularly those in outlying areas, requested the former government to continue the use of adhesive stamps. The opposition will continue to monitor that.

The second concern is about the penalties for failing to lodge statements with the SRO, which are listed in clause 7. The requirement to lodge a statement with the SRO is the compliance mechanism. In the case of a body corporate the penalty is 500 penalty units, and in any other case it is 100 penalty units. The opposition is advised that those penalties are consistent with other fines and penalties. Given our advice that avoidance could be or is of the order of millions of dollars, we have concerns about whether those penalties are sufficient to deter people who have been using adhesive stamps as an avoidance mechanism.

The final clause in the bill amends a grammatical error in the First Home Owner Grant Act. Although I have placed those concerns on the public record, the opposition does not oppose the bill. So that no-one can say I have never said a kind word about the Treasurer in his presence, I congratulate him on his promotion. Now that we are shadowing each other, that will probably be the nicest thing he and I will say about each other during this term of government.

**Mr HELPER** (Ripon) — I support the State Taxation Acts (Miscellaneous Amendments) Bill, and I note the constructive spirit shown by earlier speakers in the debate. As the Deputy Leader of the Opposition pointed out, the bill repeals both the Probate Duty Act and the Gift Duty Act. The point I wish to concentrate on is the amendment of the land-rich provisions in the Stamps Act.

The strengthening of the Stamps Act is an anti-avoidance measure that is designed to close off a timing and tax rate loophole. Individuals holding interests in land could form a company and transfer the shares in that company, thereby avoiding the conveyancing tax that would have been applicable to the land transfer if it had not been carried out through the use or artificial creation of a company primarily for the purpose of transferring land.

One can imagine a circumstance in my electorate where some individuals who hold land for the purpose of avoiding conveyancing tax could form a company, sell an interest in it and thereby effectively transfer the land into other ownership. Rather than having to pay conveyancing tax they would pay only the duty on the share transfer, which is set at a lower rate.

The bill focuses on timing matters to ensure that the existing loophole is not exploited by individuals who wish to transact for no other purpose than to transfer land and who do so through the creation of artificial companies or legal entities.

Proposed new section 75J(3) increases from 12 months to 3 years the period over which separate interests acquired by a person or related persons may be aggregated to constitute a majority interest in a land-rich corporation. Again, that measure increases the difficulty of avoiding stamp duty on the transfer of land.

Given the limited time available for the debate I will conclude my remarks by commending the bill to the house.

**Mr WELLS** (Wantirna) — I support the Deputy Leader of the Opposition in not opposing the State Taxation Acts (Miscellaneous) Bill. The main objective of the bill is to improve the anti-avoidance measures dealing with stamp duty payable on the change of ownership of land by certain private corporations referred to as land-rich companies. It needs to be highlighted — and perhaps there will be an amendment further down the track — that the State Taxation Acts (Miscellaneous Amendments) Bill does not include a definition of land-rich companies, nor does the Stamps Act. The meaning of a land-rich company is only implied, not defined, in section 75I(2), which states in part:

- (a) it is entitled to real property in Victoria and the unencumbered value of the real property is not less than \$1 000 000, or it is entitled to real property in Victoria as a co-owner of the freehold or of a lesser estate in the real property and the value of the whole of the freehold or lesser estate is not less than \$1 000 000; and
- (b) the value of all real property to which the corporation is entitled, whether in Victoria or elsewhere, (other than primary production land) is 80 per centum or more of the value of all property to which it is entitled, other than property directed to be excluded by subsection (4) but including primary production land.

The term 'land-rich company' is a general description of an asset structure or the general activities of a private corporation or trust that has direct or indirect interests in land. The so-called land-rich provisions are designed to

prevent avoidance of conveyance duty where ownership or effective control of land changes through the acquisition of shares or units in a private land-owning company or trust rather than by way of direct transfer of the land. Some companies are obviously using this method to avoid up to hundreds of thousands of dollars in stamp duty. The bill will close that loophole.

In summary, the measures are designed to protect the state revenue base, and that is fair. I suggest to the Treasurer that perhaps while the bill is between houses or further down the track a definition of 'land-rich company' be included in the Stamps Act.

The bill repeals the Probate Duty Act and the Gift Duty Act and makes a minor change to the definition of one word in the First Home Owner Grant Act. I wish it a speedy passage.

**Mr BRUMBY** (Treasurer) — I thank all honourable members for their contributions to debate on the bill, including the honourable member for Ripon, and in particular I thank the Parliamentary Secretary for Treasury and Finance, Mr John Lenders, for his work on the bill and for monitoring its progress through the house.

I also thank the shadow Treasurer for her kind and generous comments about my work as the former Minister for Finance and for her congratulations on my elevation to the position of Treasurer. I assure the shadow Treasurer that wherever possible she will receive the fullest possible briefing on legislation.

There is a high degree of bipartisanship on the bill. It is sensible legislation that will eliminate potential tax avoidance, particularly through the land-rich provisions, and remove from the statute book two outdated, outmoded and largely irrelevant acts.

One of the challenges for government is to constantly review the regulatory environment and ensure that legislation that is no longer necessary does not remain in the statute book, because it causes delays, creates red tape and slows down the process of government and business in Victoria. The two acts to be repealed go back a fair way. The Probate Duty Act was first introduced in 1962 and the Gift Duty Act was introduced in 1971. All honourable members know the history of those acts and are aware of the events in the late 1970s and early 1980s that rendered the acts redundant.

I speak on behalf of the Bracks government when I say it will rigorously oversee a review of regulations and statutes, and where there is unnecessary regulation or

legislation it will act to get rid of it, as is being done in this bill.

The Bracks government is the first state government to eliminate acts of this sort. There were some outstanding liabilities, and I have provided the shadow Treasurer with a list of them. There are six cases. On the advice I have from the State Revenue Office concerning the largest case, because of the lack of detail, lack of evidence and security over property it is unlikely that the amounts will ever be collected. The government has waived those liabilities as well. As a result Victoria has a better, more efficient and more focused taxation system.

The opposition raised the question of the level of penalties and asked whether \$50 000 was a sufficient penalty for a corporation failing to declare a majority acquisition in a land-rich entity. I have examined the matter. The State Revenue Office is satisfied with the level of penalty, which is consistent with the Stamps Act penalty for failing to lodge a declaration of change of beneficial ownership, which also attracts conveyance duty rates. I have sought advice from the Department of Justice, and it regards the penalty as consistent with equivalent Victorian legislation.

Apart from the penalty there is the public odium that could follow court proceedings, which also deters corporate misbehaviour. In light of the advice from the State Revenue Office and comparisons with other penalties in equivalent acts, and in light of the public deterrent factor of the odium attracted to a company that is prosecuted in this way, I believe the penalties are adequate.

The bill removes potential tax avoidance liabilities and at the same time eliminates unnecessary acts of Parliament and regulations from the state's books. I again commend the bill to the house.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## VICTORIAN LAW REFORM COMMISSION BILL

*Second reading*

**Debate resumed from 4 May; motion of Mr HULLS (Attorney-General).**

**Dr DEAN** (Berwick) — The opposition does not oppose the bill, but it wishes to debate some important matters that occurred prior to the bill's introduction.

In 1992 there was significant debate when the then Law Reform Commission was abolished and the Law Reform Committee of the Parliament took over its role. The reasons for its abolition were set out at the time. The coalition government came to power facing a massive debt and the Victorian Law Reform Commission was judged to be incredibly expensive. It had 9 commissioners, 15 consultants, a research officer, an editor, a reference secretary, a desktop publishing person and an executive coordinator and was running on a recurrent operational budget of about \$1.89 million.

The commission was influenced by the previous Labor government and had virtually become an arm of the then Attorney-General's Department. It was not independent, and there is always a danger of that happening if such a commission is not protected and kept at arms-length from government. There is always a danger of such a body becoming a political arm of government when it is created by the executive, appointments to the body are made in the short term by the executive, payment and allotment of tasks are made by the executive and it must report to the executive prior to reporting to Parliament.

There were extraordinary crossovers between staff from the then Attorney-General's Department and the Law Reform Commission. People came from the commission to the then Attorney-General's Department and from the department to the commission. It ran on a budget twice the size of that proposed for the new Law Reform Commission.

Some of the former commission's reports were not widely accepted, and I refer to its reports on mental illness and plain English, the latter having to be redrafted by parliamentary counsel into plain English! The honourable member for Kew will outline other instances where reports were given to the Attorney-General about other bodies, copies of which were not given to the body concerned. When the body in question rang the department requesting to see the report, it was told by Mr Kelly, the then chairman of the Law Reform Commission, it would have to wait until the report was tabled in Parliament.

As a result, in 1992 the parliamentary Law Reform Committee was given greater funding and emphasis. There was an argument that by abolishing the Law Reform Commission and promoting the Law Reform Committee the then coalition government was in some

way acting in an undemocratic, biased or pro-government way. It was an extraordinary argument when the committee that took over law reform was not a creature of the executive but of the Parliament, paid for and scrutinised by the Parliament and made up of members from both sides of the political spectrum who worked for very little recompense. By concentrating on the Law Reform Committee to do the law reform work the then government was accused of acting in a biased way, when the exact opposite was the case.

The then Labor opposition said at the time that the committee would not fill the void. It was used to a Law Reform Commission that did not get things done. However, the experiment was fantastically successful, and people on both sides of the house would say that the work done by the former parliamentary Law Reform Committee was more prolific, better received and achieved a greater implementation rate than the former Law Reform Commission. The implementation rate was always likely to be more acceptable because the reports were the result of work of members from both sides of the house.

The former Law Reform Committee completed nine full reports during its existence: *Regulatory Efficiency Legislation; Curbing the Phoenix Company; Jury Service in Victoria*, which was a huge report; *Legal Liability of Health Service Providers*, another large report; *Reforming the Law of Wills; Restitution for Victims of Crime; Technology and the Law; The Fences Act*; and a report on laws relating to self-induced intoxication.

About half the reports have influenced legislation enacted in this Parliament — a record that no law reform commission can equal. In all cases the legislation was passed with the cooperation of both sides of the house. It was refreshing to see honourable members engaging in the work of the Law Reform Committee under the chair of James Guest and later Victor Perton, and consulting with a mix of lawyers and non-lawyers.

Claims of bias and of attempts to nobble law reform cannot be substantiated because the politically influenced organisation that was the executive was replaced with a parliamentary committee open to scrutiny and protected from political interference.

With the re-creation of the Law Reform Commission the committee must not be downgraded. One of the immediately striking features of the bill is the potential for the proposed new Law Reform Commission to go the same way as the old one and become a centre for conflict in so far as the government attempts to use it

for political purposes by appointing members not acceptable to the community; constructing payments so that it is clear members are subject to influence; and giving political references. Under the previous Law Reform Commission funds came out of the then solicitors indemnity account — that is, the interest on moneys paid by solicitors into their trust funds, providing a degree of independent funding for the commission.

An indication that the commission might go the same way as the previous one is in the way it will be funded. It is not a good sign that a portion of the funds will come out of consolidated revenue. As set out in the second-reading speech, the combined funding for the Law Reform Commission comes from both the public purse and from consolidated revenue. Rather than funds being allotted by the Legal Practice Board they are under the control of the executive — and at its whim. The method of funding has changed to a line item in the budget controlled by the executive. The question here concerns the degree of influence of the executive over the body. That was the difference between the Law Reform Committee and the Law Reform Commission and is where the previous Law Reform Commission went wrong.

The next thing to watch is whether the commission starts to suck in moneys, as did the previous commission. Initially, the funds are not on the scale allotted in the pre-1992 commission. It is important because committees tend to grow: those who become commissioners tend to get into empire-building — they like to see their commission with a wide influence, so more consultants, trips, staff and commissioners are needed. It is important to ensure that does not happen as it did with the former commission, and that was one of the reasons it had to go.

Effectively the government has taken the old Law Reform Commission bill off the shelf and, save for some changes, used much the same template. It has not addressed the new role of the committee, the status of the commission and the manner of their interaction — the Law Reform Committee has a reputation and works effectively, and its role does not need to be addressed. It is not addressed in the bill.

In the bill there is the potential for conflict: one of the functions of the Law Reform Commission is to monitor and coordinate law reform activity in Victoria. Clause 6 states that:

... the Commission has power to do all things necessary or convenient to be done for, or in connection with, performing its functions.

The minister's second-reading speech indicates that parliamentary committees are included in those bodies conducting law reform in the state. If those three things are put together, one recognises that Parliament is about to give permission to the Victorian Law Reform Commission to monitor and control the Law Reform Committee's work. If the commission ever tried to unduly interfere with a law reform committee the result would be interesting. It is open to interpretation that Parliament, as a legislative power, is about to give the commission a power to potentially interfere with a law reform committee. I wonder whether that has been thought through, and I sincerely hope it was not the intention. If it was the intention and it occurs, there will be much fire and brimstone.

Clearly, some provisions in the bill are different from previous provisions relating to the Law Reform Commission of Victoria, and those again tend to give the Attorney-General more power. Proposed section 6(2) limits what the commission can do with property and how it conducts its business. It has to obtain the approval of the Attorney-General, which is another indication that the Attorney-General will have more control over the commission than previous attorneys-general had over commissions.

It is not a well-drafted bill. Some clauses of the bill are strange. Proposed section 14(6), on any decent legislature's or lawyer's interpretation of statute, is pretty much gobbledegook. I have no idea why it has been put in those terms. Other parts of the legislation show that it has basically been taken off the shelf, a few quick alterations made, and as a result it is not the parliamentary draftsman's finest hour.

In conclusion, the record of the previous Law Reform Commission was not good. It fell into all the traps that law reform commissions can fall into if the executive does not actively prevent any political interference. The cost of the previous commission was out of control. It became the centre for conflict in the community, rather than for consultation and reform. Consequently, its reinstatement will be closely watched by the opposition. I call on the Attorney-General to ensure that the faults in the previous commission are not repeated. I assure him that if they are repeated, the opposition will closely monitor and advise the community of those problems.

**Mr WYNNE** (Richmond) — I thank the honourable member for Berwick for his contribution. The Victorian Law Reform Commission Bill is important because it shows the commitment of the government, in particular the reforming Attorney-General's commitment, to open and accountable law reform in Victoria.

The honourable member for Berwick referred to financial responsibility. It is important to acknowledge that the Victorian Law Reform Commission will be structured in such a way that it will have one full-time member and a number of part-time members — some of whom may be permanent part time and some who will be brought in for specialist activities arising from a particular reference generated by the Attorney-General. Rather than the commission being, as is alleged, a potentially top-heavy bureaucratic organisation, it will have the flexibility to respond to the references that are provided to it. It is disappointing that the honourable member for Berwick does not acknowledge that, because the commission's structure is such that it will attract the expertise needed for the references that are given to it.

As early as the 1960s Professor Geoffrey Sawer observed that the establishment of permanent law reform commissions was the logical culmination of a:

... qualitatively new principle ... that the whole body of law stood potentially in need of reform, and that there should be a standing body of appropriate professional experts to consider reforms continuously.

The only bodies that existed before that trend were ad hoc or part time and few of their recommendations were adopted or implemented. Since Professor Sawer's comments that 'the cry for law reform has never stilled', there has been a proliferation of agencies concerned with law reform. As the honourable member for Berwick indicated, the legislation re-enacts the operation of the Law Reform Commission and also the parliamentary standing committee. It is important that both bodies operate within this important area of government activity.

Government departments, interdepartmental committees, parliamentary committees, the judiciary, royal commissions, public inquiries, private consultants engaged by government and private bodies may have reform of the law as one of their briefs. Despite all the activities of other bodies, there is still a vital role to be played by a law reform commission.

Now that the more urgent or routine task of simplifying or modifying the law has been taken over by other bodies, the direction of law reform commissions has changed. Law reform commissions are now more often concerned with the broader, more complex social legal issues that arise in contemporary society. The composition and operation of commissions, such as the New South Wales Law Reform Commission, render them better able to deal with the legal aspects of social problems than most other law reform agencies.

The courts are involved in the development of the law by adapting to its changing circumstances. Although law reform is a legitimate function of the courts, reservations remain even among the judiciary. In 1979, former Chief Justice Mason of the High Court commented:

The court is neither a legislature nor a law reform agency.

Courts cannot call for and examine submissions from groups and individuals who may be vitally interested in making changes to the law. The court does not engage in such wider inquiries, and that is why we need a law reform commission.

I will briefly touch on a couple of key elements concerning the Victorian Law Reform Commission. Firstly, it will be independent of government to enhance the integrity of the advice provided. Secondly, it will be permanent in nature to bring a medium to long-term perspective to various issues and policies referred to it. Thirdly, it will be full time.

**Mr Perton** interjected.

**Mr WYNNE** — I take up the interjection. Rather than being stultified thinking, if the honourable member had heard my earlier comments he would understand that there will be a permanent head and there may well be a couple of permanent part-time people, but the commission will have the capacity to draw from the expertise of the legal profession for briefs and references that require particular expertise. It will be independent and expert. Finally, it will be authoritative.

The initiative is incredibly important. It opens up opportunities for the government to explore in depth some of the important socio-legal issues confronting the community. It is a commendable piece of legislation, and I commend it to the house.

**Mr THOMPSON** (Sandringham) — Fifteen years ago I attended a meeting addressed by a former Labor member of this place. He remarked that the most productive years of his time in Parliament were spent as a member of an all-party parliamentary committee. He said the members of the committee would take a reference on board, work constructively to a conclusion and subsequently make a number of recommendations to government.

During the past seven years in Victoria law reform has been driven by two vehicles. One has been the Law Reform Committee, which was established by the former coalition government. The committee has produced nine reports, some of which have been at the cutting edge of international legal reform.

The former chair of that committee, my parliamentary colleague the honourable member for Doncaster, will no doubt be elaborating on those issues in further detail, but there are some remarks I can make that he may be too modest to make himself.

One of the committee's reports was on regulatory efficiency legislation, which enabled entities to work out how they might comply with regulatory requirements through alternative compliance mechanisms. A similar scheme was recommended to the Canadian Parliament but was defeated at the last minute on the floor of the house following the pressure applied by a range of interest groups whose activities were, in the assessment of the drafters of the legislative reform, misguided.

The Victorian Law Reform Committee report is still being considered by government. That report could result in Victoria adopting an innovative model that would make the state a world leader.

The Victorian Law Reform Committee also produced an outstanding report on technology and the law. The former coalition government was acknowledged by a number of international experts as being at the forefront of innovation in applying new technologies to the delivery of government and legal services.

I will refer to the criticisms of the former Law Reform Commission in a cost context. Governments have the responsibility of allocating scarce resources. When the former coalition government came to office annual budget outlays were \$2 billion ahead of income. The former government had to ascertain the most efficient way of allocating scarce resources across the raft of government service sectors, including education, health, community services, police and community welfare.

The former Victorian Law Reform Commission had a staff of 26 and a budget of \$1.8 million. The former government conceived a new model whereby a Victorian Law Reform Committee comprising members of the Victorian Parliament would embark on and develop law reform initiatives while also accepting references from the government of the day. That work was undertaken in a highly cost-efficient and cost-effective manner.

The other vehicle for law reform was the Law Reform Advisory Council, which was appointed by the Attorney-General. The council, which consisted of a group of experts drawn from the legal profession — including government sector employees, academic researchers, members of the bar, and solicitors — made

recommendations to the Attorney-General. Although I stand to be corrected, the council presented 27 reports to government on legal changes and innovations and legal service delivery. Through those two vehicles — the Victorian Law Reform Committee and the Attorney-General's Law Reform Advisory Council — substantive progress was made in law reform.

I note that another Law Reform Committee inquiry, chaired by the honourable member for Doncaster, reviewed the Fences Act. Following wide-ranging recommendations, technology was developed to enable members of the public to make online contributions to the work of that committee. I believe that report is still accessible on the Web.

Law reform in Victoria is taking place against a background of the high cost of the Victorian Law Reform Commission and a duplication of work. A number of legal academics in Melbourne maintain that rather than re-establishing a law reform bureaucracy the government should be able to outsource a fair amount of that work in a way that is cost-efficient.

One of the great advantages of the present system, which has been in place for the past seven years, is the independent views that members from across the political spectrum bring to the parliamentary committee process. The committee members appreciate the nuances of party politics and therefore are realistic about what is attainable. In generating its reports the Law Reform Committee has benefited from the objective support and underpinning expertise of the committee staff.

The Law Reform Committee currently has a reference to review legal service delivery in rural and regional Victoria, which includes a consideration of country people's access to legal aid and pro bono work and the application of current and emerging technology to the delivery of legal services. Members of the Victorian community have made some outstanding contributions to that inquiry during the past week or so. The committee has also received close to 30 submissions from agencies across Victoria and New South Wales.

The committee has already visited Ballarat, and it is proposing to visit Morwell, Bairnsdale, Echuca, Mildura, Bendigo, Geelong and western Victoria to take viva voce evidence from a range of community organisations and interest groups. Members of Parliament have a range of skills that enable them to elicit information that is relevant to the inquiry.

In his second-reading speech the Attorney-General said that law reform emanates from a variety of sources —

discussion papers prepared within the bureaucracy, government departments, the political processes and parliamentary working groups. It remains to be seen what the fate of the parliamentary Law Reform Committee will be. According to its research officer, the committee has a history going back to 1916 and the establishment of the former Statute Law Revision Committee.

A range of parliamentary committees continually review the law. Given the scarce allocation of resources, there is no real reason why that process could not be continued by a parliamentary law reform committee.

**Mr Perton** — At half the cost.

**Mr THOMPSON** — The honourable member for Doncaster has a question of cost on his mind. It is worth emphasising again that the outgoing Law Reform Commission had a budget of \$1.8 million, and it was embroiled in disputation about how it paid its way.

**Mr Wynne** interjected.

**The ACTING SPEAKER (Mr Lupton)** — Order! The honourable member for Sandringham, without assistance.

**Mr THOMPSON** — I am happy to accept the assistance of my parliamentary colleagues, Mr Acting Speaker.

**The ACTING SPEAKER (Mr Lupton)** — Order! The honourable member for Sandringham will ignore interjections.

**Mr Wynne** interjected.

**Mr THOMPSON** — The honourable member may have missed the fact that under its current reference the Law Reform Committee has already taken on board 30 to 40 submissions from the wider community. It has already been to Ballarat, and it is going to Morwell, Bairnsdale, Echuca, Mildura, western Victoria and Geelong. The committee is grateful for the constructive submissions it has received from a wider array of community organisations.

Cost is an important consideration, as is the professional insight and skills that members of Parliament bring to the parliamentary process. The merit of duplicating legal service reviews will be tested in the fullness of time. But as I said, historically questions of cost arise.

If the new Law Reform Commission is looking for a reference that involves an independent and vigorous assessment, it might take as its starting point a review of section 85 of the Victorian Constitution. It might consider statements made at the Law Institute of Victoria by the then honourable members for Northcote and Williamstown, the latter of whom is now the Premier. It was suggested that a Labor government would repeal more than 200 acts or parts of acts that reduced or limited the jurisdiction of the Supreme Court.

I invite the government to take the opportunity to review the merits of its pronouncement and to indicate to the house the timetable for repealing some 200 acts or parts of acts, as stated by the current Minister for Education and the current Premier to members of the Law Institute, so that honourable members can see whether we get an objective and rigorous assessment and review by the new Law Reform Commission.

**Mr LONEY** (Geelong North) — I welcome the Victorian Law Reform Commission Bill, which continues the law-reforming nature of measures introduced by the current Attorney-General.

I was mildly surprised by some of the remarks made by the honourable member for Berwick, because I recall that in late 1992 and early 1993, when with the honourable member for Berwick I was a member of the then Law Reform Committee, under the chairmanship of the Honourable James Guest — —

**Dr Dean** interjected.

**Mr LONEY** — I agree with the honourable member for Berwick that it was a very good committee. The Honourable James Guest was a very good chairman of that committee, which did some excellent work. But I vividly recall that at that time, in late 1992 and early 1993, at its first meetings the major topic of discussion was the abolition of the then Law Reform Commission. The committee spent several meetings discussing the work of that commission and how it should be picked up. The committee actually made approaches to the then Attorney-General seeking to be able to pick up the outstanding references and inquiries of the Law Reform Commission — without success.

The committee also made approaches about the law library of the Law Reform Commission, stating that it was important to hold it together and suggesting that it could be passed on to the then Law Reform Committee of the Parliament, if the committee were to take a stronger role in law reform in this state.

Those approaches were largely unsuccessful. That is important when one considers this debate in the context of the remarks of the honourable member for Sandringham about the parliamentary committees being able to pick up work that was previously done by the Law Reform Commission. It was certainly not the intention of the Attorney-General at that time that the parliamentary committee should be able to do so.

**Dr Dean** interjected.

**Mr LONEY** — I take up the interjection of the honourable member for Berwick about new references. The committee certainly did have new references.

My point is that, as I recall, that committee, without dissent, requested that the then Attorney-General address the outstanding references of the Law Reform Commission and pass them on to the committee. That was never done. That is the important point. The Law Reform Committee was concerned about the lost opportunities and lost impetus in law reform arising from that decision. I suggest that the honourable member for Berwick well remembers what happened.

A Law Reform Commission is needed to consider, as an independent body, the many competing perspectives on big issues of law reform. Every issue is not simply legal. Social, ethical and other considerations come into the large issues of law reform, and they need to be properly considered. The best way to do that is by consideration by a specialist independent body, not by a group of parliamentarians, no matter how well our parliamentary committee system works.

The parliamentary Law Reform Committee has done some terrific work over recent years. The recommendations on some of the references it has addressed have been brought into this place to achieve changes to the law. I refer to its report on juries, its report on wills, which was an early report of the committee, the phoenix companies inquiry and reports on issues concerning medical insurance, regulatory efficiency, law offences and other matters. Extremely good work has been done by that committee.

The broader questions of law reform, however, require in-depth investigation by an independent, specialist body that can look at the long-term social and ethical effects. I am happy to support the bill, and I wish it a speedy passage.

**Mr PERTON** (Doncaster) — In 1996 the then member for Melbourne, Mr Neil Cole, and I attended the commonwealth law reform agencies conference at which all of the then existing law reform commissions met. At that conference the opening topic of

conversation was the low level of implementation of the recommendations of law reform commissions. The law reform commissions in the various Canadian provinces, in Britain and in other commonwealth countries had an implementation rate of zero.

**Dr Dean** — They were abolished.

**Mr PERTON** — As the shadow Attorney-General rightly points out, a number of the agencies were abolished. Why have the agencies, including those in British Columbia and South Australia, been abolished? Because they were made up of groups of people whose deliberations were highly theoretical and philosophical — and very impractical.

As I interjected during the contribution of the honourable member for Richmond, and as he interjected during the contribution of the honourable member for Sandringham, what is needed is consultation. The honourable member for Geelong North in his fine contribution referred to the work of the parliamentary Law Reform Committee — its work on juries, wills, the legal liability of medical practitioners, regulatory efficiency, law offences and technology and the law.

The inquiries on each of those matters involved a strong program of public consultation and hearings. Open hearings of the Law Reform Committee were held in places such as Charlton, Bairnsdale and Mildura. Those hearings gave the people of communities throughout Victoria the opportunity to participate in parliamentary proceedings and law reform activities. They enabled young people, for instance, to attend and learn to understand the procedures and see that politics can be practical and relevant.

I will refer to two examples of the important work done by the Law Reform Committee. I will not pretend that the members of the committee were enraptured when they received the reference on law offences. I remember that the vote among the members was eight to one against taking up the reference. I was the one member in favour of taking up the reference, and the vote among the staff was probably three or four to nil against taking it up. I do not know whether I had the casting vote, whether there was a little bit of persuasion or whether the committee members merely indulged me, but we took up the reference, and it was superb.

A hearing was held in Horsham where simple country people, such as farmers who had problems with the maintenance of fences, trees falling on public land and pest animals, could put such practical issues before the committee. Halfway through its work the committee

realised that the problem did not involve law offences per se, but access to legal advice about those offences.

The committee set up one of the first international web sites to give practical legal advice to citizens. The web site guided them through the issue. If people had fences that needed repairing or if they had received a notice to fence, they could follow that simple guide. It is extraordinary that not only people from Victoria were using the web site, but people from interstate were also using it, despite knowing that the law was different in Victoria. They found it to be a practical exercise to determine their rights.

Although I have not been the chairman of the committee for some six months, I received a couple of emails last week from people asking for greater assistance or more content on the web site. It is a living document, a living procedure, and it is a great tribute to the members of Parliament who participated on that committee and the staff, particularly the director, Padma Raman.

The commission's report on technology and the law was important. It took the commission to the forefront of law reform in Australia. It brought home to me the extraordinary conservatism of the legal profession and law reform commissions. The reality is that Queens Counsel and judges are appointed to head up law reform commissions and we end up with exactly the same state of mind that the public complains about in respect to the legal profession. Law reform commissions are highly theoretical and are not practical. As I interjected during the contribution of the honourable member for Richmond, unlike a law reform committee, which has a political imperative to listen to people in Charlton, Mildura, Footscray, Berwick, Bairnsdale and Warrnambool, law reform commissions typically get their inspiration at the Essoign club.

Typically their consultation runs from the chambers of the judges of the Court of Appeal down to the Supreme Court and on down to the County Court, with the occasional foray to the Magistrates Court if the Chief Magistrate is in the mood to talk. That is about it! 'Let's talk to a few barristers, the Law Institute and the Bar Council', and there goes your \$1.2 million!

The Law Reform Committee has nine members of Parliament on it and it employs a director of research who ought to be better paid but is paid a salary that is a quarter of what will be given to the Victorian Law Reform Commissioner. If extra staff were appointed to increase the research capacity of the Law Reform Committee the productivity of that body would far exceed that of any law reform commission.

I suspect the Victorian Law Reform Commission will be a puppet of the Labor Party. There is no reason for confidence that the commissioner will be a person of independence; rather, it is very likely, given the appointments made by the government in the recent past, that the new commissioner will be a member of Labor Lawyers — or, to clean up the trail a bit, a former member of Labor Lawyers whose identity and past may be discovered only in the halls of the Supreme Court and its proceedings.

**Mr Wynne** — That is outrageous!

**Mr PERTON** — It is not outrageous, and it is likely indeed that Labor hacks will be appointed to advisory positions.

**Mr Bracks** — We have run out of them!

**Mr PERTON** — The Premier says, 'We have run out of Labor hacks'. Rob Jolly has been restored to public life and is on the board of Ecocycle Victoria, and a former member for Dandenong North has been appointed to a position in the racing industry. I can understand the Premier's comment that the party is running out of Labor hacks. I am sure, however, that among the ranks of Labor Lawyers the government will manage to find its quota, and that some \$800 000 a year plus \$1.2 million in recurrent expenses will be spent on the production of a socialist manifesto of law.

Labor members, including the honourable member for Geelong North, know that the Law Reform Committee of this Parliament commands a great deal of respect both domestically and internationally for the work it has done. It is seen as progressive, as using the cutting edge of communications technology and as a body that uses public consultation to the optimum level. I put it to you strongly, Mr Acting Speaker, that within the archaic structure set out in the bill the proposed Victorian Law Reform Commission has no possibility of generating productive and practical reforms that can be implemented in legislation.

The legislation will go through. There will be a Victorian Law Reform Commission; but it will not take law reform and the cause of the modernisation of law in Victoria forward in any way.

**Mr STENSHOLT** (Burwood) — I rise in support of the Victorian Law Reform Commission Bill. It is another example of landmark legislation led by the government's reforming Attorney-General. He is establishing a track record in the tradition of great reforming Labor attorneys-general. He is not just getting stuck into the Whigs and the Tories; he is also introducing legislation such as that before the house!

I note the honourable member for Doncaster is leaving the house. I assure him that the legislation seeks complementarity with the Law Reform Committee rather than duplication or confrontation. The abolition of the Law Reform Commission of Victoria is one of the more unfortunate acts of the previous government and is symptomatic of the attitude that government held towards the law and legal process. It is an example of its exclusive rather than inclusive style of government.

In previous years the parliamentary Law Reform Committee, of which I am now a member, played a role in picking up some of the gaps that emerged. Indeed, the former government found it needed another body as well, called the Law Reform Advisory Council, for which a number of people had to provide service on an almost pro bono basis. That council was not able to act as a consistent, full-time, professional body.

The Victorian Law Reform Commission as envisaged in the bill will be able to be more independent and will ensure integrity of advice. It will allow for medium and long-term perspectives rather than short-term inquiries. It will have strong intellectual content, and will undertake analysis, research and empirical study. It will be strong on consultation across the board. It will be comprehensive and thorough in its work, and it will allow for consistency because its membership will not change every so often. Its head will serve a four-year term.

The commission, given the types of people who will be employed by it, will display competence in high-level analysis and will be strongly credentialled and authoritative in its publications and research.

I see the proposed commission as complementary to the Law Reform Committee rather than as a substitute for it. As the honourable member for Geelong North has already pointed out, the commission will look in a somewhat different way at legal reform matters and references. The new commission will act in a style similar to that of the previous Law Reform Commission of Victoria, which did a lot of excellent work and had a strong reputation.

The commission will be totally inclusive in its approach. I share the view of the honourable member for Doncaster that the law has to serve all Victorians. However, I expect the commission will do that and will not simply exist for the officers of the court or for the legal profession. Consultation, public confidence and integrity should be hallmarks of a new law reform commission. As I have already mentioned, it will follow up the previous excellent work of commissioners who were involved with the Law

Reform Commission of Victoria, such as Jude Wallace, who has now gone on to work on land law reform in Indonesia.

The bill is an excellent piece of legislation and I commend its speedy passage in the house.

**Mr McINTOSH** (Kew) — I join the debate on the Victorian Law Reform Commission Bill with some degree of incredulity after hearing the speech of the honourable member for Burwood. Again, government members are high on rhetoric and low on substance as to what the proposed commission will do — that is, matters of high principle, ethical interest and morality will be its call sign.

The honourable member talked about consultation with a committee. Only last week I sat on a panel with the honourable member for Burwood that took viva voce submissions from a number of people, including members of the legal profession, judges and senior executive officers of various courts of this state; and from a much broader level of the community there were representatives from the Public Interest Clearing House and community legal centres, many of whom were not lawyers. As the honourable member for Sandringham mentioned, there is also an opportunity for people to make submissions over the Internet. A recent inquiry revealed some 30 submissions have already been made.

In looking at the proposed legislation, if the honourable member for Burwood is saying that access to justice for people from rural and regional Victoria is not a significant area for the commission to investigate he perhaps should not remain on that committee. Such access is a significant matter — providing access to all members of the community goes to the very fabric of society.

Law reform in this state has been and remains in good hands. I recently attended the Australian Law Reform Commission's 25th anniversary conference in Sydney. Many members from around Australia commented on the Victorian parliamentary committee's significant contribution to the process of law reform in the state and Australia, and possibly the world. There were representatives at the conference from both sides of this house, as well as from various sectors from around Australia and around the world. Many had heard of or had spoken either directly to or by email with the previous chairman, Victor Perton. Many people were complimentary in their comments about that committee under his stewardship. Its groundbreaking reports on technology and the law and on the use of technology in the court system to provide access to justice were

considered to be at the absolute leading edge of law reform.

Law reform in Victoria does not just reside with one body. Honourable members have spoken about other bodies that have been involved in the process, such as the courts themselves. The Victorian Law Foundation, which is chaired by the Chief Justice of the Supreme Court, is also part of that process, together with the Law Reform Advisory Council and the Law Reform Committee of this Parliament.

There is no doubt that the Attorney-General's suggestion in the second-reading speech that at the time of its abolition the old commission was operating highly effectively and was seen as a leading-edge organisation is not correct. It is regrettable that the government has adopted the legislative model used for the previous commission. The old commission was perhaps seen as less than leading edge and as a less than effective organisation. It was seen as having a pejorative effect and as being partisan and political in what it did. It was the subject of substantial criticism, particularly when certain matters came to light.

I was a member of the Victorian Bar Council in the lead-up to the 1992 election and I recollect the commission's inquiry into the legal profession. I will give an example of how the commission had become political. Whatever else was important, substantial submissions were made to the commission by the bar council, the Victorian Law Institute and many other interested bodies, and an interesting exercise took place at the time of the release of the commission's report. The report was finalised and submitted to the Attorney-General. Although members of the press and the public were given copies for their comment, members of the legal profession discovered that the final report had been published only when they were contacted by journalists seeking comments. When members of the legal profession requested that the commissioner release the report to enable them to comment in a public arena they were told the report was embargoed and they would need permission from the then Attorney-General to get a copy.

It was published and distributed throughout Victoria, yet it was not provided to the very people on whom it would have an impact. The issue was the subject of correspondence between the Victorian Bar Council and the former commission. The bar council wrote to the commissioner indicating its disappointment and reminding him that his obligation was to report to the Attorney-General, not the media. The response from the then commissioner states:

Dear Mr Hansen ...

He is now Justice Hansen of the Supreme Court, but he was then the senior vice-chairman of the Victorian Bar Council.

... the report has not been given under embargo to the media generally. It has been given, in accordance with my normal practice, to a selected number of journalists.

I will release an embargoed copy to you when the Attorney-General authorises me to do so. Thank you, too, for your advice concerning my obligation to report to the Attorney-General. Do you often send coals to Newcastle?

Such was the level of the debate before 1992. The former Law Reform Commission had a budget of \$1.8 million to conduct its various inquiries. Following the change of government in 1992 an audit of the commission's offices discovered hanging on the walls many paintings and prints — not on loan but purchased — by well-known Australian artists including Brian Kewley, Brett Whitely and some bloke by the name of Clifton Pugh, whom I am sure even the Attorney-General has heard of.

In August 1991 a party to which 130 lawyers were invited was held at the Grand Hyatt to launch the Vic Statutes project, which never got off the ground. It cost \$22 000 to launch a project that never came to fruition!

**Mr Hulls** — Were you there?

**Mr McINTOSH** — I probably was not invited.

Two things about the bill concern me. Firstly, the new Law Reform Commission may spend up to \$250 000 of its \$1.6 million budget without any reference to the Attorney-General. Secondly, the \$22 000 spent by the former commission on that impressive party for 130 lawyers did not appear in the accounts but was disclosed only after subsequent investigation.

I am also concerned at the suggestion that the committee will play some role in monitoring and coordinating law reform activities. Although Victorian law reform is carried on at a high level, I do not want to see that function used as a mechanism to control law reform generally. As I said, Victorian law reform is in safe hands. All those involved deal appropriately with a broad range of inquiries and are seen to be at the leading edge of law reform by not only the Victorian community but the international community. Law reform is something that Victoria has done probably better than any jurisdiction worldwide.

**Mr HULLS** (Attorney-General) — I thank the honourable members for Berwick, Richmond,

Sandringham, Geelong North, Doncaster, Burwood and Kew for their contributions to the debate.

The government had a mandate to introduce a Law Reform Commission, and in that light the Victorian Law Reform Commission Bill is good legislation.

**Dr Dean** — It is bad legislation.

**Mr HULLS** — It is interesting to hear the interjection that the legislation is bad. I should have thought that an opposition would not support bad legislation. It must be supporting the bill because it knows it is good legislation.

**An honourable member** interjected.

**Mr HULLS** — The opposition is not supporting but is not opposing the legislation.

Some interesting issues were raised during the debate, including those raised by the honourable member for Berwick, who believes the commission will blow its budget. The honourable member for Doncaster described his parliamentary committee as being at the forefront of law reform. The honourable member for Kew also referred to the parliamentary Law Reform Committee, referring in particular to the excellent work the committee is doing on access to justice for rural and regional Victoria.

The bottom line is that the committee is doing excellent work on access to justice for rural and regional Victoria because I gave it the reference.

*Honourable members interjecting.*

**Mr HULLS** — It is an important reference. Talk about blowing the budget!

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Lupton)** — Order! Honourable members should keep the passion out of the debate.

**Mr HULLS** — The committee is examining the provision of legal services in regional and rural Victoria, but guess where its members are going!

**An Honourable Member** — Tell us.

**Mr HULLS** — The committee has a reference to examine the provision of legal services in regional and rural Victoria, yet its members are off to the United States of America, Canada and Europe! Let's not talk about budgets. I hope the committee finds out in the

USA, in Canada and in Europe what is happening in regional and rural Victoria. What a disgrace.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Lupton)** — Order! Hansard is having great difficulty hearing what the Attorney-General is saying. I ask him to proceed, without assistance.

**Mr HULLS** — I hope the committee members' trip to the United States, Canada and Europe assists them in their deliberations on the delivery of legal services to regional and rural Victoria!

The reality is that that parliamentary committee is not the fount of all knowledge when it comes to law reform in Victoria. I say in a modest way that nor am I the fount of all knowledge when it comes to law reform in Victoria. Therefore it is crucial that Victoria has an independent law reform commission.

The independent Victorian Law Reform Commission will be at the forefront of law reform, not just in Victoria but in Australia. Some honourable members opposite have said that the commission will provide jobs for the government's political mates and will be a political commission. Victoria presently has a parliamentary Law Reform Committee headed by a politician. You can't get more political than that! The new commission will be an independent law reform commission, and I advise all honourable members, including the shadow Attorney-General, that positions on the commission will be advertised.

If the shadow Attorney-General, the honourable member for Berwick, loses his seat at the next election — which is envisaged — I encourage him to apply for a position. An independent selection panel will interview applicants, and if the honourable member for Berwick has the appropriate attributes I am sure he will be seriously considered. One wonders whether he would have the appropriate attributes; but in any event the jobs will be advertised and the government will ensure that the best people are chosen for the positions. Choices will be made on merit, because Victoria should be a centre for law reform excellence, and the Victorian Law Reform Commission will ensure that that occurs.

I undertake that the positions will be advertised, and if the shadow Attorney-General has someone in mind to fill a position, he should encourage that person to put up his or her hand. Unlike the former Kennett government, the Bracks government does not have people earmarked for the positions. It is crucial to appoint the best people for the job.

The Victorian Law Reform Commission will not be a puppet of the government. It will be an independent body that will put Victoria at the forefront of law reform not just in Australia but in the world.

Although I thank honourable members for their contributions, I had hoped that opposition members would have been more gracious in their congratulations, just as I was in opposition when the former Attorney-General brought in legislation that I thought was good. I was the first person to congratulate the former Attorney-General.

**An honourable member** interjected.

**Mr HULLS** — The second person. When she brought in bad legislation, I was the first one to let her know. Often she brought in good legislation that was supported by the then opposition, but more often she brought in bad legislation.

Opposition members know the bill is good legislation, and they know Victoria needs an independent law reform commission. I had hoped the shadow Attorney-General would show good grace and congratulate the government. However, the government notes that opposition members are not opposing the bill. They are not supporting it, but they are not opposing it. That is one of their problems — they do not know if they are Arthur or Martha, or whether they are coming or going. They do not know if they are Nationals or Liberals. However, the government thanks them for not opposing the legislation.

The government looks forward to future support from the opposition for the excellent law reforms the Bracks government will bring before the house. Today I stand here proudly, having fulfilled one of the promises the Bracks government made prior to the last election: to introduce an independent law reform commission to the state of Victoria.

I wish the bill a speedy passage through this and the upper house, and I look forward to seeing the advertisements in the paper that will ensure we have the best and brightest people heading up law reform in Victoria.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## CHILDREN AND YOUNG PERSONS (APPOINTMENT OF PRESIDENT) BILL

*Second reading*

**Debate resumed from 4 May; motion of Mr HULLS (Attorney-General).**

**The ACTING SPEAKER (Mr Lupton)** — Order! As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act 1975, I am of the opinion that the second reading of this bill requires to be passed by an absolute majority.

**Dr DEAN (Berwick)** — The opposition does not oppose the bill, but it has serious misgivings that need to be aired.

I will commence my contribution with some truisms before turning to the problems that may occur with the bill. The first truism is the importance of the justice system as it affects children. I do not think there is one member of the house who does not believe the legislative system as it affects children is a very important interface and that it has to be dealt with with care. If the system does not operate in a way that helps to divert children from behaviour that leads to their coming into contact with the justice system, because they are at a time in their lives when they are particularly vulnerable, they may enter into a life of misery and crime that will be a tragedy not only for them but also for society.

It is a truism that the Children's Court has to be seen as separate from other courts. The Children's Court has just been relocated in a brand new building compliments of the previous government. The building was tailor-made and designed to assist children through the justice process by ensuring that mums have private places to look after their kids, ensuring that the courts are not overbearing and intimidatory and ensuring that there are backup areas in which counselling can take place, and so forth — all the things that make the process of justice more acceptable for children.

It is another truism that the present senior magistrate who heads up the Melbourne Magistrates Court division of the Children's Court, Ms Jennifer Coate, is very highly respected and well regarded. She does a terrific job. I have known Jenny since university days. She is an excellent person who has put her stamp on the Children's Court — and more strength to her arm!

The next truism is that the present Chief Magistrate has done an extremely important job and is highly respected throughout the community for his work in

reforming the Magistrates Court and having it operate with a high level of morale.

If they are truisms with which we all agree, why is it that the opposition has misgivings about the bill? Firstly, one must ask oneself: is the children's division of the Magistrates Court not working? Is it not fulfilling the functions I have just outlined? The reality is that no-one suggests it is not working, no-one suggests that court is not highly specialised for children and doing a very good job.

Why is this bill being introduced? Its purported motive is to further increase the specialisation and status of the court. The opposition has no argument with that and does not oppose the bill. However, the point is how that end is achieved. If honourable members will excuse the legal and highly professional terminology, the way the bill goes about achieving that is really silly! It creates a situation which is already smouldering and which will probably blow-up in the government's face.

The government has said it will create a president of a new court called the Children's Court. The president will be a County Court judge; presumably Jenny Coate will become a County Court judge and be put in charge of the new Children's Court. The president will have the capacity to choose and appoint magistrates — they would already be magistrates — to her court and will have the power to determine the procedures, administrative structures and processes within that court. It might be said that that sounds terrific, but all magistrates are under the jurisdiction of the Chief Magistrate. The Chief Magistrate appoints magistrates to their duties and has done so since Victoria first appointed Magistrates Courts.

A situation will be created where there is a court but there is not a court — that is, all the magistrates the new president will want for her court will be magistrates subordinate to and under the direction of the Chief Magistrate. Under the bill the new president is required to consult with the Chief Magistrate when she decides she would like a certain person to become a magistrate for her court. Unfortunately, she may decide on a person who is not a person the Chief Magistrate would appoint. Under the provisions in the bill the new president can say to the Chief Magistrate that she wants to appoint that person to her court anyway. It gets worse!

I shall give another example. Say the Chief Magistrate has a magistrate in the general division. Under the provisions of the bill the president can go to the Chief Magistrate and say she wants that magistrate appointed to her court. The Chief Magistrate may say that he does

not want to do that because he wants that magistrate for the general division. The bill allows the president to take the magistrate into her court regardless of whether the Chief Magistrate likes it.

There is also the problem of country magistrates. In the country the magistrates work in both the children's and general divisions. The Chief Magistrate gives country magistrates a set of procedures, the times they will sit and the matters he wishes them to look at. Under the bill the president may say she wants her magistrates in the children's division to follow a different set of procedures and sitting times. Under this legislation the president wins.

A situation could arise where the Chief Magistrate must say to the magistrates whom he has appointed to a particular court and over whom he has had control for many years that they must chop and change their procedures and do what the president says. A country magistrate will have to follow one set of procedures for general division cases and another for the children's division. The magistrate will have to sit under different rules, undertake different tasks and approach cases in a different way. There will be no uniformity. It is a nonsense to create such trauma within the court.

Perhaps the president and the Chief Magistrate will try to get on with each other, and I am sure both Jenny Coate and Michael Adams, the Chief Magistrate, will try to do that. However, the point is that the bill greatly reduces the Chief Magistrate's powers and interferes with his judicial independence and capacity to control his own courts. I have heard from secondary sources that he is very upset about the bill, and I have heard from the bar that its members are also extremely upset.

When in opposition members of the Labor Party said time and again to the former government, 'How dare you interfere with the judiciary? How dare you downgrade tribunals and magistrates. Don't do that'. Now they are in government, at the first opportunity they have created a new court that has sucked away powers and responsibilities from the Chief Magistrate, who has one of the most important and difficult jobs in the state's justice system.

**Mr Wynne** — Don't you think children are important?

**Dr DEAN** — If the honourable member for Richmond was listening to the start of my speech, he would know I outlined a set of truisms, including that both sides of the house would agree that children are the most important consideration. If the president is locked in conflict at an administrative level with the

magistrates and the Chief Magistrate that will impact on the dispensation of justice to children, and that is something no-one wants.

The government has created a problem for magistrates trying to do the right thing by children. It is not merely a matter of interference with judicial powers, but a downgrading that will affect children involved in the state justice system.

It was a difficult decision for the opposition to allow the passage of the bill. The opposition wants to allow the government to introduce its legislation and will not be obstructive. However, the opposition will not allow potential problems created by silly drafting of a good concept to smoulder or go unnoticed and without discussion.

A further problem that I understand from secondary sources is causing concern among other magistrates is that the new President of the Children's Court will be a County Court judge. Formerly the president was subordinate to the Chief Magistrate and has now jumped to a position above the Chief Magistrate.

Which is the court of appeal for a case taken by the president? Normally an appeal from the Magistrates Court goes to the County Court, but as the president is a County Court judge the appeal cannot go to the County Court but must go the Supreme Court. An entirely new appeal process has been created for the purpose of providing status. Further, the costs of appeal will be two to three times higher than they would have been for people unlucky enough to come before the president.

New section 12(b) inserted by clause 5 is gobbledegook: it is difficult to understand and unnecessary. New section 13B inserted by clause 8 provides the indemnity given to a Supreme Court judge, which again is unnecessary; this person has become a County Court judge and is automatically entitled to indemnity. The bill also contains a section 85 statement.

Was the bill thought out, or is it window-dressing and is there a deeper motive? Have the powers of the Chief Magistrate been reduced and a potential conflict created; and will the legislation achieve good results for children?

The opposition holds the government to account. The bill will be allowed to pass both houses. I remind the government that if conflicts begin the opposition will remind it of the debate and demand that something be done. The objectives could have been achieved in many ways without these consequences. There could have been an entirely separate court or an entirely separate

court with special provisions for country magistrates, with the Chief Magistrate retaining control; or the Chief Magistrate could have had power of veto in these matters — a number of means could achieve the end of giving the required status.

I conclude by repeating: anything that can be done to increase the workability of the justice system for children is good. I have known Jenny Coate for many years. She is a highly respected and good senior magistrate of the Children's Court and will handle being a County Court judge with no difficulty at all. The Chief Magistrate has done a great deal of important and good work.

The problem is in the structuring of the bill — clearly it was prepared in haste and, I suspect, for window-dressing.

**Mr WYNNE** (Richmond) — I support the Children and Young Persons (Appointment of President) Bill and in the brief time available will attempt to address some of the issues raised by the honourable member for Berwick.

The bill contains two key reforms to the Children's Court Act, announced at the opening of the Children's Court in April this year. I acknowledge that the former government did important work in providing decent accommodation for the Children's Court. Anyone who has been around the judicial system —

**Mr McIntosh** interjected.

**Mr WYNNE** — If the honourable member for Kew had listened to my contribution he would have heard my acknowledgment of the important work by the previous government in capital outlay on the Children's Court, befitting the importance of the jurisdiction.

Honourable members who have been around the judicial system will well recall the Dickensian Children's Court that used to be located on Batman Avenue, which by any measure was an entirely inappropriate building. There was no privacy and dreadful working conditions for the magistracy. There is no question that appropriate accommodation for the Children's Court is welcome and important.

The bill is a second leg, in that, firstly, it raises the importance of the Children's Court by providing for it to be presided over by a president who is a judge of the County Court. Secondly, the Children's Court is to be an independent court and will no longer be a division of the Magistrates Court. There is a close link between those two elements. The government is committed to establishing key services to justice and promoting the

position of young children. The elevation to the status and authority of the long-neglected Children's Court demonstrates in a tangible way the government's commitment to that effect.

Several reforms will be introduced by the bill. Firstly, the bill reflects the importance of increasing the specialisation and authority of the Children's Court. Anyone who has had exposure to it knows that it deals with the most vulnerable people in the community. When one is dealing with children one is dealing with particular issues concerning children and it is appropriate that it be a specialised area. Secondly, it emphasises the importance of the work of the Children's Court by elevating the status of the level of the court. Thirdly, it will allow the Children's Court to operate autonomously in its specialist responsibilities. The president of the court will be able to promote the adoption of a consistent philosophy and to set standards for the consistent treatment of young people in children's courts across the state. That is an entirely reasonable reform and is an initiative that I would have thought would be roundly supported by the opposition.

The Children's Court operates in metropolitan and rural Victoria. Magistrates currently sit as ordinary magistrates and Children's Court magistrates. Effectively a magistrate in a country or suburban court may sit as a Children's Court magistrate for one morning a week or perhaps a day a week, depending on the list.

The amendments to the Children's and Young Persons Act do not attempt to change what is an appropriate way to manage the judicial resources for both jurisdictions. It was intended and remains the intention to share judicial resources between the Magistrates Court and the Children's Court in regional and rural areas. To facilitate the allocation of duties to magistrates who may wear two hats, it is proposed that the Chief Magistrate and the President of the Children's Court will settle that allocation according to protocols to be developed between them.

In practice and with goodwill the argument proffered by the honourable member for Berwick does not have substance. There should be continued movement between the Magistrates Court and the Children's Court to ensure that magistrates develop specialist skills in either jurisdiction which then informs the work that they do in either jurisdiction. The capacity to have magistrates switch between the two jurisdictions is important and brings with it special characteristics. It increases the specialisation and the breadth of experience of magistrates in both jurisdictions.

In summary, the government is committed to ensure young people have access to justice that is relevant and specialised. The Children's Court deals with the welfare and justice of young people. It is important to recognise that at the most vulnerable time in young people's lives the most specialist advice and experience that the judicial system can offer is available to them.

The sentencing powers of the president, to which the honourable member for Berwick referred, are currently under consideration by the Department of Justice. The Attorney-General will be advised on those matters.

The bill is important. It brings to fruition an important elevation of the Children's Court to the prominence that it richly deserves. All honourable members would agree that young people require specialist intervention and the judiciary, through the elevation of the position of president, gives it the due status that it deserves. I commend the bill to the house.

**Mr McINTOSH** (Kew) — I also appeared as a barrister in the old Children's Court in Batman Avenue. Whatever else I might agree or disagree with the honourable member for Richmond about, I certainly agree with the proposition that the Batman Avenue courtroom was an absolute disgrace. It was Dickensian and cramped. On any day one would go down there, whether it be sunshine or rain, hot or cold weather, and find interviews being conducted with clients and parents outside or in the foyer of the court. It is an indictment of our judicial system that that issue failed to be addressed for so many years.

It is also a testament to the success of my predecessor in Kew, the former Attorney-General, that through her intervention she was able to create an opportunity to provide access by younger Victorians to justice via the brand new courthouse at Southbank. That action took the ability to dispense justice a long way.

I agree with the honourable member for Berwick that all honourable members owe a special obligation to younger Victorians in a variety of ways, but certainly to enable them to get the specialist assistance, counselling and justice that is dispensed in the Children's Court. That requires ongoing vigilance and reform of that process, not only in the form of the buildings, which is an important aspect, but also to the law and how it is applied.

The bill does not create a separate Children's Court. As a matter of law a separate Children's Court has been in operation in Victoria since 1989. In clause 1 — and I invite the honourable member for Richmond to read that clause — the bill proposes two things. The primary

function is to make a judge of the County Court the President of the Children's Court. However, because the president has the status of a County Court judge, it provides the court with a specialist mechanism of appeal to the Supreme Court.

Under the current structure the head of the Children's Court is a magistrate. An appeal from a magistrate goes to a judge of the County Court. It is a hearing de novo. A variety of appeals exist for which the County Court is well geared. On any particular day a judge will be allocated to hear appeals from the Magistrates Court from around Victoria. An appeal from the President of the Children's Court would go to the Supreme Court. I am concerned about the cost implications of an appeal from a County Court judge to the Supreme Court, and also the delay, because the bill only allows an appeal to the trial division of the Supreme Court which will conduct that hearing by way of a hearing de novo.

Appeals as hearings de novo from a County Court are unusual in any event, because appeals on questions of law are usually made to the Court of Appeal. The bill creates a specialist right of appeal against decisions of one Children's Court officer only — the president. I am concerned that that will create increased costs and delays.

The only other thing the bill does is provide that the President of the Children's Court must be a judge of the County Court. The rights and emoluments that a County Court judge is entitled to receive will be paid to that person in the usual way, as will all the superannuation benefits a County Court judge receives — and that is proper. There is no question that the president will work hard and diligently and sometimes in appalling conditions, and he or she will deserve those benefits.

No-one doubts that the Children's Court should be given some recognition, and any mechanism that improves the system is worth while. However, all the bill does is create the position of President of the Children's Court. Victoria will not get any extra counselling services or buildings that improve access to justice. The bill does none of the things that one would expect a revolutionary piece of legislation to do.

I also acknowledge what the honourable member for Berwick said about the bill creating the potential for conflict. While under the current structure the Children's Court is a separate court, its judicial officers are magistrates of the Magistrates Court of Victoria. The potential conflict arises because under the bill the head of the Magistrates Court in Victoria, the Chief Magistrate, retains the important responsibility that any

chief judge, justice or magistrate has, which is to allocate work. Impinging on that right and obligation introduces a concern about the independence of the judiciary.

I reiterate the point made by the honourable member for Berwick that the current Chief Magistrate, Michael Adams, has the power under section 13 of the Magistrates Court Act to assign magistrates' duties; however, under the bill that power will no longer apply to magistrates who are appointed to the Children's Court.

The President of the Children's Court will be able to cherry pick any magistrate from anywhere in Victoria. While as members of a legislative body we might welcome the idea that the best available people should be appointed presiding officers, it concerns me that the president will be able to cherry pick magistrates who would otherwise work at the direction of the Chief Magistrate.

The bill substantially diminishes the powers and prestige of the Chief Magistrate and elevates — perhaps appropriately — the status of the chief judicial officer of the Children's Court. That is all the bill does. It does nothing more than give a single person a pay rise and access to superannuation benefits; it does nothing to deliver better services to or improve the access to justice of the children of Victoria. I hope that if a conflict arises it will result in some form of change. In many respects the bill appears to be sheer window-dressing; saying otherwise would be utter rhetoric.

**Mr LANGDON** (Ivanhoe) — I am pleased to join the debate on the bill. I make my comments not from a legal perspective but from the perspective of a past occupation working with homeless teenagers.

I welcome the changes proposed by the bill, which result from the commitment by the government and the Attorney-General to elevate the status of the Children's Court, which has long been neglected. In doing so, the bill advances the government's commitment to improving the situation of young people in the Victorian community. The importance of that cannot be overestimated.

The bill creates the office of President of the Children's Court and establishes the Children's Court as a new court, separate from the Magistrates Court. I note that the opposition has criticised that to some degree. However, I welcome the initiative because it separates the Children's Court from the mainstream court system.

The creation of the office of president reflects the importance, increasing specialisation and authority of the Children's Court and will allow the court to develop its specialised responsibilities autonomously. The president will be able to promote the application of a consistent philosophy and set standards for the treatment of young people in courts across the state. That is a welcome initiative.

The establishment of the Children's Court as a freestanding body recognises its increased importance and specialisation. It also reflects the government's commitment to everyone in the state, including children and young persons.

The president will be a judge of the County Court who will be appointed for a fixed term of five years by the Governor in Council in consultation with the Attorney-General. That is a normal process, which I believe the opposition does not oppose.

I welcome and support the bill. As I said earlier, it reflects the government's commitment to young Victorians. The young people I dealt with were greatly concerned about having to go to the Children's Court because it was an intimidating process. It was not a friendly environment, particularly before the dilapidated building it was housed in was upgraded and repaired.

The bill is the first step in the government's many reforms. It will give the Children's Court its own standing and provide for the development of a sympathetic and specialised relationship with young people, which is most important. I commend the bill to the house.

**Ms McCALL** (Frankston) — My contribution will be brief in the interests of time. The opposition is not opposing this piece of legislation, which recognises Victoria's moves towards, if I dare use the expression, a family-friendly court system.

Those honourable members who have had experience of the legal system, either as members of the legal profession or as members of the general public, will be well aware of how daunting, nerve-racking and threatening the courts can be, even if a case involves something as simple — I use the word advisedly — as a divorce or a minor settlement or any other matter. There is no question that when it comes to settling difficult issues relating to children, the current legal system is stodgy, formal and intimidating.

The previous government addressed some of those issues, such as the videotaping of evidence, particularly in rape and domestic violence cases. The former

Attorney-General must be commended for moving to establish new premises for the Children's Court, introducing the use of less formal language in the courts and recognising new techniques of questioning, all of which helped the courts move towards the new century.

The bill also recognises the important part the Magistrates Court system plays in dealing with children. Although a separate Children's Court has existed since 1989, it has not been given the recognition that was, under the circumstances, its due.

My only concern is about the transfer of legal eagles from the Magistrates Court to the Children's Court. One assumes that magistrates will move between the two courts with the best of intentions. However, people's temperaments being what they are, there is a potential for danger if the two senior judicial officers concerned decide to have a spat and disagree on the transfers. I am sure the Attorney-General will address that issue, if he has not already expressed the same sort of concern. However, even with the best of intentions, so long as personalities play a part the potential for disagreement will remain.

I also note that the bill has implications for legal aid. I can only hope that the Attorney-General will fight for an increase in legal aid funding should there be a need for Victoria to increase its contribution.

I have no difficulty in supporting the opposition in not opposing the legislation. I wish it every success. I am delighted that the current Attorney-General is continuing the commitment of the former Attorney-General to demystify the legal process for all Victorians.

**Mr HOLDING** (Springvale) — It gives me great pleasure to contribute to the debate on the very important Children and Young Persons (Appointment of President) Bill, which underscores the government's commitment to increasing the status and authority of the Children's Court.

It is essential that children who appear before the court, either by reason of offending or because of their vulnerable family situation, receive justice and compassion. I am sure all honourable members would share in that commitment. It is also important to note that the measure will ensure that young persons who appear before the Children's Court will be treated in a consistent fashion, in keeping with the understanding of what it means to treat young people equitably and in keeping with the goal of social justice.

I refer to some of the specifics of the legislation. The bill creates the office of President of the Children's

Court and establishes the Children's Court as a new court separate from the Magistrates Court, which is a significant change. It also provides for appeals on decisions of the president and ensures that County Court appeal mechanisms are made clear. I draw the attention of honourable members to the fact that the legislation also contains a section 85 statement, the purpose of which was outlined in the minister's second-reading speech.

In creating the office of President of the Children's Court, the legislation ensures that the Children's Court will be able to develop its specialist responsibilities in an autonomous fashion, which is another significant component of the legislation. The president's role will enable the promotion of a consistent philosophy within the court and will ensure that appropriate standards are set for the consistent treatment of young people. I am sure that is a goal all honourable members would share.

The establishment of the Children's Court as a freestanding, separate court recognises both the importance of the court and the increasingly specialist role the court is expected to play in Victoria's court hierarchy. That is another particularly important goal and objective that all honourable members would share. I commend the legislation to the house.

**Mrs FYFFE** (Evelyn) — One of the joys of coming to this house as a new member is researching information about the various bills. The excellent facilities in the parliamentary library were very helpful to me in researching the Children's Court. However, I was rather disappointed that statistics are available only up to 1997. In 1997, a total of 10 117 cases were completed in the Children's Court, of which 7062 or 69.4 per cent were criminal cases, and 3115 were family division cases.

Of the 3115 cases finalised in the family division of the Children's Court — 30.6 per cent of the total number of cases — all but one were initiated by the Department of Human Services. The one case that was not initiated by the department was initiated by a child custodian agency. Of those 3115 cases, 894 involved significant physical injury and 553 involved emotional and psychological harm.

Theft was the most common charge proven in criminal cases — 24.5 per cent of all charges proven were theft charges. Road safety offences were next — 18.3 per cent of all charges proven; transit offences — 17.5 per cent; and burglary — 11.5 per cent. The most common outcome in criminal cases was the imposition of a fine. Custodial sentences were imposed in 2.4 per cent of proven cases.

The statistics show that of all the criminal cases proven in 1997, 5670, or 80 per cent, involved defendants aged between 15 and 17. The Attorney-General may not be aware of that fact. Transgressions in the 14 and 15 years age group are not uncommon. I am a parent of an unfashionably large family. All of my children have reached the age of 18 without appearing before the Children's Court. But it is a case of there but for the grace of God go I, because many children under 18 years of age appear before the court. The statistics show that males are more likely to appear before the Children's Court than females.

I am concerned about the clause in the bill that provides that where the president constitutes the court at the first instance it is necessary for a Supreme Court judge to hear the appeal. From what I can find out — it is difficult to get figures and percentages — it is more streamlined to appeal to the County Court than to the Supreme Court and not as costly. If an offender aged 14 or 15 years has to wait 12 months for an appeal to the Supreme Court, that appeal will take a fourteenth of his or her life. That is an awfully long time.

The benefit of having a separate Children's Court and having people who are specialised in dealing with children hear cases may be nullified. As children approach the age of 18 they develop a sense of bravado; they can believe they are not guilty and want to appeal, but because the process takes too long they can become more involved with certain groups of people and start to believe that if the world thinks they are criminals they will continue to behave that way. That point has been overlooked.

We all know the cost of making an appeal is astronomical, both to the state and to the individual. The long waiting period for appeals also has other disadvantages. Children released on bail pending appeal may be embarrassed because they have been convicted of offences and may not return to the schools they were attending. The damage that can be done at that difficult, trying age can be horrendous.

A mum and dad on an average wage — it is currently around \$45 000 to \$50 000 — with two or three kids cannot afford to fund an appeal to the Supreme Court. Many parents have heavy mortgages, and the cost of an appeal is frightful.

**An honourable member** interjected.

**Mrs FYFFE** — Yes, but will the government put more funding towards legal aid? There is not enough legal aid funding for adults needing support, let alone for young people. The government will have to put

substantial money into legal aid, because more and more young children are appearing before the courts.

I have four brothers. When they were young they often got into scrapes, but in those days a local copper — a local sergeant — would bring them home to Dad, who would listen to the officer and then deal with the problem, but none of them ended up in court. Nowadays, if young people go scrumping apples or commit transit offences they are brought before the Children's Court. The number of young people appearing before the court is now far higher than it used to be, and the costs will be enormous. The Attorney-General needs to think about how those added costs will be funded. A 12-month waiting period for a young person aged 14 or 15 can turn him or her to a lifetime of criminal activity. He or she may say, 'I did not do it. I want to appeal, but they are making me pay to appeal. They are making me wait. They think I am a criminal. I may as well continue a life of crime'.

The current senior magistrate is highly regarded and is doing an excellent job. However, the bill provides that the president must be a County Court judge. Does that mean the current senior magistrate, who is so highly regarded, cannot be considered for the position? Or will the Attorney-General do two rapid promotions to make the current senior magistrate a County Court judge and then the president? How will the rest of the legal fraternity feel if that happens?

The conflicts that will be created by the new position have been highlighted by previous speakers in the debate. The bill has been hastily drafted, and it will create many problems. The lack of consultation is a cause of grave concern to the legal community.

The Attorney-General when speaking in the debate on the Victorian Law Reform Commission Bill seemed to have difficulty grasping what opposition members mean when they say they do not oppose a bill. The term does not mean that we support the bill, nor does it mean that we oppose the bill.

**Mr Hulls** interjected.

**Mrs FYFFE** — When smoke and mirrors are being used there are many opportunities for error. I come from a simple background, and I know that if people are given enough rope eventually they will hang themselves. People make mistakes when they make decisions in haste, without true consultation and without thinking issues through, or when they base them on the fact that they do not like what someone else has done. It seems a lot of recent legislation is

generated by the government's dislike of what the previous Attorney-General did.

I caution the Attorney-General with the simple country saying: if you give people enough rope they will eventually hang themselves.

**Mr HULLS** (Attorney-General) — I thank all honourable members who contributed to the debate — namely, the honourable members for Berwick, Richmond, Kew, Frankston, Springvale and Evelyn.

The honourable member for Evelyn, who was the final speaker, said the legislation had been introduced in haste and without much consultation. I advise her that the proposal has been around for about 17 years — longer than the gestation period of an elephant! — and that consultation has taken place over the entire 17-year period. As the honourable member may know, Mr Justice Fogarty resurrected the proposal to set up a separate Children's Court way back in 1987. He also put it to the former government, which evidently rejected the idea. It is nonsense to say there has been a lack of consultation or that the bill is being introduced in haste; there has been consultation after consultation.

General agreement has been reached on the proposal to set up a separate Children's Court. The opposition, however, appears not to have the guts or good grace to say the bill is good legislation or to support it. I feel sure the shadow Attorney-General would, deep down, have liked the legislation to have been introduced during the seven years he was on the government benches, but he was unable to convince his colleagues. It took a Labor government to introduce this excellent piece of legislation.

The honourable member for Berwick raised a number of issues, including a reduction in the powers of the Chief Magistrate; the honourable member for Kew raised the matter of potential conflict and talked about the independence of the judiciary and related matters; and the honourable member for Evelyn asked whether the current head of the Children's Court would be eligible to become the president of the new court. The answer to that is yes. Indeed, it is envisaged that Jennifer Coate will be made a County Court judge and will be the first President of the Children's Court. I am sure that appointment will be widely welcomed and that she will do an excellent job.

Views have been expressed about how magistrates will be appointed to deal with Children's Court matters. Members of the opposition have argued that a potential for conflict of interest is generated when a magistrate of the Magistrate's Court becomes a Children's Court

magistrate because that magistrate is wearing two hats. That is nonsense.

*Opposition members interjecting.*

**Mr HULLS** — Magistrates often wear two hats now, particularly in rural Victoria. Under the proposed legislation a separate Children's Court will be set up — —

**Dr Dean** interjected.

**The ACTING SPEAKER (Ms Barker)** — Order! I remind members of the opposition that they had their chance to contribute to the debate. They should listen to the Attorney-General in silence.

**Mr HULLS** — The President of the Children's Court and the Chief Magistrate will enter into a protocol for the selection of expert magistrates to sit in the Children's Court. It is nonsense for the shadow Attorney-General and members of the opposition to say the dual role will create a huge conflict and the world as we know it will end.

The bill is good legislation. I would have thought it would be welcomed by all honourable members. Having a stand-alone Children's Court constitutes an upgrading of the status of the Children's Court and allows for the best possible expertise to sit in judgment on Children's Court matters. The proposal has been argued in this state for 17 years and has finally been introduced by the Bracks Labor government.

It should be welcomed not only by all members of the Victorian community but by the opposition too. If members of the opposition are not prepared to support the legislation they are at odds with the general community, which absolutely supports it, as do the legal fraternity and all other stakeholders.

The shadow Attorney-General says that the Chief Magistrate foresees problems. On the contrary, the Chief Magistrate supports the proposal to have a stand-alone Children's Court. True, he has expressed some concern about the manner of selection of magistrates for Children's Court matters; but he has not opposed the idea and is fully supportive of it. He was present at the opening of the Children's Court, where he made it quite clear that he welcomed the proposal to have a stand-alone Children's Court. His expressed concern was about the selection of magistrates. As the chief law officer of the state of Victoria I have taken his concerns on board, and I am now of the view that the protocol arrangement to be entered into by the Chief Magistrate and the President of the Children's Court will adequately address those concerns.

I want to have the best and most suitably qualified people sitting on matters before the Children's Court, which is what this legislation will ensure.

I turn to the issues that were raised concerning legal aid and the fact that appeals from decisions of the President of the Children's Court will now have to go to the Supreme Court. A small number of appeals are currently brought against decisions of the senior magistrate of the Children's Court, Jennifer Coate. The senior magistrate estimates that over the past four years only four of her decisions in family division matters have been listed for appeal, and only one matter has proceeded to hearing. In the criminal division she estimates that there have been six appeals over the past four years. I have had discussions with Victoria Legal Aid and it has indicated that given the expected small number of appeals against decisions of the president, it will be able to absorb any increased costs within its current budget. Consequently, potential applicants who have qualified for legal assistance for appeals to the County Court will qualify for legal assistance for appeals to the Supreme Court.

I thank all honourable members who contributed to the debate. The bill is an important piece of legislation and it has been a long time coming. I am proud to be the Attorney-General who had the guts to introduce it. The former government knew about the proposal for many years but did nothing about it. It is great legislation and it will enhance the delivery of justice to the most vulnerable members of the community — that is, young children.

**The ACTING SPEAKER (Ms Barker)** — Order! As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act, I am of the opinion that the second reading of this bill requires to be passed by an absolute majority. As there are less than 45 members present, I ask the Clerk to ring the bells.

**Bells rung.**

**Members having assembled in chamber:**

**Motion agreed to by absolute majority.**

**Read second time; by leave, proceeded to third reading.**

*Third reading*

**Motion agreed to by absolute majority.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

**ARTS LEGISLATION (AMENDMENT)  
BILL**

*Second reading*

**Debate resumed from 4 May; motion of  
Ms DELAHUNTY (Minister for the Arts).**

**Mrs ELLIOTT** (Mooroolbark) — The opposition supports the Arts Legislation (Amendment) Bill because it is a sensible piece of legislation. Its principle purpose is to correct an anomaly that has an historical antecedent. When the Victorian Arts Centre Trust came into existence in 1980 it was responsible for three stages of the Victorian Arts Centre — namely, the National Gallery of Victoria, which was completed in 1968; the concert halls, which were completed in 1982; and the theatres building, which was completed in 1984.

One unintended consequence has been that the National Gallery of Victoria is a tenant of the Victorian Arts Centre Trust. The cost of the major improvements that have taken place during the intervening years — the same is true of the improvements that will shortly begin — have appeared in the annual financial statements of the Victorian Arts Centre Trust. The multimillion-dollar cost of those improvements has had the effect of skewing the financial reports of both the VACT and the National Gallery of Victoria.

The purpose of the bill is to revoke the Crown grant of land on which the National Gallery of Victoria and part of the Victorian Arts Centre is situated and give control over and management of the land they occupy to each of those entities — that is, the Council of Trustees of the National Gallery of Victoria and the trustees of the Victorian Arts Centre.

An important subsidiary provision in the bill concerns the memorabilia collection of the Performing Arts Museum. When I was parliamentary secretary for the arts I went backstage, as it were, to view the museum's astonishing collection. It includes memorabilia of Dame Nellie Melba, for whom the honourable member for Evelyn and I have a particular affection as her shadow still stalks the hills and dales of Lilydale.

Her grand-daughter, Pamela Lady Vestey, who resides at Coombe Cottage, Melba's former home, has in her possession photographs of Melba with world personalities of the time as well as many of her clothes

and personal possessions. The Performing Arts Museum also has a significant collection of Melba's costumes and jewellery. To see the voluminous garments she wore is to see resurrected the spirit of possibly Australia's greatest opera singer.

The museum also has many lithographs by Grunenberg of Anna Pavlova, the famous Russian dancer. I was interested to see those because when I was a child my grandfather, who was the hall porter at the Menzies Hotel, told me about the time Pavlova visited Melbourne and brought with her a collection of caged birds. Undoubtedly it was before the time that bringing livestock into Australia was prohibited. My grandfather's job was to feed the birds, which scattered seeds throughout Pavlova's suite. He was devoutly glad when she and the birds left for other parts. I do not think her prowess as a dancer impressed him as much as the untidy habits of the birds!

The museum also has a collection of costumes worn by Dame Joan Sutherland, another great opera singer who, although she has lived overseas for many years and is now substantially in retirement, is a proud Australian.

The memorabilia also includes posters, recordings, photographs and music scores, and from time to time the museum mounts exhibitions in the Arts Centre that evoke the rich history of Victoria's performing arts. The purpose of my referring to the Performing Arts Museum is that the bill establishes its collection as a state collection, which is appropriate.

Proposed new section 5(1)(a) and (b) provides that some of the functions of the trust include controlling, managing, operating, promoting, developing and maintaining the centre and presenting and producing theatrical performances, operas, plays, dramas, ballets and musical and other performances and entertainment of any kind. Other provisions centre on the leadership role of the trust. Again, it is appropriate that the Victorian Arts Centre, the focal point for so much of Victoria's performing arts, should provide that leadership. I will return later to some of the performances I have attended at the Victorian Arts Centre that reminded me of the centre's pivotal function.

Other clauses provide for the general manager to become chief executive officer and for his or her appointment to be for a maximum of five years. The bill removes all references to gender so that 'chairman' becomes 'president' in each case which, in contemporary terms, is also appropriate.

The bill updates the meeting rules of the Victorian Arts Centre Trust to provide that where members cannot meet together they may sign their agreement to a resolution that, in effect, becomes a meeting. These days many people live peripatetic lives. Given that the sorts of people one would wish to have sitting on the trusts and boards of our cultural institutions are extremely busy and often absent from the state, it is appropriate that a more contemporary way of holding meetings should be allowed. It should be possible for the business of the trust to be carried on even though its members are unable to gather together.

The bill also provides for the powers of the chief executive officer and the president to be delegated to other members of the trust. Again, that is appropriate provided that the parameters are clearly set and not so wide as to allow the powers to be delegated to people who are not sufficiently responsible.

Another important aspect of the bill concerns the disposal of objects in the state collection. From time to time both the gallery and the trust may wish to deaccession the objects they hold, which is always a delicate matter. People entrust various objects, some of which have great monetary value, to our major cultural institutions.

**Debate interrupted pursuant to sessional orders.**

**Sitting suspended 1.00 p.m. until 2.05 p.m.**

## DISTINGUISHED VISITORS

**The SPEAKER** — Order! It gives me great pleasure to welcome to the Parliament the Right Honourable Sir Alastair Goodlad and Lady Cecillia Goodlad. As honourable members would be aware, Sir Alastair had a long and distinguished career in the House of Commons and has recently been appointed as the British High Commissioner to Australia.

I once again welcome Mr Peter Maxwell Innes and his wife, Robbie. As honourable members know, Mr Innes is the British Consul-General in Melbourne. I welcome you all.

## QUESTIONS WITHOUT NOTICE

### New South Wales budget: tax relief

**Dr NAPHTHINE** (Leader of the Opposition) — In view of the government's election promise to achieve a 5 per cent unemployment rate, reiterated by the Minister for Finance yesterday, and the clear link

between employment growth and business confidence, will the Premier now match or better the budget initiatives of the New South Wales Labor government, which will legislate for \$436 million worth of direct tax relief, including major reductions in the rates of payroll tax and stamp duties?

**Mr BRACKS** (Premier) — It was a fantastic budget in New South Wales under a great Labor government. The hallmark of the New South Wales Carr Labor government is the same hallmark that exists right along the eastern seaboard of Australia, with the Beattie government in Queensland, the Carr government in New South Wales, the Bracks government in Victoria and the Bacon government in Tasmania. They are economically responsible and socially progressive governments. I commend the New South Wales Treasurer, Michael Egan, and the Premier, Bob Carr, on a fantastic budget that will assist the economic growth of New South Wales, just as the Victorian budget has assisted Victoria's economic growth.

On the question of tax relief, the New South Wales budget contained measures totalling \$400 million, or recurrently \$200 million, in tax relief, including a mix of stamp duties on housing being reduced because of the housing affordability problem in New South Wales. The government will watch and note that situation.

On the issue of payroll tax, the outcome of the review of business taxes in Victoria will be available on 11 December. That outcome will be implemented in the budget next year for the first tranche of business tax cuts leading up to a further \$200 million reduction in recurrent business tax cuts in the future.

The Bracks government has the right setting for the future in Victoria. I am pleased that New South Wales also has a socially progressive and economically responsible government. The Bracks and Carr governments are two good administrations in Australia.

## FINA World Cup

**Mr CARLI** (Coburg) — I refer the Premier to the government's commitment to attract major events to Victoria and ask him to inform the house of the latest major events secured for Victoria.

**Mr BRACKS** (Premier) — I have just returned from the Melbourne Sports and Aquatic Centre where I announced that Victoria has secured the prestigious FINA World Cup for this December and for the following four years. I am proud to say the event will bring elite international swimmers to compete in Victoria. It is the first time in 40 years that Victoria has hosted a major international swimming event, and I am

very pleased it will take place here. This adds to the major events calendar in Victoria.

In the first part of the year the Australian Open Tennis Championships and the Australian Formula One Grand Prix were held, the newly secured Heineken Golf Classic will be held and in the second half of the year in December the FINA World Cup is a fantastic addition to the list of major events to be held in Victoria. Melbourne will join cities such as Washington, Rio de Janeiro, Berlin, Paris and Stockholm in hosting world cup events. The format has changed from several events held in one country to one event held in eight countries around the world. The prize money is greater, the event is bigger and the international reputation of the events is enhanced.

Swimming Australia will receive \$200 000 annually to secure the FINA World Cup, and that is a good investment in what will be a fantastic event for Victoria.

More than 200 elite swimmers are expected to take part in the event to be held at the Melbourne Sports and Aquatic Centre in early December this year and, as I said, into the future. It is a 25-metre short-course event, therefore the race times will be less than the usual 50-metre events.

I was pleased to attend the announcement today with Michael Klim, who is a real Victorian champion. He was there to welcome the event to Victoria. Both Michael Klim and the government are proud to have a Victorian crowd backing a world-class event in Australia, another achievement for Victoria — the sporting capital of Australia. I am pleased this event has been secured not only for December this year but for the following four years.

### **Public sector: wages growth**

**Ms ASHER** (Brighton) — In view of the government's own budgeted forward estimates for wage growth of 3.5 per cent over each of the next four years, will the Treasurer guarantee that public sector wage growth will not exceed that figure of 3.5 per cent per annum?

**Mr BRUMBY** (Treasurer) — The budget papers provide for wages growth in the future, and that provision is the target the government has adopted as the outcome for those deliberations. The government's objective is to return a wages outcome at or below the provision that has been made.

### **Youth: Pathways project**

**Mr VINEY** (Frankston East) — I congratulate the Minister for Post Compulsory Education, Training and Employment on her appointment as Minister for Finance. I refer the minister to the fact that the youth unemployment rate in the Mornington Peninsula region for 15 to 19 year olds is 26.7 per cent and that 35 per cent of boys and 27.4 per cent of girls in the region leave school before completing year 12. Will the minister inform the house of the latest action the government is taking to provide pathways to employment for those and other young people?

**Ms KOSKY** (Minister for Post Compulsory Education, Training and Employment) — The unemployment and drop-out rates for young people, both on the Mornington Peninsula and in other areas of Victoria, are unacceptably high. It is not only the Mornington Peninsula where there are unacceptably high levels of young people leaving school before they complete 12 years of schooling. Teenage unemployment in Victoria is running at just over 20 per cent and retention rates have fallen from 86 per cent in 1992 to 81 per cent in 1999 — a drop of five percentage points.

**An Honourable Member** — The jobs are there now.

**Ms KOSKY** — I know I should not respond to interjections from opposition members, but the comment was made that the jobs are now there. The figures show that 60 per cent of young people who leave school at the end of year 10 and 50 per cent who leave at the end of year 11 do not go on to either full-time work or education. Those figures are unacceptably high. Those young people do not just drop out of school, they drop out of the system!

I am excited to announce today a new initiative of the Bracks Labor government — the Pathways project. It is one of the government's first major initiatives to halt the high drop-out rate from certain schools across Victoria. The project is aimed at keeping young people connected to education or training and off the streets, and for the government to make a commitment to those young people. It will break the cycle for young people who leave school early, have limited career opportunities and move straight into unemployment.

The program will be targeted initially in regions with high drop-out rates and high youth employment. It is designed to work with young people to map out their education and training options, to look at where they want to go when they leave school and to continue to

work with them to achieve those goals. Too many young people leave school without any sense of where they want to go. They leave school because they do not like it, although they do not necessarily want to leave education or training. The government wants to make sure they are kept connected to the system so that they do not end up as negative statistics with bad social consequences.

The government has put \$700 000 into the project initially in 12 shires and municipalities across Victoria. It will target 1200 young people who are at risk of leaving school early. The first 12 municipalities and shires to receive assistance include in the metropolitan region Frankston and the Mornington Peninsula, Casey and Dandenong, Hume, Moreland and Yarra Ranges. Seven of the first municipalities and shires to be targeted initially are in regional Victoria where the government knows the drop-out rates are far too high and include the shires or cities of Ballarat, Central Goldfields and Mt Alexander, Delatite and Wangaratta, East Gippsland, Greater Geelong, La Trobe and Mildura.

The government wants to ensure its policies will make a difference for young people leaving school early. The previous government was not concerned that retention rates were dropping. The government will not risk the lives of young people leaving school early because they are not sure what they want to do next. The government is committed to keeping young people connected —

**Mr Perton** — On a point of order, Mr Speaker, your rulings are clear in requiring ministers to be succinct. If the Minister for Post Compulsory Education, Training and Employment wants to make a ministerial statement, she should do so and the opposition will accommodate her with a debate. I ask you to sit her down.

**The SPEAKER** — Order! I do not uphold the point of order. The minister has been speaking for 4 minutes. However, I remind her of the obligation to be succinct and ask her to conclude her answer.

**Ms KOSKY** — If the honourable member had been more active in Doncaster they might have been included, but the government will certainly consider —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house to come to order and ask the Minister for Post Compulsory Education, Training and Employment not to invite interjections.

**Ms KOSKY** — In the eastern suburbs retention rates are high and the government wants to ensure that is common across Victoria, so it will intervene to ensure that all young people across Victoria, not just those in certain suburbs in metropolitan Melbourne, gain the same opportunities.

### **Bovine Johne's disease**

**Ms DAVIES** (Gippsland West) — Will the Minister for Agriculture tell me what action the government has taken to ensure bovine Johne's disease programs will not have the same disastrous impact on beef and dairy farmers as ovine Johne's programs had on sheep farmers?

**Mr HAMILTON** (Minister for Agriculture) — I thank the honourable member for her question and for raising important agricultural issues in the house. Members should understand that issues of agriculture affect us all.

While none of the diseases that occur in agricultural pursuits have a quick-fix solution, bovine Johne's disease (BJD) is a particularly serious problem. I pay tribute to the all-party parliamentary committee currently conducting investigations into the sheep-related ovine Johne's disease (OJD) for its efforts around Victoria. The reports from the workings of the committee confirm my confidence that the committee is doing its job and addressing the issues, and in September will produce a good report for the government to consider.

Bovine Johne's disease has caused a great deal of stress across Victoria and the whole of the country. In 1995 a national program was established to address its impact. Through the program the department has been involved in monitoring the impacts on the industry of zoning to limit the detrimental effects on the beef and cattle industry.

The largest investigations have been in the dairy cattle industry, and evidence suggests a test program should be introduced so that beef cattle producers can separate the impact on the beef cattle from that on the dairy cattle industries. The program will involve voluntary testing by beef cattle producers to determine whether the theories put forward by scientists are correct. The government encourages beef cattle producers to take part in the program.

Meanwhile the government has established a working party consisting of representatives of the beef and dairy cattle industries. Within a couple of months the working group will report on ways to minimise and manage the stigma of BJD for producers — that was

one of the tragic outcomes of the OJD eradication program; to encourage better communication between all sectors of the industry about BJD, including providing information about the national program; and to prepare an options program for the government to consider in managing the disease.

A calf accreditation program and a voluntary market assurance program are in place to assist rural people in the cattle industry in managing the disease and maintaining Victoria's reputation as a responsible agricultural state.

### **Youth: risk survey**

**Mrs MADDIGAN** (Essendon) — Will the Minister for Community Services advise the house of the details of the launch of a program to improve the lives of young Victorians in our community, based on a survey of risk and protective factors?

**Ms CAMPBELL** (Minister for Community Services) — I am pleased to inform the house of the results of a survey last year of 9000 young Victorians from 195 secondary schools. The report was recently provided to me and I was delighted to release it immediately, unlike the previous minister when reports were presented to him — for example, the report recommending that community visitors should visit all community residential units, and the report on problem gambling.

This report contains telling information that the community needs to know immediately. The whole report has been released to all Victorian libraries and will be available to honourable members who wish to be informed. The survey highlights the benefit of protective factors and the importance of minimising risk factors in young people's lives.

As a result of the information provided in the report, there is good data for broad public policy and a framework that recognises that young people have interrelated problems. Problems of substance abuse, school retention, depression, suicide and delinquency all need to be addressed by the community.

The survey also outlines that education is extremely important to young people. Both government ministers responsible for education are keen to ensure that education is available to young people — not just those who are high achievers at school but to all young people. The report also highlights the development of an integrated state and local level planning approach to broadly based early intervention services for young people. The protective factors in young people's lives

are community, school, family, peer and individual support.

The survey highlights the fact that the community, government, parents, schools, local government, philanthropic organisations, service clubs, businesses and churches all need to be involved in increasing the protective factors in young people's lives. When the protective factors are improved, young people have a far more optimistic future in front of them.

I am pleased that the findings of the research are being picked up by a number of municipalities. Melton Shire Council is acting in this area. Knox — —

**Dr Napthine** interjected.

**Ms CAMPBELL** — I wish you cared!

**The SPEAKER** — Order! I ask the Leader of the Opposition to cease interjecting. I ask the minister not to debate across the table but to do so through the Chair.

**Dr Napthine** — On a point of order, Mr Speaker, the minister made an accusation that I do not care. I find that offensive, especially as she has now been speaking for nearly 4 minutes on a program entitled Communities that Care that was initiated by the previous Minister for Youth and Community Services and the previous government. She should give credit where credit is due for the survey and the initiative of the previous government in this area.

**The SPEAKER** — Order! I will not hear the Leader of the Opposition further. There is no point of order. I remind the house of honourable members' obligations not to raise spurious points of order. The minister, concluding her answer.

**Ms CAMPBELL** — The government is delighted to put the results of the research on the public record. We will act on the research in combination with local government and other communities. The research findings will be beneficial to all leaders of government and other bodies and agencies responsible for planning and developing a service response to many of the complex issues facing young people. As I pointed out in my opening comments, I was delighted to release the report as soon as it was provided to me, unlike the reports on problem gambling and community visitors that sat on the previous minister's desk for at least 12 months.

**Preschools: participation rates**

**Mrs ELLIOTT** (Mooroolbark) — I refer to the claims of the Minister for Community Services that preschool participation rates by eligible four-year-olds have risen by 3.6 per cent this year. I further refer to the fact that the Australian Education Union and Kindergarten Parents Victoria have claimed that preschool attendance rates are 6 per cent lower than the figure stated by the government. Is the minister prepared to refute the figures provided by the union and KPV, or are they correct?

**Ms CAMPBELL** (Minister for Community Services) — I thank the honourable member for giving me another opportunity to talk about the increased participation rate of preschoolers in Victoria. During the last sitting week I advised the house that the government has instituted policies that have increased the preschool participation rate by 3.6 per cent. It is encouraging to know that the preschool participation rate has increased even further since I made those comments.

*Honourable members interjecting.*

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

**Ms CAMPBELL** — The Department of Human Services funds preschools and early childhood centres for preschoolers based on enrolments. As I informed the house, enrolment percentages have increased by 3.6 per cent, and those funds have been allocated to the relevant preschools. The department advised me earlier this week that it appears an additional 1000 children have enrolled in preschool since the beginning of the academic year. If organisations are ill informed about the enrolment rates — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Wantirna.

**Ms CAMPBELL** — I cannot help it if organisations are living in the past and they are not aware — —

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

**Ms CAMPBELL** — If there are organisations in Victoria that are feeding the honourable member for Mooroolbark ill-informed facts, as they see it, perhaps the honourable member for Mooroolbark might put a question on notice and bother to get the facts from the

Department of Human Services based on the dollars that are going out.

**Community legal centres: funding**

**Mr WYNNE** (Richmond) — Will the Attorney-General inform the house of the progress of the negotiations with the federal government on the future of community legal centres?

**Mr HULLS** (Attorney-General) — In 1997 the previous state government joined with the commonwealth to conduct a review of Victorian community legal centres (CLCs). The purpose of the review was clear from the outset: it was designed to justify the forced amalgamation and closure of community legal centres in Victoria.

I believe the forced closure or amalgamation of community legal centres would strike at the heart of the principle of providing accessible legal services to people in their local communities. The Bracks government has said from the outset that it will not force community legal centres to amalgamate or close. Contrary to the approach of the previous government, I am working closely with the CLC sector to ensure that the centres remain viable and continue to provide valuable and much-needed services in their local communities.

In December last year, after consulting with the CLC sector, I wrote to the federal Attorney-General, Daryl Williams, seeking amendments to the terms of reference for the review of community legal centres in Victoria. Although Mr Williams agreed to amend some of the terms of reference, the commonwealth government still refuses to acknowledge that the review should be looking at providing ongoing funding for the CLC sector. I am currently negotiating with the federation of CLCs — —

**Mr Perton** interjected.

**The SPEAKER** — Order! The honourable member for Doncaster is interjecting and out of his place. I have called him a number of times today; I will not call him again.

**Mr HULLS** — I am currently negotiating with the federation of CLCs for a moratorium on the review to give them an opportunity to put together a strategic plan to address unmet and emerging demands. It is expected that the moratorium would last for six months. The commonwealth government is attacking access to justice, so the Victorian government is in a fight with the commonwealth. We are in a fight with the Liberals — and the Libs know all about fighting!

The commonwealth government wants to cut Victoria's share of the national legal aid cake from 27 per cent to 22 per cent. That means Victoria will receive — —

**Dr Dean** interjected.

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

**Mr HULLS** — Victoria will receive the lowest per capita funding of any state or territory. For example, at present New South Wales receives per capita funding of \$6.48; Queensland receives per capita funding of \$7.29; Tasmania receives per capita funding of \$8.06; the Australian Capital Territory receives per capita funding of \$10.11; and the Northern Territory receives per capita funding of \$12.65. But Victoria receives only \$5.89 per head of population — the lowest of any state in Australia! That is an intolerable situation, and it is simply about punishing Victorians for voting Labor at the last state election.

I am working closely with community legal centres to map out the best way forward to ensure their services are available to Victorians in metropolitan and regional areas. The Bracks government has maintained its commitment to legal aid funding, and it will continue to take the fight up to the federal government for a much fairer deal for all Victorians.

#### **MAS: management committee**

**Mr DOYLE** (Malvern) — Will the Minister for Health explain why the government demanded the resignation of certain members of the Metropolitan Ambulance Service committee of management two years before their terms of office were due to expire?

**Mr Cooper** interjected.

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

**Mr THWAITES** (Minister for Health) — The government is pleased with its ability to better resource the ambulance service. It is getting the ambulance service off to a new start with an extra \$20 million in funding. Part of that new start involves having a new board. I am pleased that the government has been able to appoint some of the best Victorians to that new board. I will inform the house of the names of the appointees, because they are people whom I would have thought all sides of Parliament would support.

The first is Mr Tim Daly, who was a former deputy secretary of the Department of Justice under the previous government and who is well regarded, as

honourable members will generally acknowledge. The second is Mr John Frame, a former deputy commissioner of police and also well regarded right around the state. The third is Miss Lucy Hunter, one of Melbourne's best lawyers, who works with Gaydens Lawyers in Melbourne and specialises in providing legal services to the health, aged care and welfare sectors. The fourth is Alan Kenyon, the managing director and founder of the Financial Resources Group, which provides strategic financial planning and investment advice to companies and individuals.

The government will also continue the appointments of two excellent medical practitioners: Dr Joe Epstein, who all honourable members of the house will think is excellent — we have not had an objection yet — and Dr Sally Cockburn, who also goes under another name in the media and who is a very good general practitioner. It seems we have bipartisan support for this excellent — —

**Mr Doyle** — My point of order, Mr Speaker, goes to relevance. Although the opposition is delighted to hear of the appointments, I remind the Minister for Health that the question was about why the resignations of management committee members were demanded. Will he now talk about the resignations that were demanded by his office?

**The SPEAKER** — Order! I do not uphold the point of order. I remind the house that the Chair has an obligation to ensure that the minister's answer is relevant. The question referred to the Metropolitan Ambulance Service board, and the minister was being relevant in his answer. I will continue to hear him.

**Mr THWAITES** — As I was saying, I am very pleased that the new appointments have broad support.

I will conclude by saying that one of the good things about being in government is that you get to appoint such excellent boards!

*Honourable members interjecting.*

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

#### **GST: tourism**

**Mr LEIGHTON** (Preston) — I refer the Minister for Major Projects and Tourism to the former government's intergovernmental agreement with the Howard government to implement the goods and services tax and ask him to detail the impact of the new tax on the tourism industry.

**Mr PANDAZOPOULOS** (Minister for Major Projects and Tourism) — I thank the honourable member for the great interest he and members on this side of the house show in tourism in Victoria in general and regional tourism in particular.

This is a great opportunity to inform the house about the impact the goods and services tax will have on the tourism industry. We all know that there will be an increase in prices, and today the Australian Competition and Consumer Commission has published its price list in the daily newspapers. The list highlights a number of issues. Not only will the price increases affect Australia's international visitors, but the GST will place a greater burden on regional and domestic tourism.

I will list some of the interesting items in the guide that was released today. The average increase in meal prices will be between 8.6 per cent and 9.2 per cent.

Overnight stays in hotels and motels will increase by 7.5 per cent to 9 per cent and domestic air fares will increase by 7.5 per cent. When all other travel costs are included — tour costs, admission prices, domestic travel, and so on — domestic tourism will be much more expensive.

**Mr Ashley** — On a point of order, Mr Speaker, the minister is stating facts based on information that is generally available. There is no interpretation.

**The SPEAKER** — Order! There is no point of order. However, I remind the minister to be succinct in his answer.

**Mr PANDAZOPOULOS** — It might be common knowledge to the honourable member for Bayswater, but the federal government considers there is no negative impact on the tourism industry as a result of the GST. A goods and services tax is a potential regional domestic tourism job killer, when one considers all the different price increases. Domestic tourism is the bread and butter of Victorian and Australian tourism; and 70 per cent of tourists in regional Victoria are Victorians and other Australians. As prices go up suddenly there is a disincentive to travel within Australia. The tourism task force calculates that for tourism suppliers the extra revenue generated by tourists travelling in Victoria will amount to an extra \$820 million next financial year.

It is important to understand that travel overseas is GST-free and that for every 10 interstate domestic visitor nights 6 nights are spent overseas. Potentially the higher ratio of domestic overnight stays to international overnight stays by Australian tourists will switch

because overseas travel will be cheaper than domestic travel.

It is interesting to note that the tourism forecasting council has published some figures that indicate that the rate of growth in the domestic tourism industry will not bounce back until the year 2004–05. Despite what the federal government says, the fact is that the tourism forecasting council indicates that next financial year — the first year of the GST — there will actually be a decrease of 2.5 per cent in domestic overnight stays in Australia, and in the following financial year, 2001–02, the forecast is for zero growth.

As a result of efforts made in places like Victoria there has been a growth in the number of domestic tourists exploring Australia and staying overnight. The GST will result in a decline in overnight stays, yet we have this lie from the federal government that in effect there will be no negative effect. It is about time the federal government was honest.

It is extremely disappointing that an assessment of the recent federal government budget shows that no assistance is given to the domestic tourism industry to reduce the negative impact of the GST.

This government will continue to monitor the effects of the GST on tourism and will do everything, despite this new tax burden on domestic tourism, to ensure that Victoria comes out of it as well as it can. The government wants to make sure that regions that rely on domestic tourism get the support from the Victorian government that they need so that areas such as Swan Hill, Beechworth, Apollo Bay, Lakes Entrance, Bendigo and Ballarat receive continued support.

It is extremely disappointing that the federal government budget gave no support to the domestic tourism industry. That lie of the federal government is now out and the Australian Competition and Consumer Commission confirms that there will be huge price increases for domestic travel as a result of the GST.

## ARTS LEGISLATION (AMENDMENT) BILL

*Second reading*

**Debate resumed.**

**Mrs ELLIOTT** (Mooroolbark) — I will try to take up from where I left off before the luncheon break. As I recollect I was talking about the sale, disposal or exchange of objects in the state collection. That is always a difficult and sensitive matter. People bequeath

items in wills or they may give them by other means to the state collections. Often the items may not be of great monetary value, but they may be of considerable sentimental value to the people donating them, and they assume they will remain a permanent part of the state collections.

However, both the gallery and the Victorian Arts Centre Trust occasionally feel the need to deaccession some objects because they are surplus to requirements or there are duplicates. The bill allows for a responsible process to take place before that deaccessioning or sale can occur. A notice must be posted in the daily newspapers across Victoria and on the premises where the state collection is held for a period of six months to allow for any objections from the public. If no objections are received a deaccessioning process or sale can go ahead.

However, if objections are received the trust must refer them to the minister, who must then take on the onerous responsibility of making a decision. The minister may delegate that power, but if at the end of the day he or she decides that the sale or deaccessioning should go ahead, any objectors and the trust must be notified. The trust can exchange duplicate material in its collections for other material held by a body with the same or similar functions. I hope that process will reassure people who may be considering gifting or willing artefacts in their possession to the Victorian Arts Centre Trust that by and large the items will be looked after and held in the permanent collection. They will be sold only in extreme cases.

I would like to acknowledge the roles various people have played in the success of the Victorian Arts Centre. The inaugural chairman was the late Ken Myer, who died prematurely in an air accident. He provided great leadership and showed great passion for the arts in Victoria during his time as chairman of the Victorian Arts Centre and during various other phases of his life. He was a senior member of the Myer family, which has immeasurably augmented the arts and philanthropy in Victoria. Victoria owes the Myer family an enormous debt.

Many people may not realise that Roy Grounds, the architect of the National Gallery of Victoria, was also the architect of the Victorian Arts Centre. Unfortunately, he also died before its completion and did not live to see it as the vibrant place it is today. I wish to place on record the state's gratitude to him, and I think the minister would agree with my doing that.

Another personality who was integral to the success of the Victorian Arts Centre and to its physical appearance

was John Truscott, the interior designer. He did all the designs for the interior of the centre. It is an amazing place that is not showing signs of age. Perhaps its practical functions could be improved, but when people go there and see the fin de siècle red plush fittings and brass rails they believe they are in for a special time. John Truscott was also a loss to the state of Victoria.

George Fairfax, after whom the George Fairfax Studio is named, also made an enormous contribution to the success of the Victorian Arts Centre.

I would like to take the opportunity to mark the passing of Sir John Gielgud. So far as I know he never performed at the Victorian Arts Centre, but he was undoubtedly one of the two greatest Shakespearian actors the world has ever seen. The other was Sir Laurence Olivier. Sir John Gielgud had a tenuous connection with Melbourne; his niece, Maina Gielgud, was the director of the Australian Ballet for several years. I read in one of the obituaries for Sir John that she had spoken to him just days before his death. He lived to a great age: he was nearly 97. The mellifluous voice is gone forever, although we will still hear it on recordings, tape and television. He was a great actor and one of the great knights of British theatre.

The other person I would like to refer to is the current chairman of the Victorian Arts Centre Trust, Richard Pratt — he would have been called the president under the new legislation. Richard has a great passion for the arts, as does his wife, Jeanne. He contributed to the VACT centre and other artistic causes in Victoria and attracted donations from other people as well. His time as chairman of the Victorian Arts Centre Trust has been distinguished. I wish him well in his imminent retirement. I urge the minister when she is choosing the new chairman of the trust to consider someone with a similar passion for the arts and a similar ability to attract other people to give to the arts, because funds are always needed and getting people to contribute is always difficult.

The Victorian Arts Centre has been in operation for 20 years — although it seems longer than that for those of us who came to adulthood or late adulthood during that time.

I mention in closing some of the performers I have seen at the Victorian Arts Centre. Cheryl Barker from Geelong, who has a beautiful voice and is a great dramatic actor. Her performance as Cio Cio San in *Madama Butterfly* was exceptional. Li Cinxin, who is an Australian of Chinese origin via the United States, gave one of his final performances in *La Bayadère*. I vividly recall him leaping around the stage. He has

moved on from dancing to stockbroking — no doubt more rewarding financially — and will be a great loss to the Australian Ballet. He is still, however, mentoring some of the younger dancers at the Australian Ballet and the Australian Ballet School.

Bille Brown is an overseas actor, but he gave the definitive portrayal of Oscar Wilde at the Melbourne festival two years ago. Hanne Rayson, an Australian playwright and graduate of the Victorian College of the Arts, enjoyed universal praise from the critics for her highly successful play *After George* when it was staged at the George Fairfax Studio. Hanne Rayson is one of those people of whom Victoria should be very proud.

I salute the Melbourne Symphony Orchestra (MSO), administered by the arts centre trust, for its performances in the Melbourne Concert Hall, particularly the performances of Mahler under Markus Stenz's leadership that thrilled the souls of all who appreciate music.

Melbourne is rich in people who give to the arts, who go to arts events and who participate in the arts. The former Kennett government supported the arts 100 per cent. Indeed, it was a grant of \$1 million from that government that enabled the MSO to make its European tour last year. Had it remained in government the coalition would have introduced legislation similar to the bill before the house.

As I said at the start, the bill is sensible legislation, and that is why the opposition is supporting it. I have appreciated the opportunity to take part in the debate and to place on record the thanks of honourable members to those who make the arts and culture in Victoria as special as they are.

**Ms DELAHUNTY** (Minister for the Arts) — I thank the honourable member for Mooroolbark for her support of the legislation. I enjoyed her speech both before and after the luncheon break, including the entertaining stories such as the one about her grandfather and how he cleaned up the birdseed left by Anna Pavlova's pets on one of her many visits to Australia.

The speech was a trip down memory lane and reminded us of some of the great artistic highlights Victorians and visitors have enjoyed at the Victorian Arts Centre and the National Gallery of Victoria (NGV).

I am delighted that the opposition is supporting the bill. It is very sensible legislation that transfers responsibility for the NGV building and its immediate surrounds from the Victorian Arts Centre Trust (VACT) to the council of trustees of the NGV. It also

enhances a range of statutory provisions in the Victorian Arts Centre Act to improve the trust's corporate governance. Those provisions — and this is particularly important for the arts policy of the government — include the establishment of the collection of the Performing Arts Museum as a state collection.

The Bracks government takes very seriously its responsibilities for maintaining, protecting and showing the great state collections of Victoria. Our arts heritage, both in the visual arts and in the performing arts, is rich. It is the great responsibility of government to ensure two things: that the collections are accessible to all; and that there is financial transparency. As honourable members and the people of Victoria will be well aware, one of the four major pillars of government is financial responsibility. The bill will ensure that there is financial transparency between the NGV and the VACT.

The current legislative nexus between the trust and the gallery is quite impractical and makes financial reporting difficult. The legislation is urgent because the government is about to embark on a \$136 million redevelopment of the NGV on the St Kilda Road site involving substantial embellishment, improvement and enlargement of the original and much-loved Roy Grounds concept.

The government is aware that the NGV has the responsibility for building another museum, a museum for Australian art, as part of the Federation Square development. It is therefore essential that there is clear, transparent reporting of the NGV's fundraising as well as of its spending of moneys, amounting to millions of dollars, set aside by the previous state government and the Bracks Labor government for substantial redevelopments.

The honourable member for Mooroolbark correctly saluted some of the great Victorians and Australians who have contributed to the enhancement of the Victorian Arts Centre, particularly Ken Myer, John Truscott, Roy Grounds and George Fairfax; but we must also feel a touch of melancholy because we miss those people enormously. They have made a great contribution and have now passed on the baton to the next generation of Victorians to continue the protection of our arts heritage and draw into the gallery and the arts centre an increasingly diverse group of Victorians and visitors.

I salute and sincerely thank the retiring chairperson of the Arts Centre Trust, Mr Richard Pratt. He has made an enormous contribution, and has been dubbed the modern Medici of Melbourne. He, like chairpersons

before him, including Ken Myer and John Truscott, has made an enormous contribution. I assure the honourable member for Mooroolbark that in our deliberations about the choice of a new chairperson to replace Richard Pratt we will be very cognisant of the leadership role the position entails.

There is a vast array of talented arts leaders in the community, some of whom have gone overseas, as is their wont. Many of arts practitioners and arts leaders are gipsies and they ply their trade interstate and overseas. Many of the appointments that are being made to a variety of arts boards and organisations now that Victoria has a Labor government are causing great interest around the nation and overseas. Those appointments are predicated on giving the widest possible access to the arts.

I thank the contribution of the opposition. I appreciate the fact that the legislation is being supported. I understand that if there were more time a string of members would have spoken about the great advantages of the arts centre and the marvellously exciting developments at the National Gallery of Victoria, at both the St Kilda Road and Federation Square campuses.

I wish the bill a speedy passage.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## LAND (REVOCAION OF RESERVATIONS) BILL

*Second reading*

**Debate resumed from 4 May; motion of Ms GARBUTT (Minister for Environment and Conservation).**

**Mr PERTON** (Doncaster) — The opposition supports the Land (Revocation of Reservations) Bill on the basis of the good briefings provided by Mr McPherson of the department, which set the various pieces of land into context both historically and physically and in terms of their value to the community. The opposition has accepted the government's assurances in respect of these pieces of land. It also made its own inquiries in the community and found there was no protest in relation to the matters.

There are many bills to be debated and the opposition supports the bill, so there is no need for me to make a long speech. However, three local members will make speeches about the significance of the pieces of land to their community.

Clause 3 provides for the revocation of the reservation of land at Boort which is currently a mixture of state government and local government land and which is an important part of the recreational landscape of the town and the surrounding region. It is important to the local community that the land be placed in the hands of a single trust in order that it can be well managed. Those portions of the land that will not be used for recreational purposes will be used for experimental horticultural activities, and that will benefit the community greatly. The local member, the honourable member for Swan Hill, has briefed me and other opposition members on the issue, and he supports the change on behalf of his community.

The Leader of the Opposition will speak on matters relevant to the land at Stawell. The honourable member for Polwarth will speak about the significance to his community of the land at Lorne.

The public park reserve at Albert Park, which is located to the east of the former St Kilda railway station, is a narrow piece of land that is being used for a roadway. Action to change its use was set in train by the honourable member for Pakenham in his former capacity as Minister for Planning and Local Government. The Minister for Environment and Conservation is implementing work that was commenced under the previous coalition government. The opposition's investigation indicates that the proposed change is accepted by and in the interests of the community and Victoria generally. I was in the vicinity of the land on Saturday and was able to satisfy myself about that.

Lastly, the bill also relates to land at Clunes that is being used as a residential college for students of Wesley College. It is a good project both for the students, who have an opportunity to live away from home and in a country lifestyle, and for the economy of the town and the surrounding area, because the educational activities and the purchasing of services and supplies by students will benefit the community.

On that basis the opposition supports the bill. I wish it a speedy passage.

**Mr HOWARD** (Ballarat East) — I am pleased to speak on the Land (Revocation of Reservations) Bill. As we have heard from the honourable member for

Doncaster, it is machinery legislation of a type that is introduced regularly to alter or revoke reservations of land, either so that land can be sold or to allow a different use. The bill identifies five pieces of land, the uses of which are to be changed.

As is the hallmark of its style, the government has carried out extensive consultation on the changes to the nature of the land — that is, whether it is to be sold or simply used for a different purpose. That is in stark contrast to the approach taken by the Kennett government during its seven years in power, when it sold off great slabs of public land without consulting the community. Various government departments identified land that was excess to requirements, but the broader community was not consulted about their ideas or feelings. It is important that the government consults widely to ensure there are no major concerns about the proposed changes.

Clause 3 identifies a parcel of 12.82 hectares of land in Boort which is to be made available to the Loddon Shire Council. I understand that the Boort community is comfortable with that change of ownership. As honourable members will know from a reading of the report before them, the land will remain as trust land and the council will deal with the transfer to the trust.

Clause 4 refers to a parcel of 7.8 hectares of land in Stawell that was previously part of the Pleasant Creek Training Centre, whose occupants have been accommodated elsewhere. The land has been identified as having no further public purpose and will be made available for public sale. Clause 5 refers to public land at Lorne that had been set aside for a public hall that has since been removed. A new fire station and new ambulance facilities are being constructed, and the bill recognises the change in land use. Again, that change has not drawn any public concern.

I now turn to two matters that have attracted public discussion. However, I point out that the government has responded to the community's concerns and will ensure they are adequately addressed. The first concerns a small, narrow piece of public land in Albert Park. The land is required to provide access to a commercial and residential development on adjoining land and to maintain access to houses owned by the Office of Housing. Traffic flow will improve, providing a clear benefit to local residents. The concerns of Albert Park people about a loss of parkland have been alleviated by the government's promise to purchase a significantly larger portion of Department of Defence land. The amount of public land in the area will increase rather than decrease.

The government has consulted with the sporting groups that use the area, including the St Kilda Sports Club, to address the concerns they had about their sporting activities being disturbed. Parks Victoria has already spent more than \$36 000 to develop a petanque facility. The government's clear intention is to ensure that the public amenity of the Albert Park land will not suffer any loss but be further enhanced by the sale.

Clause 8 refers to a piece of land in Clunes that is close to where I live. That land will not be sold but will be made available to Wesley College. Any issues of concern have been dealt with. I am pleased to support this sensible and practical bill.

**Dr NAPTHINE** (Leader of the Opposition) — It is a pleasure to join the debate. As the shadow minister for conservation and environment has said, the opposition supports the bill. Land bills seem to come before the Parliament every session as governments seek to make adjustments to the management of Victorian land.

**Ms Garbutt** — Too often.

**Dr NAPTHINE** — The minister says too often. It is appropriate that those adjustments take place from time to time as community needs change.

I have not joined the debate because the bill deals with land in my electorate. I wish to speak about clause 4, which deals with the revocation of the reservation on 7.8 hectares of Stawell hospital land, which is a misnomer. Although the land was originally reserved for hospital purposes, the reality is that in recent decades it has been the site of the Pleasant Creek Training Centre, which serves people with intellectual disabilities.

In the area the site is known as the Pleasant Creek Training Centre or the Pleasant Creek land. It was the site of the first local hospital in Stawell, which was opened in 1850. Part of the building remains on the site, and it was used as the Pleasant Creek Training Centre. The land mentioned in the bill is land that was reserved after it was originally used for a hospital. It was reserved in 1861 and 1883.

The area has a long history of community use, initially as a health service and subsequently as an area where people with intellectual disabilities were accommodated and educated and participated in day programs. For many years a school was located on the site as well as accommodation for children, teenagers and latterly disabled adults.

I turn to the April 1991 report entitled *Pleasant Creek Training Centre, Stawell*, which was presented to the Director-General of Community Services Victoria. The report was prepared by Jude Wallace, the deputy chairperson of the former Law Reform Commission. I refer to the report not for its content, which deals with a less than savoury aspect of the use of the land, but for its description of the land and the history of the Pleasant Creek Training Centre. The report states:

Pleasant Creek Training Centre is situated on the Western Highway, on the perimeter of Stawell in the Western District. It provides residence, education and training facilities for 113 intellectually disabled people of varying ages from late teens to 56 years. Occasionally a younger person is accepted for a short term to provide respite care. About 156 people work at the centre.

The centre is long established and includes a building that opened as a local hospital in 1850. The buildings include some specially designed facilities for disabled people.

The report refers to some of the buildings constructed decades ago which were then found to be inadequate for those purposes. The report further states:

Totally dependent clients are housed in two large and open units. These specially designed facilities include two units built for totally dependent adult clients in a style which was popular in the 1960s and which was soon abandoned. The style optimises the values of hygiene and staff convenience, so that clients are forced to share every aspect of their existence, from eating and sleeping to bathing and toileting. These values derive from the outdated 'medical model'. The buildings are obsolete and are earmarked for renovation or replacement.

Meanwhile, apart from the defects of their open bath and toilet facilities and the absence of client privacy, the units provide sunny and spacious accommodation.

That is a backhanded compliment. For many decades the facility operated as a centre for intellectually disabled children and adults. In 2000 our standards are such that the facility would not be built.

I am proud that during my time as Minister for Youth and Community Services and during the term of the previous government the facility was closed and the clients were moved to more appropriate accommodation. With the knowledge and information we have in 2000 and with the benefit of hindsight, it is important not to judge the people involved with the centre at that time. The vast majority of people who worked in the centre were dedicated professional people doing their best for the clients.

I turn to the decision to close the centre, because the purpose of clause 4 is to dispose of land now that the centre has been closed. It is important to put in context the achievements of the previous government in

providing more suitable accommodation for disabled people. I refer to the annual report of the Department of Human Services for 1998–99. Table 17 on page 59 describes the changes in the balance of disability accommodation from 1991–92 to 1998–99 covering the period of the previous coalition government. In 1991–92 some 2057 intellectually disabled people were accommodated in training centres — they were in institutional care in Victoria. In that year 1339 intellectually disabled people were accommodated in community-based accommodation such as community residential units and the housing we are now more familiar with.

I am pleased to say that at the end of 1998–99, the last full financial year of the previous Kennett government, only 942 people remained in training centre accommodation and 4909 people were accommodated in community-based accommodation. The figures clearly show that the previous government had an enormous commitment in dollars, effort and political will to close inappropriate institutional care for disabled people and move them into more appropriate community-based accommodation where their lifestyles, choices and individual freedoms and opportunities for growth and development were enhanced. I am proud to say that it was during my term as Minister for Youth and Community Services that the decision was made to close the Pleasant Creek Training Centre.

In October 1996 an \$11.2 million redevelopment of Pleasant Creek was announced. The purpose of the redevelopment was to relocate the clients into community-based accommodation. At that time 103 intellectually disabled clients were living at Pleasant Creek. Consultants French Prioletti and Associates undertook individual assessments of each client and made recommendations about how the needs and wants of the clients could best be met in the future. In 1996 it was announced that all clients would be relocated from the Pleasant Creek site into appropriate community-based accommodation by June 2000. I am pleased to say that that target has been achieved ahead of time, and we are now in a situation where by June 2000 we are considering disposing of the land.

Some 24 people were relocated to areas outside the Grampians region because of family links; 12 people went to other parts of the region; and approximately 30 to 50 were accommodated in and around the Stawell–Northern Grampians shire area because that was the area with which they felt most familiar and had most connection. The relocation process is a process that I suggest future governments involved in deinstitutionalisation should copy. It involved

significant consultation with the shire, local community members, the parents of the disabled people, the clients and client representatives. The staff were involved in the consultation process and were provided with the opportunity to relocate with the clients in order to maintain their jobs.

All clients were relocated to community-based accommodation and \$5.2 million was provided for purchasing and building houses to meet the needs of clients. An additional \$6 million in recurrent funding was also provided because despite popular belief the deinstitutionalisation process requires more recurrent funding than having intellectually disabled people in institutions. People who peddle the myth that governments of various persuasions have been driven to deinstitutionalisation as a money-saving exercise are clearly wrong. The deinstitutionalisation process is driven by the need to provide better accommodation and better opportunities for disabled people, and that was the motive behind the Pleasant Creek initiative.

La Trobe University studies looking at intellectually disabled people who moved out earlier in the deinstitutionalisation process, whether it was from Caloola in Sunbury or May Day Hills in Beechworth, have shown significant advantages for clients who have been deinstitutionalised.

Similarly, I have been to a number of houses built under this process, and the clients have already seen enormous benefits. It was a good process that delivered significantly enhanced outcomes for the 103 clients from Pleasant Creek, and it was supported by the broad community, staff and the department.

I take this opportunity to place on record my appreciation to those who assisted me during my time as the minister responsible for the deinstitutionalisation program. I place on record my gratitude to the staff at Pleasant Creek over many years, many of whom have now transferred to work in the community housing facilities. They often worked under difficult conditions in difficult circumstances and for the most part did a very professional job. There was a series of unfortunate incidents in the 1980s which has been investigated, and it is best that nothing further is said about that. Despite that incident, most of the staff were very professional and worked extremely well for the best interests of the clients they served.

I particularly thank the staff of the Department of Human Services who were involved in the process, including Ann Wearne, who was in the Grampians region at the time and was a great advocate for the closing of Pleasant Creek. Greg Kent was the manager

of Pleasant Creek at the time and did a great job in helping the process along in a positive way.

I recognise the many clients who were serviced by Pleasant Creek, not only those who were there when it closed but also those who were at Pleasant Creek during the various stages of its history. The clients with intellectual disabilities deserve every opportunity for an improved quality of life and as positive a life opportunity as can be provided to them. I am pleased the former government was able to do that for the clients at Pleasant Creek.

Finally, I recognise the significant role played by the parents in supporting their family members while they were at Pleasant Creek — and the families generally stayed very involved in that process. Although they had some misgivings about change and the way that change would affect their sons and daughters, for the most part the parents were understanding, supporting, questioning and demanding of answers to important questions. The parents now see the enormous benefits of the changes for their sons and daughters.

The legislation being discussed today removes the final reservation on the land and ends a chapter in Stawell's history. It also ends a chapter in the history of the use of the land, which was initially for hospital services but in more recent times since the Second World War was a centre for people with intellectual disabilities. It ends an era; it is another nail in the coffin of the era of institutionalisation for people with disabilities, and it is important that Parliament recognises that today. My thanks go to all those people who served in Pleasant Creek and who helped through the enormous change process.

**Mr HELPER** (Ripon) — I support the Land (Revocation of Reservations) Bill. In the short time available to me I wish to speak to clause 8, which is the revocation of a Crown grant — namely, the Clunes borough chambers land, which falls dead smack in the middle of my electorate. The land the subject of the bill is 894 square metres. It is a reserve on which are located the former borough chambers and is sided by Bailey and Service streets, Clunes. The former court and the former police residence, lock-up and stables are also within that historic precinct in Clunes. The township itself is noteworthy for its well-preserved historic aspects, and the land and the buildings on it are dear to the community of Clunes.

Since the beginning of this school year, Wesley College has been operating a residential village adjoining the site. The college is running it very successfully, making use of the facilities of the town hall and the other

general facilities in Clunes. I commend the college for its foresight and the positive way it has developed its residential school. At all stages of development it sought to involve the community and, by and large, that feeling has been reciprocated; the college has been welcomed with wide-open arms.

In particular the legislation provides for continuing access to the former borough chambers by the community of Clunes and Wesley College. It is important for a small community like Clunes to have a focal point such as its town hall. The Clunes town hall is probably one of the best town halls of the small communities dotted all over my electorate in particular and regional Victoria in general. It is a magnificent piece of heritage architecture that complements the general townscape of Clunes, although it is fair to say that in recent years it has not been loved as much as it deserves.

The bill creates a win-win situation with the community continuing to have access to the facilities, and Wesley College, which contributes a great deal to the community and to the township of Clunes, will also be able to use them. On that basis, I commend the bill to the house.

**Mr DELAHUNTY** (Wimmera) — I support the bill. I will not go through the details as the Leader of the Opposition did — he has given the past history, but I will focus on the future of the land at Stawell. The minister's second-reading speech states:

The bill provides for the revocation of permanent reservations of land ... to facilitate disposal or because the purpose of the reservation is no longer appropriate for the future use of the land.

The purpose of the reservation, originally gazetted in 1861, was for siting a hospital that operated for a period of time. Fortunately, a hospital has been newly developed in another location, and over the past few years the original site has been used to build a training centre for people with disabilities.

**Dr Napthine** — What would you know about the hospital!

**Mr DELAHUNTY** — I know a little about the hospital. The second-reading speech further states:

The land makes up a substantial proportion of the former Pleasant Creek training centre for the disabled. The Department of Human Services has relocated residents into community-based housing and decommissioned the site.

I have consulted with the Northern Grampians Shire Council, which is watching with interest and wants to participate in the development of the site. It has an

enormous frontage to the Western Highway, along which there is a large volume of traffic. The former Pleasant Creek institution buildings are still located on the site, though it has been decommissioned.

The Shire of Northern Grampians is a popular tourist destination based on the breathtaking Grampians National Park which has about 1.2 million visitors each year. The shire is looking for support from the government to develop the site. The many ideas talked about by the council include a retirement village; a backpackers facility; hospitality facilities; restaurants; corporate offices; a transit facility for use by V/Line and other coach lines; a fast food outlet; a commercial laundry; a museum; and even a brewery.

The site is named Pleasant Creek because of the creek going through it. As the local member I am keen to work with the government and the shire to develop the site and to create jobs and other economic benefits for people in the Stawell and Wimmera regions. After 141 years the site has been decommissioned and it now has enormous potential and presents opportunities for the community of the Northern Grampians shire. I am happy to support the bill.

**Mr NARDELLA** (Melton) — I will make a brief contribution to debate on the bill. It is part of the role of government to maintain and establish land reservations in appropriate locations. As time and communities change, the need for reservations also changes. The bill recognises a number of the changes that have occurred.

In consultation with local communities governments make decisions on local use of reservations, sometimes on a perceived need — a matter I will touch on briefly.

The Leader of the Opposition spoke well about his role in the deinstitutionalisation of Pleasant Creek. Government must ensure land use is appropriate, and decisions in the area of disability and institutionalisation reflect the humanity of the government and the ministers involved. Governments from both sides of politics have had to grapple with the issue of deinstitutionalisation and the appropriate way to house and care for people and their families. The former Pleasant Creek centre and similar institutions must change with the times.

Sunbury was part of my electorate when I was first elected as the member for Melbourne North Province and the deinstitutionalisation of the Caloola Training Centre had just been completed. Staff from the centre were dislocated. It was an institution where people lived and died. Some of the horror stories were of

women who had given birth out of wedlock being thrown into the training centre for the rest of their lives.

We have moved on since then. The changes reflect the humanity of governments. The land changes are important to ensure we move ahead.

Finally, I refer to the change that is reflected in clause 5. I congratulate the Lorne community on the provision of a reservation to be used for emergency services, such as the police, the ambulance service and the Country Fire Authority, to look after the community. On that basis I support the bill.

**Mr MULDER** (Polwarth) — I support the Land (Revocation of Reservations) Bill. Clause 5 addresses a significant piece of land in Lorne. The bill deals with the site of a public hall and free library reserve located on the corner of Smith and Williams streets in Lorne. The public hall had fallen into disrepair and was demolished in the early 1980s. Since that time the site has been partially occupied by the State Emergency Service (SES). The land, together with adjoining freehold land, is the site for a new Lorne emergency services complex comprising a new police station — another new police station in my electorate which will open next month — the SES, the Country Fire Authority (CFA) and ambulance service, which will move on to the site in August. The site will be officially opened some time in December.

All those emergency facilities were initiatives of the previous government, carrying on the delivery of emergency services and hospital facilities throughout Lorne and along the Great Ocean Road. It is important for a town such as Lorne to have those multipurpose facilities, given that Lorne is prone to wildfires and accidents occurring along the Great Ocean Road strip, and there is a large build-up of people in holiday periods. It will be of tremendous benefit to the community to be able to coordinate all emergency services from the one site. It will also be great for the volunteers, particularly those with the SES and the CFA. The proposal continues the strategy of the previous government to provide multipurpose emergency services and health facilities in rural towns.

The Lorne community views this as the perfect use for the land. Honourable members would be aware that there is a huge shortage of available land both on private and public offering in the township of Lorne, and that causes some problems with the placement of services. In terms of the revocation process, another issue is festering in Lorne concerning a piece of land that may fall under a bill such as this. An area on the high bank of the Erskine River alongside Erskine

Paddock has been identified as the site for the Lorne community hospital. All nine councillors from the Surf Coast Shire are opposed to the location of the hospital on that land; the Western Coastal Board is opposed to the location of the hospital on that land; and yet the Minister for Health's steering committee has recommended the use of the land for the hospital.

Yesterday I interjected during the speech of the Minister for Health when he was talking about hospital networks and asked where the Lorne hospital would go. The minister's reply was that we might have to pop it in the Otways, and that may well be the case if the minister does not come to the party quickly and consider making a ministerial amendment, because that is the only way the health facilities in Lorne will be addressed and delivered.

This is a commonsense bill relating to the revocation of land to be used for emergency services. It has the support of both sides of Parliament, as does the relocation of the Lorne hospital. However, the delivery of health services is in the hands of the Minister for Health. I would hate to see a growing township such as Lorne fall into the category of providing a community health service rather than a hospital and aged care service, which is greatly needed. I commend the bill to the house.

**Mr SEITZ** (Keilor) — I support the Land (Revocation of Reservations) Bill and congratulate the minister for its introduction because revocation of public lands is always a difficult process. I listened to the previous speaker and his comments about the bill having the endorsement of the community as it will meet the community needs. Knowing the area of Lorne and Aireys Inlet and the growth of that community, I suggest that a centralised service is an excellent choice.

The taking away of Crown land that has been set aside for open public space and parks always causes confusion in people's minds and there will always be some people opposed and others in favour. I experienced the same thing in my electorate when we were dealing with the Greenvale hospital. It was the same when we had to put a road through Crown land in the open parks space in Brimbank Park to provide access to farmers left in that area. It creates difficulties. For that reason I commend the minister on the amendments contained in the bill.

In country Victoria Crown allotments have been gazetted for public open space. No buildings can be erected on the land; nothing can be done with it. Often the shires do not even know who owns the land. The Cain–Kirner government commissioned a study of

locating and mapping all Crown lands, noting all the land zonings and for what purposes they could be used. I commend that work because these days it is much easier to produce a bill such as this. I recall an instance where the Country Fire Authority wanted to set up its own building on Crown land. Because the zoning was such that it was public open space, no building could be erected. It took more than two and a half years before the CFA was able to establish in the Yuroke and Mickleham area.

Although it is a small bill, it is significant. I hope the communities that have brought matters to the minister and wish to use the land will succeed. I wish the bill a speedy passage.

**Mr STEGGALL** (Swan Hill) — Clause 3 of the Land (Revocation of Reservations) Bill deals with some land in the township of Boort. Boort is one of the exciting areas in the Swan Hill electorate which is now undergoing much growth and development on its own effort and industry. The land referred to in the bill will be used for a new food processing operation for the development of semi-dried processed tomatoes.

Boort has a number of value-adding activities, including its lucerne mill and its production of export hay. It is also the state's major producer of processed tomatoes. Some 3500 acres of olive trees are going into production as we speak, and a 1500-acre wine grape industry has been introduced over the past two years.

The Boort community is starting to develop its assets and realise its potential. The Shire of Loddon and the people of Boort should be congratulated on the effort they have put in to ensure those developments succeed.

The land will be used for further value adding in the tomato paste and powder industry. A federal-funded study is being carried out to test the feasibility of producing tomato paste and powder, as well as powdered eggs.

We hear a lot about the unrest in Zimbabwe and other parts of the world. Some Zimbabwean farmers have come to Victoria with a view to establishing a capsicum industry in Boort, because the region has beautiful soil, a beautiful climate and nice, friendly people.

**Mr Perton** — And a great member of Parliament.

**Mr STEGGALL** — They have varying opinions of their member of Parliament, but that does not matter.

The other thing is the further development of ground water irrigation in the Serpentine–Bridgewater area, which will enable intensive agricultural production to

take place on the land referred to in the bill, which is located in the food processing area of Boort.

I raise with the minister a matter relating to the Boort sewerage system. She will be aware that Boort is one of the 270 small towns that the former government had earmarked for new sewerage systems under the \$410 million fund it set aside for the purpose. I emphasise how important those systems are. Boort is still on the minister's list. I hope that when she makes a decision about funding the new systems she will ensure that Boort's gets under way posthaste, because the growth in food processing, housing and tourism, which is going ahead at a fast rate, depends on a new sewerage system.

There has been some unrest in my area — as there has been in most rural areas, thanks to Labor government people — about whether local townspeople should go ahead and develop those types of projects themselves. I have about five small towns in my electorate, but Boort highlights the importance of the need many honourable members have spoken about — that is, to ensure that waste water issues are handled properly so communities can grow and develop.

The bill gives Boort that opportunity, which the local community has accepted. The subject land will be very much part of the development and value-adding operations of the town. Representatives from the Shire of Loddon and Boort have only just come back from an exhibition in Singapore where they promoted their wine and semi-dried tomato and olive oil products.

**Mr Perton** — And very nice they are, too!

**Mr STEGGALL** — Yes, very nice they are too. It is a very exciting development in a very exciting small town in country Victoria.

**Ms GARBUTT** (Minister for Environment and Conservation) — I am pleased about the level of support for and interest in the bill — as well as the almost unparalleled number of speakers on such a small piece of legislation! I thank the honourable members for Doncaster, Ballarat East, Portland, Ripon, Wimmera, Melton, Polwarth and Swan Hill for their contributions to the debate. I was amazed by the breadth of their comments, which often had little to do with the bill itself.

**Mr Steggall** interjected.

**Ms GARBUTT** — Tomato paste? The Boort sewerage scheme has little to do with the bill.

The honourable member for Polwarth referred to the Lorne hospital. The land in question is the centre for the development of Lorne emergency services. However, on my assessment no issues were raised about the content of the bill itself. As I said, I am pleased that the bill is being passed with such great support and without question.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## ELECTRICITY INDUSTRY ACTS (AMENDMENT) BILL

*Second reading*

**Debate resumed from 4 May; motion of Mr BRUMBY (then Minister for Finance).**

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

**Mr PLOWMAN (Benambra) —** The Electricity Industry Acts (Amendment) Bill is required because of the introduction of contestable tariffs in the electricity industry, which is supposed to be completed by 1 January 2001. Obviously the industry is not quite ready for the introduction of total contestability, and as a consequence some provisions have to be introduced to cover the situation in the interim. I commend the government for looking after the interests of the franchise customers — the domestic and small business consumers of electricity — during the transition period.

The bill amends the Electricity Industry Act to give the Office of the Regulator-General the power to regulate tariffs. It inserts proposed section 158AA into the Electricity Industry Act, which provides for the regulation of tariffs by order in council to continue through to 31 December 2003.

Concern has been expressed about the bill introducing regulation through the back door. That is not the intention of the bill. The specific intention is to cover the interim until contestability is ready to go — that is, probably for 6 to 12 months.

The bill covers retail tariffs for small business and contestable and domestic customers who are currently subject to maximum uniform tariffs which are due to expire on 31 December 2000.

It is interesting to note that clause 6 specifically allows for additional metering and data collection and processing services and public lighting, which has nothing to do with the main part of the bill. Obviously the measure is being used almost as an omnibus bill to make some necessary changes to the act.

Clause 7 amends the licence conditions as between the retailers and distributors, particularly where the retailers are not also distribution businesses, so that both can be confident in their joint trading arrangements. It also introduces the condition that retailers who sell to domestic customers are obliged to have a community services agreement with the state by which they provide community services to certain customers.

Clause 8 provides a substitution of section 163AAA, which deals with suppliers of last resort. The terms and conditions under which those suppliers must operate are laid down to protect customers if a supplier fails to be able to provide a service. It will be mandatory that any other supplier is able to take up that requirement. The bill will ensure those obligations can be met.

Clause 13 amends section 173 to clarify that the Office of the Regulator-General has the discretion after 1 January 2001 to dispense with or modify the cross-ownership restrictions in part 13. When I first read it, the clause triggered red lights and warning bells because that part of the act really provides protection to ensure there is not a monopolistic situation by way of vertical integration. On reading the clause again and seeking advice, it is my understanding that clause 13 gives that clear power to the Office of the Regulator-General purely to dispense with or modify the cross-ownership provisions where they are restrictive, and it possibly gives the Regulator-General slightly greater flexibility, particularly when contestability has come into the market. That provision was more important before contestability came into the market.

Part 3 of the bill deals with the Electricity Safety Act 1988 and includes the term 'vegetation' where before only trees were included. Vegetation could be a safety hazard and cause a fire on powerlines and power poles. That provision just adds to the safety provisions in the act. It also allows for the exemption of specific electricity suppliers to provide a bushfire mitigation plan. As I understand it, only one supplier has been referred to — that is, Citipower. The bill provides that all other electricity suppliers will be required to provide a bushfire mitigation plan by 1 July each year.

Part 4 amends the Office of the Regulator-General Act 1994 by including the power to deal with references by

ministers to investigate tariffs, which is a power the Regulator-General should have and will benefit from.

I understand there will be amendments to the bill. I wonder whether the Attorney-General wishes to introduce the amendments at this stage and whether I can now speak about them. I seek your advice on that, Mr Acting Speaker.

**The ACTING SPEAKER (Mr Loney)** — Order! The honourable member for Benambra can continue.

**Mr PLOWMAN** — As I understand the amendments that have not yet been distributed, they deal largely with clause 7 and allow for the preparation of standard agreements to be approved by the Office of the Regulator-General. The standard agreements may be approved by the office for the purposes set out in clause 7, which inserts proposed subsections 163(3)(b), (ba), (bb) and (bc). The proposed subsections are inserted to protect the interests of retailers who are not also distribution businesses. There are now five distribution businesses, but there are 15 retailers that are not distribution businesses. The house amendments will ensure that agreements made between retailers and distribution companies do not in any way give preference to distribution companies. They ensure that competition cannot be interfered with and that a distribution business will not be put in a privileged position.

House amendment 6 deals with clause 8 of the bill. It omits the words ‘distribute or supply, or to sell, electricity, as the case requires’ and inserts the words ‘sell electricity’. A business is able only to sell electricity, so the amendment merely corrects a mistake in drafting.

House amendment 7 deals with clause 9. It covers the concern of retailers that the Office of the Regulator-General may wish to introduce other terms or conditions into a contract for the supply or sale of electricity by a licensee to a relevant customer. The phrase ‘any other terms and conditions’ appears to be too broad, so it is suggested that the words ‘and provided for in the licence of the licensee’ be inserted in proposed subsection 169B(1)(b). The amendment will mean that the terms and conditions the Office of the Regulator-General can take into account will be only those that appear in the licence of the licensee.

Amendment 8 merely corrects a typographical error. Amendment 9 introduces a common expiry date to proposed part 4A, which provides that the minister may give a reference to the Office of the Regulator-General to conduct an investigation into any matter relating to

the regulation of the industry. That seems to be a sensible and worthwhile amendment to the bill.

The opposition does not oppose the bill, although it regrets that it has been introduced because it delays freedom of choice to that large group of customers who are currently franchise customers but who do not have that freedom of choice and will benefit from it. It will enable small business or domestic customers to join the contestable market.

**Ms Davies** interjected.

**Mr PLOWMAN** — I enjoy the interjection. Many of the changes introduced by the former government during its eight years of government were met with much opposition. Government members when in opposition were critical of the former government, but when they came to office they began to understand the enormous benefits of contestability in electricity. Contestability in the electricity market has already meant that Victoria has become highly competitive in providing power to bigger enterprises, so they have benefited from a contestable electricity industry.

I look forward to the time when residential and small business customers are able to join the contestable market. I am sure once they have experienced a contestable market they will enjoy the freedom of choice.

The bill provides for reserve powers to be exercised only if necessary to protect consumers. The extension of the regulated market is necessary, but it is unfortunate that that is so.

The bill enables the possible effective re-regulation of the market, including non-franchise deregulated customers, for a period of three years. That is the power that worries me the most. I cannot see any justification for it being used, and I suggest everyone in the contestable market would be concerned if that power were used. Certainly, the power to re-regulate for those customers who are currently part of the deregulated market is in the bill.

If the government pursues that option it will deprive all consumers of the benefits of competition, and monopoly pricing will cause market inefficiencies, taking us back to the bad old days. Honourable members on both sides of the house would, I am sure, oppose the reintroduction of regulation across the board.

The legislation does not re-regulate, but the de facto extension of the regulated market for small business and residential customers will in fact deprive them of

further significant potential reductions in price. That is what I meant when I spoke of freedom of choice that brings about an opportunity to reduce prices for all customers, not just the bigger ones.

At the moment generation is totally unregulated and transmission is totally regulated, so in the transmission of power there is a monopoly on high voltage, and regulation of distribution amounts to a low voltage monopoly for businesses with higher distributions. Prices in the distribution business are subject to price reset review by the Office of the Regulator-General.

The retail industry has distribution businesses, plus, as I said before, 15 licensed non-distribution retailers. Those five distribution businesses have monopoly retail functions in their franchised market, being small business and residential customers. That sector of the industry will be deregulated when the final step to full retail contestability is implemented — and, as I said, the sooner the better!

I hope the delay is only for six months. The bill clearly states, however, that it could run out to three years. The delay affects the freedom of choice of franchised small businesses and residential customers. When full retail contestability is implemented customers will receive accounts that will identify the network, or regulated, charge separately from the energy, or unregulated, charge. That means the customers will better understand exactly where they stand in the deregulated industry.

**Ms Davies** interjected.

**Mr PLOWMAN** — They will see it for themselves. They will know whether the deregulated part of the industry is providing them with cheaper power. That will be a great advantage to the smaller electricity users. They will be able to judge whether deregulation has been of assistance to them.

The transitional provisions allow but do not require the regulation of retail prices. They will apply from 1 January 2001 until 31 December 2003. The national code and the national systems, on the other hand, are not likely to be in place before mid-2001. It has been suggested that Victoria should wait for the national code and the national systems to be introduced. There is some sense in that notion because simultaneous implementation would guard against duplication of costs and assist with compatibility of systems. I am concerned, however, that we do not know whether the national code will be introduced by mid-2001. If it is, fine; if not, and the delay blows out for a considerable time, holding up retail contestability in Victoria while

waiting for the national code would be a matter for real concern.

Victoria has always been in the forefront of change in the electricity industry. The changes that have occurred nationwide have been driven by Victoria. For that reason alone I do not think we should hold back on the changes we propose ourselves, because change in Victoria might help the introduction of the national code and the national systems.

The system provides reserve power to intervene to protect customers. As I said in my initial remarks, that is a worthwhile provision of the bill and I commend it, but the proposed legislation defers contestability for a period of between six months and three years and puts at some risk the progress of full retail contestability. It therefore could bring about an unwarranted and lengthy delay.

Finally, as I said, I am concerned that the bill could be used to reintroduce regulation into the industry by stealth, but I do not believe that is the intent of the bill or of the government. I am sure that all industries that currently benefit from deregulation would be loath to accept that as a possibility.

The bill could delay the introduction of full contestability for franchise customers who are, after all, the bread-and-butter customers of the electricity industry. They are its principal electorate. Domestic and small business customers will benefit from the introduction of full contestability, and it should be introduced as soon as practicable. The main concern I have is that the delay could be extended to three years. Opposition members could not condone that. I commend the bill to the house.

**Government amendments circulated by Mr HULLS (Attorney-General) pursuant to sessional orders.**

**Mr LENDERS** (Dandenong North) — I support the Electricity Industry Acts (Amendment) Bill. I followed with interest the contribution of the honourable member for Benambra. It is good to hear someone who believes passionately in the ideology of free trade, privatisation and deregulation! I will paint a picture from my perspective of why the legislation is necessary and what it is about.

Terms such as ‘reducing regulation’ and ‘freedom’ have been used constantly in this debate. It is interesting that this is one of a series of amending bills that have been necessary to deal with the so-called deregulation of the electricity industry; and as the then Treasurer flagged in his second-reading speech a few weeks ago, there will be more to come.

Far from achieving simplicity, the great adventure that the previous government embarked on is creating layer upon layer of regulation and bureaucracy to deregulate and control the deregulations. I get a bit confused about the picture at the moment, particularly when honourable members speak so eloquently about the great adventures they intend to go on and the great changes they will produce. Without going into the history of the privatisation debate and related issues — there is no time for that — I believe there is a need to paint the picture of why there is ongoing legislation to bring in contestability and the other matters raised by the honourable member for Benambra. That context cannot be forgotten, but the reality is that in 2000 the government of this state needs to keep moving on by introducing legislation to make the industry operate well and to regulate the environment, or to at least put it into a position in which it can work.

I am sure other speakers will raise the issues of freedom of choice and contestability later in the debate. I wear a number of hats as I enter the debate, but I can say while wearing my local member for Dandenong North hat that the freedom of choice issues are not ones that would cause most of my constituents to leap for joy and say that they had enormous choice in the electricity market. As time goes on there will be greater choice, but much of it will be for large business. Unfortunately there will be a long trickle-down effect for smaller customers. I do not have the enormous faith of the honourable member for Benambra in relation to this adventure.

One of the principal features of the bill is the creation of a reserve power under which the government can control retail prices in the Victorian economy if retailers abuse their current position. That power will be coupled with the ability to refer retail tariffs to the Office of the Regulator-General by way of special reference. On the basis of the outcomes of that process the government will determine whether to exercise its reserve power.

Another feather in the government's cap is the creation through the bill of fundamental consumer protection rights for domestic and small business consumers. The bill will put in place a supplier of last resort scheme to ensure that ultimately there is always a retailer from whom electricity can be bought. These are important features of the legislation. The bill also places obligations on electricity retailers to perform community services and provides for deemed contractors to carry over domestic and small business customers from January 2001.

The bill must be passed urgently because it is needed to deal with the constantly changing environment in the industry. The Attorney-General has circulated house amendments to deal with some of the issues.

In conclusion, the big picture is that the bill is yet another one of the adventures into deregulation that the state is having to come to terms with. The government must live with the fact that the environment has changed and that it must deal with important issues such as consumer rights and the reliability of supply. I commend the bill to the house.

**Ms DAVIES** (Gippsland West) — I thank you, Mr Acting Speaker, for the opportunity of speaking on the Electricity Industry Acts (Amendment) Bill. Bills such as this are needed because the previous government betrayed country people. It sold off the power industry for high prices, which consumers will be paying off for many lifetimes. In this case the only difference between public debt and private debt is the higher consumer cost of private debt. Customers will always pay, except that under this system customers also pay for profits to go overseas.

The previous government broke the service into different companies, thereby causing power providers to lose the ability to focus on their primary responsibility of providing an essential service to all Victorian residents at an affordable price, regardless of where those residents live. The previous government deregulated the market and promoted the benefits to the consumer of the supposed competition between electricity service providers. However, somehow it forgot to make provision for the possible — that is, probable — situation where there was no competition. The previous government forgot — or chose not to bother — to make provision for proper customer protection, such as minimum service standards, minimum customer rights and the delivery of community service obligations.

Soon after the change in government rural electricity distributors came to the Independents saying that unless specific measures were introduced country people would soon pay higher prices for electricity than people in the city. It was exactly what we had feared — and what we were ridiculed for saying ourselves. Clearly that was unacceptable. The National Party members of the former coalition government should never have permitted such arrangements. All honourable members are acutely aware of the price they paid for that and other betrayals.

**A Government Member** — And the Liberal Party.

**Ms DAVIES** — And the Liberal Party, but particularly the National Party. The Bracks government is bound by the former government's contracts, but I believe the bill will be of assistance. The bill gives the Regulator-General additional responsibilities and powers to monitor compliance with standards, procedures and policies. He is currently inquiring into the reliability of supply in particular areas. The further you go into the country — the further you go into electorates that were once National Party territory — the worse the problems become.

The bill also allows the Regulator-General to inquire into whether the prices charged by one electricity retailer are comparable to the prices charged by others, or whether distributors' margins are reasonable. Those issues are important, and any problems should be examined and acted on.

Importantly, the bill enables the creation of transitional provisions to regulate prices for residential and small business customers where there is no competition. The bill also provides for a supplier of last resort so that no-one is in a position where a distributor does not want to supply him or her with power.

The reserve power to make orders regulating retail electricity prices will lapse on 31 December 2003. The bill also provides for a review of the extent to which there is competition for small business and residential customers. I fear that there will be no competition to supply power to outlying communities. However, we must accept that the provision of power to scattered, outlying communities will always be expensive. We must also accept that it is in the interests of Victoria as a whole that such an essential service is available at an equitable cost to all its citizens, no matter where they live. I will always support measures that acknowledge that responsibility.

I will wait to see whether the bill is enough. In the interim, it is a vast improvement because it addresses the gaping absence of proper safeguards left by the former government. I commend the bill to the house.

**Mr SPRY** (Bellarine) — My colleague the honourable member for Benambra explained in detail the mechanisms outlined in the Electricity Industry Acts (Amendment) Bill. I will not repeat what he said, but I commend him for his comments.

The bill is a further step down the route of giving Victorian consumers access to a contestable electricity supply. As such it is necessary, and the opposition does not oppose it. It follows the direction set by the former federal Labor government, which adopted the

recommendations in the Hilmer report on competition policy that was published some years ago. The honourable member for Gippsland West either completely failed to understand or totally ignored that point.

When the former coalition government implemented the Hilmer report recommendations following the initiative of the Kirner Labor government, the Labor opposition fought it all the way, contradicting the philosophy of its federal colleagues.

It is worth reflecting on the 1996–97 annual report of the Office of the Regulator-General, which was published when the process was in its early days. In speaking about positive outcomes the Regulator-General focuses on electricity. At page 10 of the report he states:

A measure of the competition at the retail level may be obtained by reference to the number of retail licences (nine) —

that has now risen to 15 —

that have been issued by the office since the initial five retail licences issued by it in October 1994.

The report continues:

Another measure of the competition at the retail level may be obtained by reference to the significant actual reductions — an average of 10 per cent — that the latest tranche of customers who are eligible to shop around are receiving on their bills.

Another comment referred to standards:

Standards have generally been maintained and in some cases improved — disconnections for non-payment reduced significantly in 1996 compared to 1995 — by 30 per cent for residential customers and 29 per cent for business customers — and minutes off supply per customer have reduced from 266 minutes in 1993–94 under the SEC to 218 minutes in 1996.

Although those trends have been maintained, I use the 1996–97 report to demonstrate how effective that initiative was in the early days of the implementation of the former coalition government's sell-off of the unravelled components of the power industry.

Mr Acting Speaker, I am not reflecting on the Chair when I say it is a pity you are sitting in the Chair, because you will recall your own opposition as the honourable member for Geelong North when you came into my electorate and criticised what I can describe only as the vertical integrity of the power poles in that area. Some of them were leaning slightly, but it seemed to me that you were drawing a long bow when you

criticised the vertical integrity of the power poles in the electorate of Bellarine.

The honourable member for Benambra has adequately covered the details of the bill. The opposition does not oppose the bill but regrets it has been introduced because it accepts as inevitable delays in the implementation of freedom of choice for small business and residential or franchise customers and thus delays in the benefits full contestability will obviously confer on consumers, including those in the electorate of Bellarine.

**Mr INGRAM** (Gippsland East) — The Electricity Industry Acts (Amendment) Bill has been introduced to contend with some of the problems that will arise after 1 January 2001, when the electricity market will be opened up for full competition. The bill allows the regulation of the electricity market in the short term, especially for the franchise customers — domestic and small business customers — and provides a sunset period so that consumers can come to terms with the privatised market.

The State Electricity Commission of Victoria was privatised to allow competition in the electricity market, but as an honourable member representing a country electorate I must question whether this process will allow competition to reach out into the wider areas of Victoria, and in particular into my electorate. I believe competition will not reach into country areas and country consumers will not be protected. Of course, we must wait and see how the process operates, but in my opinion it will not reach country areas.

The bill allows the Regulator-General to regulate and monitor electricity prices during the transition period. A problem is that meters on the front of customers' houses belong to the company that owns the transmission and distribution lines. I hope in the near future attachments for those meters will be available to allow competition to be fully opened up.

Approximately 50 per cent of the current price of electricity is made up of transmission and distribution charges. When the competition process is established I can envisage vigorous competition among relevant companies in new settlements around the outer metropolitan areas. Obviously it would be difficult for a city-based power company to open up in a far-off town such as Mallacoota, Orbost or Cann River, and incentives for others to go out and actively compete in those areas will not be as great as in the outer metropolitan areas where there will be vigorous competition in large residential developments and prices will go down.

I have had meetings with representatives of TXU and Powercor, who outlined some of the problems they see with the new privatised electricity market. In particular they pointed out that transmission and distribution costs would be higher for country consumers in the free market. I do not think that is acceptable. I would prefer regulation of the electricity market to continue because if additional costs are imposed on my constituents I am sure they will be disappointed.

I disagree with the comments made by the honourable member for Benambra about the freeing up of the market. I would like to see fair competition and I would like to think the free market will deliver fair competition, but in reality it does not always work that way. The bill goes part of the way towards allowing the market to be freed up, but I make the point that I do not think it is fair if prices for country consumers are above the prices paid by city consumers.

**Mr ROBINSON** (Mitcham) — The Electricity Industry Acts (Amendment) Bill facilitates the potential extension of tariff order powers that may be required beyond 31 December this year. It is worth noting that the former coalition Treasurer, who may now be out in the private sector earning a good living consulting for different companies involved in the deregulated electricity industry, left behind a regime under which the expected power of consumers to choose their electricity supplier may well not eventuate when it was scheduled to do so. That says a lot about the faith one can put in economic models.

One of the difficulties that will arise over the next year or so is the complexity of assessing electricity tariffs at a time when the goods and services tax is taking effect. I know one distribution company is seeking to have put in place a new tariff structure that, quite conveniently for the distributor, would be linked to the consumer price index. As we all know, the CPI is going to take a hike in the next 12 months, and were such a tariff structure approved the distributor would make a windfall gain. It is an ambitious claim, and deciding whether a windfall gain was accruing would require detailed assessment.

Clause 9 inserts into the principal act proposed section 169D, which imposes on a distribution company seeking to introduce new tariffs a requirement that the proposed tariffs be published at least two months in advance of the regulator giving them approval. There is a difficulty because at a time when the GST is coming into effect two months may be an inadequate period for the state and federal regulators to do their work. The state regulator must look at the mechanics of the tariffs and understand whether or not they achieve certain

goals. The federal regulator, the Australian Competition and Consumer Commission, has to look at any proposed price increases to assess whether they represent fair value for consumers or are an attempt to achieve a windfall gain.

Given the likely workload of the ACCC, two months is probably an unreasonable time to enable that job to be done adequately. In all probability in the early part of 2001 we will be in a situation, thanks to what this government inherited in Victoria, where federal regulatory authorities will have enormous difficulty in accurately assessing whether the claims being made by electricity distributors for new tariff schedules are reasonable.

In conclusion, this situation is a good example of the complexities of the goods and services tax. I know conservatives across the country believe the GST will be a saviour, but every day in many ways it is turning into a regulatory nightmare.

The bill deserves support, but not for one minute does that mask the fact that the electricity industry will be a very complicated beast to deal with over the course of the next year or so.

**Mr MAUGHAN** (Rodney) — I am pleased to have the opportunity to make a brief contribution to the Electricity Industry Acts (Amendment) Bill.

I wish to refute some of the ridiculous arguments put forward by the honourable member for Gippsland West. I was going to describe her as the independent member for Gippsland West, but she is neither independent nor objective — some of her doctrinaire views have come out very clearly today.

The legislation does three things: it introduces a reserve power to control retail prices; it introduces some consumer protection rights; and it makes provision for a supplier of last resort. All three aims are in some ways commendable. However, the bill extends even further the contestability in the retail sector, and that is regrettable.

I pay a sincere tribute to former Treasurer Alan Stockdale and former Minister for Finance Roger Hallam; they did a fantastic job in privatising — —

*Honourable members interjecting.*

**Mr MAUGHAN** — I hear the cackle from the government benches, but if honourable members read and listen to the economic comment from around the world they will see that their achievement has driven down prices in Victoria.

**Mr Nardella** interjected.

**Mr MAUGHAN** — I hear the honourable member for Melton laughing. I remind both him and the honourable member for Gippsland West that Victoria operates in a very competitive environment. The national competition policy was introduced by the commonwealth with the support of all state governments working together — Labor, Liberal and National parties. The national competition policy was introduced after governments agreed it was in Australia's interests to make it more competitive as a nation. It was initiated by the Hilmer report under former Prime Minister Keating. He understood the realities of the economic situation.

The honourable member for Gippsland West said she does not care who introduced the policy; it is wrong. She is claiming to have a greater degree of knowledge and understanding of this issue than the Prime Minister of Australia and the premiers and treasurers of all its states. If that is the case, then heaven help this state and heaven help the Australian nation!

National competition policy is the right policy and is driving Australia towards a more competitive environment. Privatisation of the electricity industry has been a very important part of that. I remind some of the more vocal members on the other side of the house that the process was commenced in a tentative way by former Premier Joan Kirner.

The notion that a state-owned monopoly on electricity or anything else is the most efficient way of doing business is demonstrably wrong, and I could give examples as to why. The idea of privatising the electricity industry was to introduce competition between generators, and a range of generators are bidding into the system. There is also competition between retailers to drive down prices.

The important role of the Regulator-General is to ensure that there is no monopoly control. The honourable member for Gippsland West was cackling that profits are going to overseas-owned companies. So what! Where the heck does she think the interest payment on the \$13 billion that the former State Electricity Commission owed went? Most of it went overseas. At the moment the payments do not necessarily go overseas; Australians can buy into the various distribution and generation businesses if that is what they choose. Powercor is on the market right now, and if Australians want to buy into it and get the returns from that — the profits the honourable member for Gippsland West referred to — let them buy into it and reap the profits.

The liability for the interest payments and mistakes made by electricity companies now rests not with Victorians or their government but with individual companies responsible to their shareholders. If they make profits, good luck to them, but if they make losses that is their problem.

The runs are on the board so far. Bonlac and Murray–Goulburn are just two of the large companies which have seen reductions in their power bills of 30 per cent and more. I often quote Bruck textile mills in Wangaratta, which used to pay \$1.3 million a year to the State Electricity Commission for its power. Following the privatisation of the electricity industry its bill dropped by \$300 000, and that is just one example of what has happened in the larger companies. In turn, our primary producers — the people represented by the honourable member for Wimmera and the people I represent — have become more competitive on world markets.

The honourable member for Gippsland West spoke a whole lot of rot. I do not have time to refute all the ridiculous arguments she put forward except to say that I strongly support the privatisation of the electricity industry. Had it not been privatised, the State Electricity Commission would have suffered competition from generators in other states which would have sold electricity into the state at prices below what could be matched in Victoria. The state would have been saddled with servicing a \$13 billion debt with a declining revenue base.

The government got out of that and transferred it to the private sector. As a citizen of Victoria representing a large number of people whose incomes are dependent on being able to compete on overseas markets, I believe that was a step in the right direction.

I support the bill. It provides additional safeguards, although I regret the further delay in the contestability flowing to retail consumers. As a retail consumer I look forward to the day when I am able to choose where I buy my electricity: if I do not like company A, I can deal with company B.

I support the legislation and I express my strong support for the privatisation of the electricity industry in Victoria.

**Ms DELAHUNTY** (Minister for Education) — In drawing the debate to a close I thank all honourable members who contributed to the debate on the bill: the honourable members for Benambra, Dandenong North, Gippsland West, Bellarine, Mitcham and Rodney.

The Electricity Industry Acts (Amendment) Bill is an important bill and it is a great day in the life of the Parliament when the Bracks government has introduced legislation with both the benefits of competition policy and a solid social justice policy built into every aspect of it to ensure such essential services as electricity are available at accessible prices to all Victorians.

**The ACTING SPEAKER (Mr Loney)** — Order! As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

**Bells rung.**

**Members having assembled in chamber:**

**Motion agreed to by absolute majority.**

**Read second time.**

**Committed.**

*Committee*

**Clauses 1 to 6 agreed to.**

**Clause 7**

**Mr BRUMBY** (Treasurer) — I move:

1. Clause 7, lines 31 and 32, omit “in accordance with contracts entered into with them”.
2. Clause 7, page 7, lines 5 and 6, omit “to comply with contracts”.
3. Clause 7, page 7, after line 7 insert —
  - “(bc) requiring a distribution company —
    - (i) to prepare standard agreements for the purposes of paragraphs (ba) and (bb); and
    - (ii) to submit those standard agreements to the Office for approval; and
    - (iii) to offer a standard agreement approved by the Office to a retailer for the purposes of paragraphs (ba) and (bb);”.
4. Clause 7, page 7, line 8, omit “(bc)” and insert “(bd)”.
5. Clause 7, page 8, line 16, after “practices” insert “that causes the disadvantage or possible disadvantage”.

The bill principally amends the Electricity Industry Act 1993 and the Office of the Regulator-General Act 1994. The house amendments give better effect to the intent of the bill. The bill allows for the likelihood that, although domestic and small business customers will have a legal right to choose on 1 January 2001, as a matter of practice they will not all be able to exercise that right for some time — largely because industry and

regulators have not yet developed the technical systems needed to allow full choice.

The first four amendments relate to clause 7(2), which provides for use-of-system agreements between distribution companies and retailers. Those agreements are required to allow retailers to sell electricity using the distributors' powerlines. The first two amendments make it clear that customer contracts are to be based on use-of-system agreements and not the other way round. That was the original intention. The second two amendments allow for pre-approved standard form use-of-system agreements.

The fifth amendment deals with proposed section 163AB, which allows the Office of the Regulator-General to modify or revoke an electricity business's customer-related standards in case of customer disadvantage. Amendment 5 clarifies that only that part of the standards that the office finds disadvantages customers can be amended.

**Amendments agreed to; amended clause agreed to.**

#### Clause 8

**Mr BRUMBY (Treasurer) — I move:**

6. Clause 8, page 10, lines 8 and 9, omit "distribute or supply, or to sell, electricity, as the case requires," and insert "sell electricity".

The sixth amendment corrects an error in the drafting of proposed section 163AAA(4). The principal intent of that provision is to clarify that a distributor can, if it is a supplier of last resort, retail electricity. However, the present wording also provides that a retailer who is a supplier of last resort can distribute electricity. The latter goes further than is required in that retailers cannot distribute electricity without actually owning a distribution network. Under full retail competition retailers will not own distribution networks.

**Amendment agreed to; amended clause agreed to.**

#### Clause 9

**Mr BRUMBY (Treasurer) — I move:**

7. Clause 9, page 14, line 16, after "Office" insert "and provided for in the licence of the licensee".

The intent of the seventh house amendment is to make clear that the additional terms and conditions the office requires to be included in domestic and small business customer retail contracts pursuant to proposed section 169B(1)(b) must also be provided for as licence conditions. That has the benefit of importing the

consultative process the office follows when determining licence conditions.

**Amendment agreed to; amended clause agreed to.**

#### Clause 10

**Mr BRUMBY (Treasurer) — I move:**

8. Clause 10, line 11, omit "169F" and insert "169E".

The eighth amendment corrects a printer's error in the introduction print of the bill, there being two sections 169F in that print.

**Amendment agreed to; amended clause agreed to; clauses 11 to 26 agreed to.**

#### Clause 27

**Mr BRUMBY (Treasurer) — I move:**

9. Clause 27, page 32, after line 23 insert —

"(8) This Part expires on 31 December 2003.".

The ninth house amendment introduces proposed subsection 34E(8) in part 4A of the Office of the Regulator-General Act 1994. That part creates the new special reference power the minister may use to refer retail pricing issues to the Office of the Regulator-General. The proposed subsection provides for part 4A to expire on 31 December 2003. The amendment links the part to section 158AA of the Electricity Industry Act 1993, which similarly expires on that date, and thus makes plain that part 4A is an interim power given to the office in the context of the transition to full retail competition.

I stress the importance of this amendment. The government is committed to and the legislation gives effect to full retail competition from 1 January 2001. The amendment makes clear that the regulatory powers being provided for in the legislation have a sunset clause. That sunset clause operates on 31 December 2003. It is the government's hope that by 31 December 2003 Victoria will have a fully competitive electricity system in which all customers and classes of customers have a choice between electricity retailers. We are sunsetting that clause. It is a transitory arrangement. The government is committed to light-handed regulation, but that interim regulatory arrangement is needed.

It is the government's view that the balance must be right in the legislation, on the one hand moving to competition, more consumer choice and a more efficient market, and on the other hand providing proper protections for consumers in the interim and

transition phases. The government believes it has got the balance right.

**Amendment agreed to; amended clause agreed to; clauses 28 to 32 agreed to.**

**Reported to house with amendments.**

**Report adopted.**

*Third reading*

**The SPEAKER** — Order! As there are not 45 members present I ask the Clerk to ring the bells.

**Bells rung.**

**Members having assembled in chamber:**

**Motion agreed to by absolute majority.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

## APPROPRIATION (2000/2001) BILL

*Second reading*

**Debate resumed from 23 May; motion of Mr BRACKS (then Treasurer).**

**Mr ROBINSON (Mitcham)** — It gives me great pleasure to speak in support of the Appropriation (2000/2001) Bill, which represents the first Bracks Labor government budget.

**A Government Member** — A good budget.

**Mr ROBINSON** — It is an excellent budget. I was a member of this house for two years prior to the change of government, and I remember listening to a lot of rhetoric from the former government and from its former Treasurer in particular. I recall the phrase ‘social advantage’, the use of which was characteristic of his 1998–99 budget. However, the former member for Sunshine, the Honourable Ian Baker, put that in context when he said that in the 1998–99 budget social advantage — or SA — was not nearly as apparent as SFA!

**Mrs Maddigan** interjected.

**Mr ROBINSON** — It was a very colourful comment. Indeed, he was a very colourful character.

In comparison with the hollow promises in the former government’s budgets, the Bracks budget is a modest document that delivers. In accordance with the government’s election campaign commitments, outlays on essential services have risen by over 7 per cent, three-quarters of which is attributable to new initiatives. At the same time revenue has grown by a little over 3 per cent. One of the key features of the budget is that it delivers on the Labor Party’s commitment to maintaining sustainable budget surpluses. Indeed, the budget papers record that the operating surplus for 2000–01 is anticipated to be \$592 million.

I am confident that the government’s initiatives will be well received in the Mitcham electorate, and I will mention some of them for the benefit of the house. The first is the provision of \$250 000 for an upgrade of Mitcham Primary School, which delivers on a government election campaign commitment. Mitcham Primary School is one of those old primary schools with buildings dating back to the 1920s. During the Mitcham by-election campaign it became evident that the older part of the school was in a sad state of repair. There were cracks in the walls that one could literally put one’s arm into, plaster was falling from the ceilings, and at the time there was no prospect of any upgrade being undertaken. I am pleased that money has been made available in the first Labor budget to contribute to the much-needed rebuilding of the school, and I commend the Minister for Education in particular for her assistance.

Similarly, the first Bracks budget provides \$1 million for the rebuilding of Blackburn Lake Primary School, which was tragically set fire to in September last year. The school community at Blackburn Lake has come together in adverse circumstances and has been working solidly towards the rebuilding of the school. This budget will allow that to happen.

Among the various claims that have been made about that school I note the one made by the local federal Liberal member, who said that the government had procrastinated for 12 months, which is interesting given that the fire occurred only 9 months ago. If I read the federal member correctly, he is suggesting that the state government should have been rebuilding the school before the fire, which is a little strange. Nevertheless, the school community at Blackburn Lake will welcome the funds that will be made available to it over the next 12 months. That commitment stands alongside the government’s earlier announcements, which the bill facilitates, about funding school global budgets more generously and lowering class sizes. They are also great initiatives.

I will briefly mention a number of budget initiatives that will significantly benefit Mitcham constituents. The Springfield–Middleborough road intersection, which carries a large volume of traffic, is in dire need of an upgrade. The budget allocates \$600 000 to carry out that work. Since the extension of the Eastern Freeway, Middleborough Road has experienced greatly increased traffic volumes — as have most of the north-south arteries in the eastern suburbs.

**Mr Richardson** — What about the Scoresby Freeway? That will make it worse!

**Mr ROBINSON** — The honourable member for Forest Hill, a Mitcham constituent who will benefit from that significant improvement, wants to introduce other issues. He is so eager to join the debate he is beside himself! We may deal with those issues a bit later.

The provision of \$600 000 to upgrade the Middleborough–Springfield road intersection will bring major benefits to people living in Blackburn North because it will allow the installation of right-turn and left-turn arrows at that controlled intersection. I am sure the honourable member for Box Hill will also be pleased to learn of that funding announcement.

The other major road upgrade in my electorate will be centred on the Surrey–Whitehorse road intersection. Honourable members familiar with the geography of the eastern suburbs will know that Blackburn Road has a memorable dogleg in it, and anyone who has been caught once in traffic in peak hour in that dogleg does not forget it in a hurry. Congestion will be eased somewhat by the establishment of slip lanes — that is, turning lanes — at the Surrey and Whitehorse roads intersection.

Traffic banks up severely along Whitehorse Road when drivers are trying to get into Blackburn Road heading north, particularly during the evening peak period, and the initiative will go a long way towards addressing that local congestion problem.

Another initiative in the budget that will be greatly welcomed is the provision of \$100 000 for the resurfacing of Whitehorse Road in Mitcham. The issue came to my attention through newspaper reports some 18 months ago, after the Dodd family of Mitcham had on numerous occasions experienced vehicles running off Whitehorse Road in wet weather and going right through their front fence. Those incidents caused the family great distress, as they had to rebuild the front fence on three or more occasions at great expense to

them because it was difficult to recoup the money through the driver's insurance on each occasion.

I am grateful that the government has been able to provide the necessary funds in this budget to bring that project forward. In the past when inquiries were made about that much-needed improvement the answer was always that Vicroads was considering the project, but it never seemed to get any closer to realisation. That valuable initiative will significantly improve road safety in the Mitcham electorate.

The Eastern Freeway extension is facilitated by the budget with the further allocation of funds of \$22 million intended to be spent on further preparatory roadworks, particularly at Mitcham Road. I know that will be greeted with great interest by the vast majority of my constituents.

In a broader sense I am very pleased that for the very first time the budget sets an unemployment target. The government has indicated through the budget that it hopes to lower unemployment from 6.75 per cent to 5.75 per cent over the next little while.

*Honourable members interjecting.*

**Mr ROBINSON** — I know honourable members opposite are trying to make a point about that not being 5 per cent. I can say to them as a member of the government that we have the opportunity to go below 5.7 per cent if they wish to assist the government to do that but it will largely be a matter for the other side to decide whether it wants to participate in achieving that worthy goal.

The difference between 6.75 per cent and 5.75 per cent might not sound much, but any of us who have dealt with the despair attributable to unemployment understand that governments ought to try everything they can within practical bounds to lower unemployment. I see nothing wrong with governments setting targets for unemployment. Targets are laid down for any number of other economic measures, but certainly at the federal level there seems to be a great reluctance to put a target on unemployment.

The budget contains a significant number of initiatives to assist regional development. I do not want to go into those initiatives because I know many other speakers are more intimately associated with the good work that will flow from them. Suffice it to say that on regional development matters — for example, the food industry, which is largely based in regional and rural Victoria — there is great opportunity for members on both sides of this house to work together.

If we were to try to send a strong message to the food industry, for which I have particular responsibilities, it would be that there are relatively few issues concerning the industry that are the basis of public political disagreement. The Bracks government is seeking to work constructively with the players in the industry and to use the skills that are available.

It is worth putting on the record that the new government has chosen — this may well be without precedent — to allow the former parliamentary secretary with responsibility in this area, who is now leaving the chamber, to continue serving on the food industry task force. Usually when there is a change of government all former parliamentary appointments cease. However, on this occasion the government has deliberately chosen to allow and even encourage the honourable member for Swan Hill to remain a member of the task force, which meets every month. The government welcomes his contribution and his knowledge of the food industry and hopes that contribution will continue.

I have probably just given him the kiss of death, but he is making a solid and meaningful contribution that will be of great benefit to the food industry. There are good and clear examples of how both sides of this Parliament can work constructively on regional development issues. Allowing the honourable member for Swan Hill to continue contributing to the food industry task force is another such example.

I will conclude my contribution by making a reference to what I think is one of the real dangers that confront Victoria, although it has been addressed to some extent during the past few months. One of the real perils facing Australia is the ease with which some people, particularly the former federal member for Oxley, deliberately choose to go around employing what we have come to call wedge politicking in the regions — encouraging and cultivating the message that the problems being experienced in regional and rural areas are the fault of the people in the cities.

That poisonous tactic, if allowed to take hold, can devastate the wellbeing of communities and nations. It seeks to generate short-term political gain at the cost of long-term cohesion and development. I get the strong impression that the experience of Hansonism has encouraged state governments around Australia to redouble their efforts in regional areas. The efforts of the Queensland government, which include taking its cabinet and department heads into regional and remote Queensland for two-day conferences every three weeks, provide an example of the attentive nature of

governments nowadays to issues affecting areas outside the city.

If that is one of the consequences of Hansonism, it has at least proved to be effective in serving the interests of people living in areas outside the city. I get the strong impression that as a result of the last election people in country Victoria now believe they are being treated with greater respect than in the past. If the last election has assisted in lifting the pride of Victorians in country areas and reducing the prospect of divisiveness, which people such as Pauline Hanson wanted to promote, it has achieved a good outcome.

As I said at the beginning of my contribution, the Appropriation (2000/2001) Bill is a solid document that is modestly presented but delivers substantial benefits to people not only in the Mitcham electorate but right across the city and country regions of Victoria. It will go down as an outstanding budget that has heralded a new era in Victorian politics.

**Mr SMITH** (Glen Waverley) — In my contribution to the debate on the Appropriation (2000/2001) Bill I will focus my attention on the section of budget paper no. 2 that deals with drug strategy development, particularly pages 91 and 260.

Last week I attended a meeting on drugs at the Glen Waverley campus of Wesley College to discuss parental involvement in the growing heroin scourge that is so gravely affecting our society. At that meeting I was left in no doubt about the opposition of people to the government's proposal to introduce so-called safe injecting centres.

The people of my electorate believe the Labor government and Dr Penington want to bulldoze through their plan to make Victoria the drug capital of Australia. On the other hand, the Liberal Party wants to consult with the community, although it already has grave reservations and concerns about the injecting centres. I share those grave concerns.

We have heard nothing from the government or Dr Penington about the real alternatives to the proposed system that allows heroin addicts to pursue their hideous habits, which are almost always funded from the profits of crimes such as burglaries, bag snatching and armed robberies.

As my contribution to the debate I would like to propose two alternatives the government should have looked at before it embarked on a program that merely condones and effectively decriminalises heroin. Both alternatives are well known to the government, but, as one eminent expert in the drugs debate has told me, the

government is putting the cart before the horse. It is not trying alternative treatments and rehabilitation first.

Many of the people in many different areas of life I have spoken to on this matter, particularly people in government, are reluctant to talk openly because they are frightened of recriminations from government sources. Much as I would like to quote those people, some quite eminent, in most cases they have unfortunately simply given me information. They say, 'See if you can get the message across to the government, because we don't seem to be able to'.

Has anyone in government really questioned the present system of treatment? I challenge the Minister for Health to explain to the house why the methadone program is not being promoted as much as possible. And secondly, why is the government not supporting the inclusion of Naltrexone in the list of pharmacotherapy trials, as was proposed by former Minister Knowles of the Kennett government? Neither area is being pursued by the Bracks government. As one leading expert expressed it to me, as I said before, the government is putting the cart before the horse. Ironically, however, if it does implement supervised injecting centres as proposed, further debate on Naltrexone will no doubt follow.

Official methadone treatments in Victoria have trebled during the past five years from 2500 in 1995 to more than 7500 patients last year. The program now involves 270 doctors — a very large number — so all up, a considerable proportion of the Victorian community is involved in some way in the methadone program.

According to official research, however, only a small number of heroin addicts approved for methadone treatment take their methadone regularly. Prescribing doctors report that more of them would take their methadone if not for the cost factor. Chemists charge a dispensing fee. That is quite proper because methadone is a dangerous drug and requires careful dispensing. I do not wish to deny chemists their fee. Methadone, even though it is provided to the chemist free of charge by the commonwealth, must be dispensed carefully. Daily dispensing of methadone is a big responsibility and involves making up the dose, adding cordial and then — most importantly — engaging the patient in conversation to determine that he or she has swallowed the dose.

If that procedure is not followed the patient can hold the dose in his or her mouth, leave the pharmacy and then sell the dose. Methadone is prescribed with the intention of weaning the patient off heroin, but it is still itself a drug of addiction. Some patients stay on

methadone for years, and some use it to supplement their heroin addiction.

A Fitzroy doctor I know has one of the largest drug addiction treatment practices in Victoria with 400 patients on the methadone program alone. He says methadone patients can be divided into three groups of roughly equal size. The people in the first group, making up at least one-third of patients entering the program, drop out as soon as they start because they cannot pay the dispensing fee of \$5 a day. It is easy to see that a person on a pension of about \$160 a week could find methadone unaffordable. For that reason, according to that doctor, some doctors insist on an up-front fee of \$80–\$100 for patients entering the methadone program.

Another third of methadone patients drop out of the program within a very short while because of the discipline factor. They have to go to the chemist each day, get up at a certain time, and so on. For people who have no order in their lives that requirement causes them to fall out of the program. That is something we cannot do a lot about. People in the remaining third become long-termers, as the doctor calls them. They do well. They stabilise and either obtain employment or remain in existing employment.

My suggestion is that either the state or the commonwealth should meet the dispensing fee for methadone treatments. The total of those fees in Victoria is estimated to be about \$13.6 million a year, based on the assumption that there are about 3000 regular patients in the program. I am told the chemists would jump at the idea and would probably be happy to reduce the dispensing fee, thereby reducing the cost to the system to about \$9.7 million. The impecunious third of patients, those who are currently denied methadone because of the cost, would then be fully provided for and would be offered hope where no hope exists at the moment.

I am not so naive as to think that many of the 7500 patients are not on methadone only because they have been ordered to take part in the program by the courts, or that many of them are not still supplementing their daily methadone dose with heroin.

That sounds a bit complicated, so let me try to explain. I have been informed by experts, such as some of the 270 prescribing doctors I referred to earlier, that although a fully blown addict has up to six heroin fixes a day, with prescribed methadone that is reduced to about two fixes a day. That would mean the number of house burglaries and attacks on elderly persons would be reduced considerably if all addicts were on

methadone. There would be a great harm minimisation effect because addicts would not need to find the extra cash to feed their addictions if they were taking methadone and not supplementing it with heroin. It would not be the solution for all of them, but at least it would be an attempt to pull down the number of people who are using heroin.

The cost of the chemists fees would be of the order of between \$9 million and \$13 million, which is still \$4 million to \$8 million less than the \$17 million mentioned in the government's budget paper no. 2 as the allocation for setting up the so-called safe injecting centres. No amount of government spin doctoring or rhetoric could ever make the injecting centres safe. My talks with senior officers of the Victoria Police and the Victoria Police Association revealed no enthusiasm for safe injecting rooms.

Fully utilising methadone as a treatment for heroin addiction would be preferable to sending out the disastrous message that it is all right to use heroin — that is, condoning its use. Yet that is exactly what the message will be if the government implements its scheme — and it will be implemented over my dead body. Currently there are more than 7000 people on the program — I mentioned earlier that that number is increasing; it has trebled since 1995 — and the message that the government thinks it is all right will constitute de facto legalisation or at least decriminalisation in the eyes of people who are on the verge. It might be said — I stress the word 'might' — lives could be saved by the setting up of injecting centres, but it would be at the cost of 10 times that number if the government were to virtually legalise heroin, which is what it seems to want to do.

I direct the attention of the house to the use of Naltrexone as a detoxification treatment. It is another alternative to the proposed safe injecting rooms, but although there has been a lot of talk about it and people know quite a bit about it the government is not pursuing that line. Clinical trials at Westmead Hospital in Sydney under Dr John Currie have been going on for some two or three years. They are the only clinical trials that I know of anywhere in the world. They should produce good results because they are being conducted the way the medical profession wants them conducted.

Private treatment using Naltrexone is currently being provided in Melbourne by Dr Michael Kozminsky of Brighton. In the past few years he has treated 1000 patients. Dr Kozminsky says that at least 50 per cent of the patients he has treated are remaining opiate free after 12 months. I consider that to be quite a breakthrough. If 50 per cent of patients can be kept

opiate free after 12 months, the treatment should be looked at by the government. I gather that Dr Kozminsky is treating about 6 patients a week, or between 250 and 300 a year, at a private hospital. If the clinical trials in Sydney are favourable the private treatment could be expanded, particularly with government support.

I am looking to the government to focus on clinical trials rather than on safe injecting centres. The government's proposed strategy on this issue has met with a terrible reception in Springvale and Footscray. I am sure the government will receive the same sort of response from other areas once those areas receive more attention in relation to the issue. I have been invited to see one of the trials being conducted by Dr Kozminsky, once the consent of the patient involved has been obtained. I was hoping to do that this week, but because the house is sitting it will be postponed until the week after next. A friend of mine who is a doctor has already seen the trials and has said it was one of the worst sights in his experience. He is a practising anaesthetist but he had forgotten just how bad the drug business is. He told me I should prepare myself and get back all my Vietnam nerves for the experience, because it is dreadful to see people going through the trial. But it works!

The community must positively pursue the avenue of Naltrexone treatment before opening supervised injecting rooms, which I have stressed would be the first step towards legalising or decriminalising heroin. The big issue in the treatment of heroin addicts is detoxification. Having addicts go cold turkey or go off the drug voluntarily does not work. The anaesthetisation or partial anaesthetisation of patients to detoxify them using Naltrexone must be considered. It has worked overseas and Dr Kozminsky claims he has a 50 per cent success rate.

My point today is to ask why the government has not gone on with the policy set by the former Minister for Health, the Honourable Rob Knowles. The whole area was wide open to the conducting of clinical trials — giving the medical profession what it needed to find the reality — but the government is going off into the unknown with the introduction of the proposed so-called safe injecting houses.

Many people from whom I have had letters in the past couple of weeks have been calling on governments to make detoxification compulsory. That is another worthwhile argument that will no doubt be heard when the debate heats up. The main aim of the Liberal Party at this stage is to consult and listen. The party and I have grave concerns about the issue, and I will be one

of a number of honourable members who will convey the messages they get from the community.

My point is that the government must pursue the use of Naltrexone through the sorts of pharmacotherapy trials which were to have involved South Australia. Once patients are detoxified they must have somewhere to go for rehabilitation. For the treatment to be effective Naltrexone tablets must be taken daily, sometimes for 12 months. Naltrexone affects the receptors in the brain that are normally fed by drugs such as heroin, making them repulsive to the user. The government should also consider subsidising new ways of housing people on rehabilitation programs, such as through the private welfare sector.

Sometime during the past week I read a newspaper report of an announcement by the Catholic Archbishop of Melbourne, Dr Pell, about the commencement of a program for heroin addicts. Perhaps the Mary MacKillop Centre in Brunswick Street, Fitzroy, might consider taking detoxed Naltrexone patients from, say, Dr Kozminsky's Brighton clinic to help them on the road to recovery. If they do not have access to family support you can bet your bottom dollar they will return to their familiar and tragic habit. If the government will not provide those facilities, the message to the private sector must be that people on detoxification programs have to be cared for.

The government should explore those options instead of sending out the message that it condones drug taking by setting up so-called safe injecting rooms. Rather than wasting the \$17 million referred to in budget paper no. 2 on an unproved initiative, the government should back a proven horse and save at least \$4 million annually by pursuing either Naltrexone or the methadone program, neither of which it has fully considered.

Dr Penington says all he cares about is saving lives. Unfortunately, if the message goes out that the government condones drug taking, the number of people taking drugs will increase considerably and the problem will be out of control.

**Mr HARDMAN** (Seymour) — It is a pleasure to speak on the Appropriation (2000/2001) Bill. I take umbrage at the comment of the honourable member for Glen Waverley that only the Liberal Party is consulting with and listening to the community about the drug debate. If honourable members opposite listened to government members they would know otherwise.

The bill delivers on a Labor Party election promise. The budget is financially responsible, with its operating

surplus of \$592 million. It is also socially progressive, having been informed by Labor's consultations with the community before it came to power. The budget recognises and contains many incentives for country Victoria. It encourages country Victorians to look to the future to see how they can move on and make their lives better than they have been over the past seven and a half years.

However, country Victorians will suffer greatly as a result of the federal government's useless budget, which is a failure so far as rural and regional communities are concerned. How many hundreds of millions of dollars is the federal government putting into digital television in country Victoria? Big deal! Country Victoria does not have a proper digital telephone network, and many areas do not have SBS television.

**Mr Steggall** interjected.

**Mr HARDMAN** — Swan Hill must have everything.

The Bracks government has allocated \$1.5 million — a total of \$4.2 million over three years — to the Yea hospital for the redevelopment of its acute, aged and primary care facilities. I had discussions with the president and the director of nursing at the hospital before the budget was presented. I was then able to make representations to the Minister for Health to ensure that the hospital received its stage 2 funding so that all the work could be carried out at once, thus saving some \$100 000.

The Hume Highway air ambulance helicopter is a fantastic initiative for rural areas. I am pleased for my constituents, and I am sure the honourable member for Murray Valley is just as pleased to know that his constituents will also be safer as a result of that initiative.

Improving community safety was one of the Bracks government's major election promises. I will outline some initiatives on which the government has delivered in its budget — a full year before it said it would. The Seymour police station is being rebuilt at a cost of \$6.6 million, which is a great injection of funds for my community. Kinglake police station is also being built. By way of contrast, the former government gave the people of Kinglake stacks of lip-service but never did anything.

The Kinglake area is many miles from the nearest police station. If a crime is committed, the crime scene is often contaminated by the time the police arrive,

which means criminals are not caught. The Kinglake community is rapt with the budget.

The Bracks government did not promise to rebuild the Broadford police station, but a sum of \$697 000 has been allocated in the budget to rebuild that station. The people of Broadford are also very happy with the budget.

The plight of regional and rural Victoria was one of the major areas of concern to members of the government prior to the election. We remember the advertisements that told the story as it was — the dripping tap that clearly illustrated how much infrastructure spending was left for country Victoria. The Office of Rural Communities is a fantastic budget initiative. Offices will be established across Victoria. Perhaps an office will be built in Ararat or Wangaratta; one will certainly be built in Seymour. The township and the surrounding area have been crying out for new industries. Seymour has a fantastic future because it is on the Goulburn Valley Highway and the Hume Highway, and it is on the main rail lines that go through to Sydney and Brisbane.

The Office of Rural Communities will aim to attract people to the area and talk up the region on the basis of what it could be in the future. People will have better access to government assistance. The former government sacked or took away most of the state public service officers who used to service the Seymour community.

**Mr Steggall** — Are you going to put them back?

**Mr HARDMAN** — I just told you what the government is doing. The officer will provide support for social, economic and commercial issues and will inspire confidence in the community.

The schools in the Seymour electorate are good schools. Some \$2.375 million has been allocated to the Whittlesea Secondary College, which was sadly neglected for the past seven years, for construction of a new science block. It took a Labor government to build the Whittlesea Secondary College and get it up and going, and it has taken a Labor government to fix the college so that students and teachers have decent conditions in which to study such an important subject as science.

Honourable members will recall that earlier this year the main building of Healesville Primary School was burnt down. Last November the Bracks government promised to rebuild the primary school. Normally the allocation would not have been in the budget because of the planning process that must take place. However, the

government brought forward the funding so that planning could occur and the school could get going. It is a wonderful school. Over the next couple of years it will be returned to the glory it deserves.

I turn to other education initiatives in the budget. An additional 450 teachers have been appointed to reduce class sizes in prep to grade 2 to an average of 21 students. That was a key Bracks government pledge prior to the election, and it has been delivered on.

An additional 210 student welfare teachers have been appointed in secondary schools across Victoria — another fantastic initiative. The Bracks government is developing a hallmark, and the hallmark of the previous government represents the opposite situation. The Bracks government wants to keep kids at school by making the amenities more comfortable and providing the necessary services and curriculums. The previous government let the retention rates slip to a point where the life chances of students were severely affected. The reality is that the longer students remain at school the more chance they have of obtaining long-term employment.

More funds have been provided in the budget for students with special needs. I am sure all honourable members have received inquiries from constituents about special needs funding to enable students to stay at school and learn. Some \$110 million has been allocated for capital works, and approximately 444 extra classrooms are being built to meet the requirements necessary to reduce class sizes and continue to improve school environments.

Comprehensive anti-bullying strategies have been developed. I have received great feedback from the local community about an information session that was held recently in the Seymour electorate. Today I read an article in the paper about the issue. People are really pleased. The initiative does not cost a lot of money, but it recognises the problem in the community and that people feel the issue is important. It was not an important issue in the past because it was not publicised.

A reduction in short-term teaching contracts will lift the teaching quality and improve teaching conditions. As a former school principal and teacher I want to expand on this issue. Most people understand the problem of teachers going to school, getting a job for a year — if they are lucky — and then not qualifying for loans for houses or cars. How could anyone try to be a family breadwinner while not knowing whether he or she will be employed from year to year? The system was abused by some schools, and sometimes people would not get

holiday pay. The government decided the policy was used too widely and has decided to reduce it to a more satisfactory level.

The \$170 million Regional Infrastructure Development Fund has created a lot of interest in the electorate of Seymour. The shires of Murrindindi, Mitchell and Strathbogie are developing plans, and it is important to note that the \$170 million is only one small part of the government's commitment to rural and regional Victoria. Just north of my electorate at Euroa some \$500 000 was provided for the establishment of a piggery and mushroom farm in what is now the Labor electorate of Benalla. The people of Benalla recognise that this government listens to rural and regional Victoria.

Some \$1 billion in infrastructure spending will occur over the term of the government. That money will be spread around the state and will create fantastic benefits. People are looking forward to improving their communities.

I am proud that the government is putting \$158 million into a targeted jobs package that will provide 32 000 jobs, of which I believe 6000 will be in apprenticeships. When I talk to tradespeople in my electorate they say they cannot get people to work for them because there are not enough tradespeople to come and help. I know the problem exists in Swan Hill because I have read about it and watched programs on television. Over the past few years governments have not spent enough time and money to ensure Victoria did not end up with the skills shortage it has today. This package will go a long way towards achieving that targeted goal.

Country people, even those of Liberal or National party persuasion, frequently tell me that they are rapt about the \$240 million accident black spot fund, with \$120 million being allocated for country roads. It is an important incentive, and it is great news.

Some 800 extra police are on our streets. I have spoken to local police officers in my electorate and heard about the problems the last government left behind, such as not enough sergeants to spread the burden of leadership roles in police stations.

It was raised locally by a councillor of the Shire of Mitchell, who I believe is the president of the Kilmore Liberal Party. There were not enough sergeants in Seymour to run the shifts, which apart from anything else was an occupational health and safety issue.

The budget delivers on key election promises, including community safety, schools and hospitals — in fact, the

government is providing 360 new beds across Victoria. The budget also provides for the Regional Infrastructure Development Fund and other special programs.

Last Friday night I attended a public meeting at Wandong about a local sewerage scheme. The Labor Party made an election promise of \$26.5 million to assist with the compulsory scheme for rural sewerage. I did not know much about the issue before the election, although I knew that some people in one of the towns in my electorate did not want the scheme. During the election campaign I did not get to tell the people of Wandong about the fantastic package that was on offer to them! The honourable member for Monbulk and an honourable member for Central Highlands in the other place also attended the meeting on Friday, and I am sure they had something to do with its organisation. I was able to announce what the government will do through the rural sewerage scheme.

I shall quote from the Kilmore *Free Press*. The headline reads 'Big discount for residents':

Over 500 Wandong and Heathcote Junction property owners have been given a huge financial bonus, with capital payment costs for the almost completed \$4 million sewerage scheme slashed by the Bracks government.

A public meeting attended by almost 100 residents on Friday night heard member for Seymour Ben Hardman deliver the welcome news. The breakthrough on payments — with many residents entitled to substantial refunds — has been widely welcomed.

Instead of having to pay \$2500 capital costs for sewerage works, Wandong and Heathcote Junction residents can pay either a one-off lump sum of \$800 or a low annual payment of \$80 per annum over 20 years.

If residents pay \$2500 up front they will receive a refund of \$1700. If they make a half-payment of \$1250 they will receive a refund of \$450. The government's budget has delivered everything it said it would for rural and regional areas.

There are many other issues I could talk about but other honourable members wish to speak about the fantastic first Bracks budget. I commend the bill to the house.

**Mr JASPER** (Murray Valley) — I have listened with great interest to the contribution from the honourable member for Seymour. He has been in the Parliament for only a short time and he is still wearing rose-coloured glasses! He should learn that there is a balance in all things. He would get a lot of credit if he gave recognition to what was done for Victoria through the 1990s, particularly the turnaround in the financial situation from 1992 to 1999. Interestingly, he implied

that nothing had been done in country Victoria in the past seven and a half years. I ask the honourable member for Seymour to visit my electorate of Murray Valley so I can show him some of the things happening in country Victoria. It is not all doom and gloom. We want more — everybody wants more! But for goodness sake, one must be balanced in what one says!

**Ms Campbell** interjected.

**Mr JASPER** — Even the minister must present a balanced view and recognise that some good things are happening in country Victoria. If she recognised that she would get more credit for what she is doing as a minister.

The honourable member for Seymour spoke about a lack of support for Victorians over the past seven years and then talked about the present budget. What he did not say was that the current financial year's budget — that is, the 1999–2000 budget — was set by the previous government and it will produce a surplus of approximately \$1.3 billion. The government is utilising that money in the budget it has prepared for the next financial year. I accept, however, that it is introducing new funding as well as continuing funding that has been provided to country Victoria over the past seven and a half years.

I was interested to hear the honourable member for Seymour talk about police stations in his electorate. Again I ask him to come to my electorate, and I have said the same to the Minister for State and Regional Development. I will show them new or near-new police stations right across my electorate. The Minister for Police and Emergency Services opened the new police station at Katamatite about a month ago. Who was responsible for getting that new police station? Dare I say that I had some involvement in ensuring a new police station was built rather than the old one simply being renovated, and the new station was funded by the previous government.

The minister gave due credit to the previous government and to the local member for his involvement in the building of the new police station. The minister also opened a new station at Glenrowan on the same day in the Benalla electorate. The previous government approved the funding.

Members of the government should take note of what is happening in country Victoria — it is not all doom and gloom. Of course it is tough in country areas because of the rationalisation going on. Primary producers do not earn the same amount of money they did 20 to 25 years ago. High costs against low incomes makes it difficult

for them to live the way they used to, and that situation is flowing over to country cities and towns.

North-eastern Victoria is doing very well. Industries along the border between Victoria and New South Wales in the electorate of Murray Valley include dairy companies such as Kraft at Strathmerton and Murray–Goulburn at Cobram; the Uncle Toby's factory employing 1200 at Wahgunyah; the Dominance factory near Wangaratta, where medium-density fibre hardboard is produced; and the textile industries in Wangaratta itself.

Complaints are being made about industry across country Victoria and Australia. It was disappointing to see the closure in the textile industry in the Hunter Valley, but the beneficiary was Bruck Mills at Wangaratta, which bought all the equipment. The transfer will mean an increase in employment of 150 at Bruck Mills, making a total of over 600 employees. It is a state-of-the-art factory with niche marketing doing well in the tough environment of the textile industries. Australian Country Spinners in Wangaratta is also doing extremely well in the tough textile industry.

In the electorate of Rodney the Leitchville Kraft factory will transfer some of its cheese-making operations to Strathmerton. I am disappointed for the honourable member for Rodney that he is losing employment and that Leitchville will lose out, but the gain will be at Strathmerton, where over \$100 million has been spent in developing a state-of-the-art factory that will produce a range of cheeses and milk products. Such developments need to be recognised.

I am also disappointed to hear comments from the honourable member for Seymour about funds being spent in country Victoria — many of the programs have not yet started. Try to get money from the Community Support Fund and you are told the new guidelines have not yet been produced. Millions of dollars a year go into the fund from gambling revenue. CSF funding is not being spent as it was in the past. The minister has hung his hat on the Regional Infrastructure Development Fund, which will put \$170 million into country Victoria. I welcome it as a great project and Murray Valley will be in for its share, but the amount will not be enough and will not start flowing until after 1 July. After nine months of the new government money has not been going into those areas.

Programs funded in the past through Business Victoria and approved by the current minister were put up before the change of government. For example, \$50 000 has recently been approved for upgrading the grandstand and lighting at the Wangaratta showgrounds

at a cost of \$115 000 with the balance of the costs found by the people of Wangaratta. It is being upgraded because the Olympic torch will complete the relay on 12 August and stop overnight at Wangaratta, concluding at the Wangaratta showgrounds. This is a great project which was put up before the change of government and held in limbo. I am pleased that in the past few weeks the Minister for State and Regional Development has approved the \$50 000 program. He recently launched a couple of programs in Wangaratta funded through Business Victoria.

I recognise that there has been a change of government and programs are being put into place, but the government should give some credit for what has been done in the past and recognise the good work of the previous government.

I have not always been accepted because of my comments while the coalition was in government — I stood up for issues important to my electorate of Murray Valley. Occasionally that put me offside with the former Premier. Despite that I was able to make representations on behalf of my constituents and secure developments in my electorate.

A minister swears to administer a portfolio without fear or favour. Ministers need to be reminded that is what they should be doing: looking after and recognising people across the state of Victoria. It is disappointing that the government is not recognising people outside Australian Labor Party electorates.

I have been in Parliament over 20 years — under a Liberal government, a Labor government, a coalition government and now back to a Labor government. I am getting fewer responses from this government than from any previous government, and the responses I do get are much slower.

The government needs to learn there are 88 members of this house and they all represent parts of Victoria that are important to them. The government needs to learn that it must be balanced and recognise that opposition members have the right to be present and speak in Parliament and to receive a just share of the funds for their electorates. It is important that ministers recognise the importance of replying to correspondence from members. I am having great difficulty getting responses to correspondence I send to ministers. In the more than 20 years that I have been in the Parliament I am receiving fewer responses from ministers now than I ever have with any previous government.

Ministers are visiting country electorates and they are coming to my electorate of Murray Valley without

informing me they are in the electorate. I remind the house that although I stood as a National Party candidate in the 1999 election and was elected on that basis, I am the elected representative of all the people in the Murray Valley electorate. It is important that ministers recognise that they are ministers for the whole of Victoria. When a person is elected to Parliament he or she is elected to represent a particular electorate; in my case I represent all the people of Murray Valley. The new government ministers could learn a lot from what has happened in the past and recognise that their roles are to administer their portfolios without fear or favour and look to achieve a balance in what they are doing.

I now refer to education, which is an important issue within my electorate. I remind city members of Parliament that I have 35 schools in my electorate and those schools benefited over the seven and a half years of the previous government. It is extremely disappointing to hear the Minister for Education and others say that nothing happened in education in the past seven and a half years.

**Ms Campbell** — Schools were closed!

**Mr JASPER** — I pick up the interjection of the Minister for Community Services because she is absolutely wrong. The minister should come up to my electorate. As I said, I have 35 schools in my electorate, and during the coalition administration 4 schools closed because they had fewer than 10 students. It is a sore point with me when I hear government ministers talking about closed schools when I have 35 schools across the electorate, and they are all great schools. They provide the highest standards of education to students across my electorate. I repeat for the benefit of the minister, who does not seem to understand: she should tour my electorate so I can show her a thing or two. I know she has been up there once or twice.

It is interesting to note that earlier this year the new cabinet visited Wangaratta. I applaud that and the fact the ministers met so many groups and people to learn about what is happening in north-east Victoria, particularly in my electorate of Murray Valley, in which Wangaratta is situated.

My greatest disappointment is that as the elected representative of the people of Murray Valley I was not invited to any function conducted by the government. The chief executive officer of the Rural City of Wangaratta rang me and asked if I was available to attend any of the functions. I said I would certainly consider any invitation sent. He rang the Premier's office and asked if the local members of Parliament

were invited to functions conducted by the cabinet in Wangaratta. The answer was no. As the local member of Parliament representing all the people in the Murray Valley electorate, I was not invited to any function!

**Sitting suspended 6.30 p.m. until 8.02 p.m.**

**Mr JASPER** — Prior to the suspension of the sitting I highlighted my disappointment that the new government is not giving the previous government credit for anything it did. I said the easiest thing in the world is to criticise. What we need in Parliament is balance on both sides of the house.

I talked about the responsibility of ministers and what they should be doing and what I should be doing as the honourable member for Murray Valley representing all the constituents of my electorate. I also said that I had worked with governments of all political persuasions and that I will continue to work with the government to get the best I can for my electorate.

I said that all is not doom and gloom. I spoke about the developments in my electorate of Murray Valley, but we need more. There needs to be a reintroduction of the programs set up by the previous government that have not been continued, and there are areas that need expenditure.

I spoke about education and said that my electorate has 35 schools, all of which are great. Since 1992 funding of about \$12 million has been expended at those schools on capital works and on the large range of programs introduced by the former government. Recently I spoke to the principal of a Murray Valley school who said, 'For every criticism of the previous government I can give you three or four areas of pluses and things that have been done'.

There needs to be a balance and responsibility on both sides of the house. The schools in my electorate had \$12 million spent on them between 1992 and 1999. However, I pay due credit to the budget introduced by the current government. Funding of approximately \$5 million has been approved for works on five schools in my electorate. Those programs were in the pipeline prior to the election and prior to the change of government. Wangaratta Primary School, Rutherglen High School and Numurkah, Cobram and Ovens secondary colleges will benefit from \$5 million being spent on them. I give due credit to the government for carrying on those programs. It should be recognised that a range of education programs continue to be provided.

One of the programs that have not been continued with — I am extremely disappointed about it — is the

police and emergency services Start program. Approximately \$6 million has been provided under that program since 1994 and a large range of organisations throughout the Murray Valley electorate have benefited from it, including the Wangaratta Players, the Wangaratta Football Club, the Tungamah Cricket Club, the Numurkah Netball Club — I could go on. Those organisations received grants of up to \$10 000 under a program the current government is apparently not going to continue. It involved the provision of government funding that was backed up by local funding, which achieved some great results. Such programs are important, and I believe the government should reconsider what it is doing with the Start program and ensure that it continues into the future.

If honourable members look at my electorate of Murray Valley and other electorates across northern Victoria they will see that development is taking place. That development needs to be recognised; however, it should also be recognised that the area has special difficulties and problems that need to be addressed by government at both state and federal levels.

I am concerned that recently a member of the government said, 'We will rebuild country Victoria', suggesting that nothing had been done in the past seven and a half years. I take exception to that, because that is not what has happened in my electorate. In the past three years over \$40 million has been committed to my electorate through a range of programs funded by the former government. I will be watching closely to ensure that the current government provides its share of funding to schools, hospitals, local government, housing, sport and recreation, industry and the arts in my electorate of Murray Valley.

**Mr HELPER** (Ripon) — I appreciate the opportunity to add my support to the budget brought in by the Bracks government — the first Bracks government budget — which is socially progressive and fiscally responsible.

Honourable members have heard that said with pride a number of times by members on the government side, and justifiably so, because it is a budget that delivers on the commitments the government made during the election campaign and sets in place the government's ability to continue to deliver for regional Victoria in subsequent budgets under the Bracks government, which is of particular concern to me.

The budget was well received in the metropolitan papers and in the local papers in my community, unlike the federal coalition's budget, which went down like a lead balloon. I well remember the headline on the front

page of the Ballarat *Courier*, which read, 'Fair share for country areas'. That balanced article reported on the socially progressive and fiscally responsible state budget.

I recently had the pleasure of receiving correspondence from the Rural City of Ararat in which the council expressed its appreciation to the government, the Treasurer and the Premier for the excellent budget that was delivered, particularly for country and regional Victoria.

I enjoyed attending a meeting of the North West Municipal Association in Beaufort just a number of days ago. The unanimous sentiment expressed at that meeting by many municipalities in the north-west of the state — many of which one could suggest are not politically affiliated with the government — was that the budget delivered well for regional Victoria.

On that basis it should be understood by honourable members opposite that when members from the government side rise in support of the budget, they do so with a great deal of pride.

Specifically, the budget delivered \$1 billion of infrastructure investment predominantly to regional and rural Victoria. There has been a drought of infrastructure investment in regional and rural Victoria.

All honourable members know the statistics. I will not labour the point, but the statistics demonstrate that investment in regional and rural Victoria absolutely dried up during the previous seven years. I note the fake outrage of the previous speaker, the honourable member for Murray Valley, at the suggestion by a member of the government that the budget will rebuild country Victoria. It is a clear and obvious fact that this is the first budget in seven years that actually takes regional country Victoria seriously.

The budget puts in place business tax cuts of \$400 million over the next four years. I was involved in small business as a proprietor of a service station, and I appreciate the signal those cuts will send not only to small business but to all businesses throughout Victoria.

One important component of the budget is the cementing into the budgetary process of \$170 million for the Regional Infrastructure Development Fund, out of which \$1.5 million will be committed to the redevelopment as a wine centre of excellence of the former Aradale hospital complex which was abandoned for a number of years. The wine industry is strong and continues to grow in my electorate, with export potential for the future. Unless we provide support mechanisms, such as the wine centre of excellence, the

wine industry will face increasingly stiff international competition and will find it increasingly difficult to maintain the cutting edge it currently has in Victoria.

Another highlight of the budget is the regional roads share of \$120 million of the total \$240 million funding for the accident black spot program. Just the other day I met a constituent at a dangerous intersection on the Sunraysia Highway. I have already received feedback from Vicroads that it is prepared to make a submission to eliminate that particular accident black spot and other potentially dangerous black spots in my electorate.

The budget also provides \$8 million for aged care in regional areas. That funding is primarily allocated to halt the former government's privatisation of aged care beds. Nothing irks a rural community more than to have raised funds and to have put in place and supported aged care facilities and then see them sold off by the government. Nothing is more moving for a local member than to have the aged community saying, 'We are sick and tired of having sausage sizzles and scone drives and so on to raise funds for facilities just to have them sold off to private entrepreneurs who see as the bottom line their profit rather than the care of aged people'.

I also highlight funding in the budget for education, because it is clear that education and health were the key issues on which the Labor Party focused during the election campaign. The budget delivers in those key areas. The budget provides a further \$23.8 million in the education portfolio for the reduction in prep-year 2 class sizes. That excellent initiative has been delivered in a timely manner without quibbling about whether it is a core promise.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Seitz)** — Order!  
The honourable member for Ripon, without assistance!

**Mr HELPER** — An extra \$14 million is provided this year for the broader Victorian certificate of education program — a total over four years of \$65 million — to provide in regional and rural areas of Victoria the broader choices in VCE subjects that are more readily available to school kids in metropolitan areas. What could be fairer than broadening the range of VCE subjects?

The budget also provides a commitment of \$24 million for school building programs specifically for rural schools. The function I perform most often is consulting with school groups and communities about the difficulties they are experiencing with their facilities. The government is giving a direct funding

commitment to address those difficulties. I will refer to that point more specifically when I speak about one of the schools in my electorate later in my contribution to the debate.

The budget also provides a commitment of \$39 million for school maintenance programs to ensure that school facilities are not run down and do not become dilapidated stock as they have over the past seven years. That important commitment will ensure that Victoria's kids, particularly the kids in rural and regional areas, can take pride in their school facilities.

A further commitment that is worthy of support is the allocation of \$800 000 for teacher scholarships as the first step towards attracting more teachers to schools, particularly in rural areas. I take up a point made by the honourable member for Seymour. He highlighted the important steps the government has taken by moving away from short-term teacher contracts. Teachers are important members of the local communities of small rural towns.

If teachers in rural schools are placed on short-term contracts they will not become the coaches of the local footy teams, they will not be members of the local progress associations and they will not take part in the dance teams at the pubs. They will not perform the important social functions teachers have traditionally performed, particularly in small communities.

The government has brought back a sense of pride to the education system and the professionals that work in it through the \$800 000 teacher scholarship initiative and the movement away from short-term contracts, and the community is appreciative of the efforts made.

A further highlight of the education budget is the commitment to provide \$22 million for disability and impairment services. That service is both worth while and long overdue, particularly in electorates such as mine where a significant number of children have disabilities and impairments. The government is also proud of the commitment to provide \$7 million for information technology.

I said earlier that I wanted to dwell on a particular school in my electorate — namely, Maryborough Secondary College. That college comprises two campuses: a junior campus catering for 368 students in years 7 to 9, and a senior campus catering for 571 students in years 10 to 12, which gives a total enrolment of 939 students. Both campuses are located reasonably close to the centre of Maryborough and both are on the historic sites of the secondary schools.

Maryborough Secondary College plays an important role in cementing the social fabric of Maryborough. The important functions of teachers and communities I mentioned before emanate from the staff of Maryborough Secondary College. The pride the community takes in the performance of the college adds to the social cement holding together the Maryborough community.

I wish to highlight some of the major achievements of Maryborough Secondary College. It is the sister school of a school in Osaka, Japan, and 30 students a year are exchanged between the two schools. That is no mean feat for a school of 939 students.

**The ACTING SPEAKER (Mr Seitz)** — Order!

The shadow minister for tertiary education and training has been having a conversation out of his seat and has had his back turned to the speaker, which is very rude.

**Mr HELPER** — I do not expect a great deal more than that from him!

Recently, the students of Maryborough Secondary College sent a student to the national science youth forum held in South Africa. I was privileged to attend an assembly of the school at which the student was acknowledged and the best wishes of the school community were passed on to her. The college band of the school has had several statewide competition successes in recent years and is to be highly commended.

Soon after my election as the representative of my electorate it came to my notice that the school needs better facilities. No-one is pretending the school has excellent building facilities; it has some real needs. One school building was damaged by recent floods, and a number of run-down facilities have not received funding for the past seven years. Before the budget announcement I inspected the two school sites and formed the opinion that there was a need for the facilities to be upgraded. I chose to follow the due process in an attempt to ensure the school received funds to upgrade building facilities.

I appreciate that the Department of Education, Employment and Training deals with a wide range of areas and covers a vast number of electorates and communities. I also understand that I need to take my turn when asking for funding for facilities in my electorate. An honourable member in the other place, the Honourable David Davis, argued in an adjournment debate that I was wanton in my efforts to obtain funding of \$730 000 for a facilities upgrade at Maryborough Secondary College.

In his presentation on the adjournment debate the honourable member suggested that the \$733 000 had been promised by the previous government. I stand to be corrected — although I doubt very much that I will be — but I found no mention anywhere in the previous government's last budget of \$733 000 for Maryborough Secondary College. One would have thought that my predecessor, who was the parliamentary secretary for education, would have ensured that any money genuinely promised would have been entrenched in that budget.

To top it all off, the shadow Minister for Education made almost the same claim in the house — namely, that the previous minister had promised \$730 000 for the school. I make the point again: that promise was never recorded in the budget papers, so one wonders on what basis the honourable member made that observation.

My point is that due process should be followed. The government has now begun that process with the school community. I have met with the school council and the teachers, and I am receiving constant feedback from members of the Maryborough community. We have agreed to develop a deliberate and strategic masterplan for the upgrading of facilities for secondary education in Maryborough — unlike the opposition when in government, which seemed to be more concerned with allocating resources on the basis of the marginality of particular seats than actual needs.

If, leading up to the budget, I had followed the advice given to me by the shadow Minister for Education, I would not have attempted to follow due process. Then, perhaps, Swan Hill Secondary College would have lost its \$250 000 allocation to continue its consolidation project. That project has attracted a total of \$2 million. I did not follow the advice, however, because as a local member I understand that one takes one's turn and that good decisions are made purely on the basis of the needs of particular school communities. I condemn honourable members opposite who adhere to a process of political pork barrelling as opposed to genuine identification of needs.

In conclusion, I find it gratifying to be a member of the Bracks government and to speak to the introduction of its first budget, a budget that has built a foundation for future budgets, all of which will be socially progressive and fiscally responsible. The community appreciates that an enormous backlog is yet to be met and that a huge amount remains — —

**Mr Wynne** interjected.

**Mr HELPER** — Yes, there is tremendous damage to undo, as the honourable member for Richmond points out.

I look forward to being a member of this government over the years to come and to being a part of the process of healing, of building rural and regional communities in particular, and of building the entire state.

In the short time left to me I highlight one initiative that is of particular importance to my constituents — the \$26.5 million small-town sewerage package. That package will remove the incredible up-front burden — —

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

**Mr ROWE** (Cranbourne) — Victoria: the place to be — or perhaps not to be. That is the question! But then again, Mr Acting Speaker, this could just be the winter of our discontent.

**An Honourable Member** — That's much ado about nothing!

**Mr ROWE** — Indeed, much ado about nothing.

**An Honourable Member** — You've been at the library again, haven't you!

**The ACTING SPEAKER (Mr Seitz)** — Order! The honourable member for Cranbourne, without assistance. He is quite capable of making his own case.

**Mr ROWE** — The government makes the running by taking credit for all the work of the previous government and by using the more than \$1.7 billion surplus from last year and the \$1 billion surplus, or thereabouts, in the year now drawing to a close. With a treasure trove like that one would expect to see every project of worth in the state carried out. One would expect continued growth in the construction industry, for example, fostered by a reduction in payroll tax. But no, what do we see? We see promises of future tax cuts, tax cuts that are not real, and a Labor government taking credit for Liberal initiatives.

Not one Labor-funded police officer has graduated from the police academy in Glen Waverley. All the officers who have graduated to date were put there by the former Kennett government.

Hospital spending is a farce. The Minister for Health says in private that it is impossible to fix the situation because there are not enough nurses to open the beds he

has promised. The former coalition government put a lot of money into ambulances, and all the new ambulances out and around were put out there by the former Kennett government.

The government claims to be a government for rural and regional Victoria, one that gives those parts of the state extra funds. However, in the last budget of the former Kennett government 35 per cent of expenditure went to country and regional Victoria, which has only 25 per cent of the population of the state. The Labor government, on the other hand, which claims to be the friend of rural and regional communities, has assigned less than 30 per cent of expenditure to country Victoria.

This is truly a winter of discontent for Victorians. Not only do they see the old tricks of Labor of setting aside billion-dollar slush funds, they are also reminded of sports rorts in Canberra — whiteboards and secret deals for the funding of capital works projects. There are no guidelines for the spending of the Regional Infrastructure Development Fund and guidelines have only recently been released for the \$178 million that was set aside for projects in regional Victoria. It is strange that the guidelines are available now because all the money has been promised, and in most cases it has been promised twice.

The Labor of old is returning — the Labor of short pockets and long arms with which it will spend the inheritance it received from the Kennett government. The unions are being seen to exert their domination over the Labor Party with the making of pay claims for public servants and nurses. Although there will probably also be pay claims for the police and all other public sector areas the government claims there will be only slightly in excess of a 3 per cent growth in the public sector wage bill during its term in office.

Given all of those issues it is no wonder there are projections of a cash deficit for the second and third years of the government's office. There are projections of something the Labor Party said it would never do — six months into government and on bringing down its first budget there is an indication of a cash deficit. The Labor of old has certainly returned. The Bracks government is run by the same Steve Bracks who advised Joan Kirner and John Cain.

Every Labor minister has been involved in some form or another with the previous Cain–Kirner administration — in its mindless spending, its rorts of paying teachers out of Public Transport Corporation funds, of giving bus proprietors cheques under their contracts and asking for them back as a loan with the promise of a bonus at the end of the day. That is the

type of government the Labor Party delivered last time it was in office — and the current government is the same.

**Mr Lenders** — You sold the buses!

**Mr ROWE** — The honourable member for Dandenong North interjects and says we sold the buses. He should get it right. Most of the bus services in Victoria were already privately run when the coalition took office and it was only the inefficient public bus sector that was franchised. The franchised services now run buses to within 400 metres of every door in their areas and deliver a service that would never have been delivered previously under the domination of the public transport unions.

**Mr Baillieu** interjected.

**Mr ROWE** — The trams were originally sold by the Labor government, and I think the electricity privatisation was started under former Premier Joan Kirner.

**Mr Lenders** interjected.

**Mr ROWE** — The house is being subjected to the bleating, whining and whingeing from the mob opposite, which is dominated by union apparatchiki and union clones. Cloning is certainly not new in Australia. I think Labor must lead the world in that area because every government member speaks like Paul Keating, acts like Paul Keating and spends like Paul Keating. I am sure that when the inevitable happens and Victoria's economy turns down, housing starts decrease and cranes go off the skyline, as happened under John Cain, Labor members will say, 'Oh no, it's not our fault; it's not the unions' fault. It's the recession we had to have'. And they will look to blame everybody else.

I turn to look at the things that were achieved in my electorate during the term of the Kennett government. In excess of \$30 million was spent on education. In particular, the Kennett government planned to commence construction of a new primary school to replace the temporary buildings that have existed at Tooradin Primary School for some 30 years. It was anticipated that construction would have commenced in the next financial year with completion in 2001–02, but under the Labor government the project is not likely to get a guernsey until 2003–04.

The former Kennett government also agreed to replace the portable classrooms at Rangebank Primary School and allocated \$1.2 million for permanent buildings. Rangebank is an excellent school that has struggled for a number of reasons, including changing demographics

around it. It has an excellent teaching staff, a dedicated school council and a fine principal, and it has looked to develop a niche curriculum. Enrolments are now increasing to the point where the school deserves to have its temporary classrooms replaced.

I had a bit of a laugh when I looked in the budget and saw the line 'Special school for Cranbourne'. I started the project four and a half years ago and negotiations have taken place with the City of Casey to purchase the land. It was budgeted for by the previous government. The charlatans opposite are now claiming credit for a project started more than four years ago.

I turn to Labor's empty promises on secondary schools. Labor promised the people of Carrum Downs that in the first term of government it would build them a secondary school. Guess what happened? A by-election came along in Frankston East. The result of building a fully fledged secondary college in Carrum Downs would be that enrolments at Monterey Secondary College would decline and eventually that school would close. What did the now honourable member for Frankston East and the Minister for Education say? They promised the people of Carrum Downs that Monterey Secondary College would not close and no facility at Carrum Downs would in any way affect Monterey.

Whom did the government lie to? Probably the people of Carrum Downs, because I won the seat.

**Mr Lenders** — You did not win Carrum Downs.

**Mr ROWE** — I did so. Alternatively, did the government lie to the people of Frankston East? That is one thing the former honourable member for Frankston East would never have done. Peter McLellan never once lied to the people living on the Pines estate about a preschool. During the election campaign the Labor Party either lied to the people of Carrum Downs or lied to the people of Frankston East.

I now turn to the development of the Cranbourne Institute of Technical and Further Education, stage 1 of which was completed under the former government. The construction of stage 2 was funded by and commenced under the former government, but I bet the mob on the other side will not invite me to the opening. You may be sure I will take the credit for it, Mr Acting Speaker, not only in this speech but at every other opportunity I have.

I congratulate the executive of Cranbourne TAFE on having the foresight to move the teaching of the agricultural and horticultural subjects from the Carrum campus to Cranbourne, which is one of the largest

vegetable growing and dairying regions on the outskirts of Melbourne. I also hope the institute expands its equine studies course, given that the racing industry is one of Cranbourne's largest employers.

I turn now to transport and roads and the Labor Party's promise to extend the Cranbourne rail line. The government has allocated the pathetic amount of \$4.6 million for four train and tram line extensions. If it is done properly the Cranbourne rail line extension will cost more than \$22 million by itself. The government is already trying to condition the people of Cranbourne to accept a second-class service on a line extending out into the paddocks.

I believe the Labor Party is also trying to condition the people of Cranbourne to accept a shuttle service from Cranbourne to Dandenong, something about which it must have a fetish, because in 1991 it put a proposal to the federal government that the Cranbourne rail line could be serviced by diesel Sprinter trains. When the coalition parties came to government the transport minister, Alan Brown, negotiated a recosting of the proposal with the federal minister — and surprise, surprise, Cranbourne got an electrified rail line for the equivalent cost of diesel Sprinters and a second-class service.

I recently attended a public meeting about work on a road in my electorate that Vicroads failed to tell me about. Be that as it may, when I wrote to the Minister for Transport to raise concerns about roads in my electorate, I did not receive a reply; I was simply ignored. In the closing paragraph of my letter I invited him to examine the roads with me, with no press in attendance and no kudos for me, because I believe political posturing should have nothing to do with public safety. I did not want any kudos; I just wanted the minister to see the roads for himself.

It was interesting that when I turned up at that public meeting, which I was not told about, the Vicroads representatives were being asked questions about the rebuilding of a section of road that stretched from the Clyde roundabout to Five Ways, which is pretty much a dog track. Last year the former government reclassified the road as a government main road, funding for which is now the responsibility of the state government.

Several serious accidents have occurred on the road, which abuts several large market gardens. Articulated vehicles use the road to deliver raw materials to Ingham's feed factory and take away the pellets, which they deliver to the large chook farms in the area. Articulated vehicles and B-doubles also use the road early in the morning to take the excellent local produce

to the markets. In answer to a question, Vicroads representatives agreed that that section of the road was the worst and that it should have been done first. However, that was a political decision by the Minister for Transport.

**Mr Cooper** — A big change.

**Mr ROWE** — A huge change.

**Mr Pandazopoulos** interjected.

**Mr ROWE** — As the minister for sport, tourism or whatever — —

**An Honourable Member** — All things bright and beautiful!

**Mr ROWE** — It is hard to remember what the ministers' titles are. They all have so many jobs it is no wonder nothing is happening in Victoria. They do not have the time to spend a week working on one of their portfolios.

**Mr Cooper** — What office does one go to?

**Mr ROWE** — Exactly. Whether or not one gets there before 9.05 a.m. and leaves before 5.00 p.m. — —

**Mr Baillieu** — Which place to be.

**Mr ROWE** — Or not to be, that is the question. The Minister for Transport now makes decisions for Vicroads, a situation that never applied before.

**Mr Baillieu** — Who was the former minister?

**Mr ROWE** — Mr Craige in another place was the former Minister for Roads and Ports, and he worked closely on the upgrading of railways with the former Minister for Transport, the honourable member for Mornington. Victoria has an excellent public transport system that runs on time, is clean and safe and has a ticketing system that works. Now, of course, that Peter Batchelor is the Minister for Transport, it is strange that there are no more breakdowns on Parliament station!

The road at Five Ways is a priority and should be looked at. I hope the minister responds to my letter and takes up the opportunity to visit me out there. The former government put in place a strategy for Thompsons Road, and I would like to see that continued through, certainly in Sladen Street, Cranbourne.

On the township bypass issue, Vicroads assured me the other night that it is continuing to work with the City of

Casey and is quite happy to meet me to discuss the issue, but it will not discuss the policy because it is not allowed to. This is an honest and open government! We want to see those projects.

One of the big projects not included in the budget, a project promised by the former government, which funded the first \$2 million, is the Australian Garden at the Royal Botanic Gardens in Cranbourne. It is an excellent project and it would make the Cranbourne botanic gardens a tourist attraction second to none. I trust that I would have the support of my colleague the honourable member for Dandenong and Minister for Tourism in trying to convince his do-nothing colleague, the Minister for Environment and Conservation, that this project should be funded. Some \$21 million would create 500 new jobs in Cranbourne.

It is a project the government has passed up. It had already been through the process of the bureaucrats and had the support of Treasury and the previous government. The project should have had this government's support, but it does not. The Bracks government is a do-nothing government. It will send Victoria into debt in the third and fourth years of the projected budget.

**Mr PANDAZOPOULOS** (Minister for Gaming) — I do not believe it is planned that every time I contribute to a debate it is just after either the honourable member for Berwick or the honourable member for Cranbourne, but it is convenient to be able to listen to their contributions and provide the contrary view.

Opposition members were in government for seven years, and we are now all drowning in crocodile tears. Within days of the Bracks government being sworn in members opposite were saying, 'What are you doing about this and that?'. Seven months later they are still asking.

In relation to the south-eastern suburbs, only the Labor Party prepared a written plan that the City of Casey said was really good. The council called on the Liberal Party to prepare a written plan of its commitments for the region. The government will fund that committed plan over its lifetime and it will be implemented in consultation with the local council and local communities.

We have heard a lot of whingeing and whining since the change of government. We know members opposite find the situation very difficult. There are complaints about not being consulted and not being able to get advice from government departments and talk about

policy, but the opposition has much more access to government than members of the Labor Party ever had in opposition. I could not even get into a government school unless the Minister for Education approved the visit. Opposition members can visit any school and scaremonger about investment in schools and lie and mislead communities. They have more access to the government than we ever had. Members opposite are not in government, and of course they complain.

The Bracks government is committed to providing the services it promised. We will deliver what we promised and deliver it responsibly. It is a great pleasure to be a minister speaking on the first Bracks Labor budget. I represent the south-eastern suburbs and my electorate is surrounded by coalition-held seats. People in those seats want to talk to me because they do not think they will get the necessary level of support from their local members. The Bracks government is prepared to support communities irrespective of the party that represents the electorate in which they live.

The Bracks government will fund the needs of communities. The biggest item in the budget for the City of Casey is the five new schools that will open in 2002. It is the single biggest investment in new schools in any community in Victoria's history. As the chief executive officer of the council, Mike Tyler, said, more than 50 per cent of the new schools capital works budget will be spent in Casey.

**Mr Baillieu** — Is it guaranteed?

**Mr PANDAZOPOULOS** — We guarantee it. When you were in opposition you just talked about it — we guarantee it!

One of the schools receiving funding is Berwick Primary School. The former government talked about relocating the school, which was bursting at the seams on a small site. The former government spoke about it for so long, but we will fund it and open a new school in the electorate of the honourable member for Berwick in 2002.

The government is also funding a new special school in East Cranbourne in the electorate of the honourable member for Cranbourne. If they are needed, we will fund them. The honourable member for Cranbourne talks about it as an initiative he took, but was it funded by the former government? No. Members of the former government were great ideas people but I am not sure they had the muscle to work with their ministers and the former Premier to ensure that projects were budgeted for and put in the forward estimates rather

than being all talk. The Bracks government is happy to fund such projects when and where they are needed.

These projects are guaranteed in the fastest growing area of Victoria. A new primary school and a new secondary school will be built in Narre Warren South and a new secondary school will be built in Brentwood Park in the southern part of Berwick. What has the government heard since the announcement? Nothing but complaints from the honourable member for Berwick and the upper house members for Eumemmerring Province. What do they say? They say the government is not moving quickly enough. Did they do the work or put money aside to forward plan for these schools? I have been involved in campaigns to get a primary school in Narre Warren South for more than three years and secondary schools in Berwick and Narre Warren South for more than two years.

When you get into government you find out what the former government's reports were saying. Reports provided by the honourable member for Berwick prior to the 1996 election show that these schools should have been funded. Were they funded? Obviously the former Minister for Education was not listening to the honourable member for Berwick. They were going out telling communities the schools would be funded, but the schools did not appear in fast-growing areas such as Narre Warren South, where the majority of kids go to 7 schools that are in a built-up area approximately 7 kilometres away from where they live, and where all the kids are spread among 19 schools. What sort of community does that build in a fast-growing area? Narre Warren South hardly existed when I was elected in 1992, and it is now a suburb bigger than the Rural City of Ararat. There was no infrastructure.

The Bracks government has funded five schools in the area. We have been criticised because the Narre Warren South Primary School is not going to open next year. The government said it was happy to open it in 2001, but it wanted to consult with the community. A public meeting was held at which the community decided that it would be better to build prep-to-year-12 facilities with the schools being next to each other, with the primary school opening in 2002 and the secondary school opening in 2002. The community thought that would provide a better educational outcome for local students.

Members of the government worked with the community, even though we said we were happy to open the school in 2001. The two parents groups lobbying for schools in the area agreed with us. The honourable members for Eumemmerring Province criticise the government for funding something the

local community is happy for us to do and criticise a project about which the former government did nothing. All honourable members opposite did was criticise communities for lobbying for schools.

The honourable member for Cranbourne is one of my constituents. He lives in Narre Warren South and knows how quickly the area is growing. He wanted to move into an electorate where the local member obviously works hard. He wanted to see local schools, and we are happy to provide that. I am proud to be a minister in the government that is providing those five schools and a member who represents the area where five new schools will be available in 2002. The government is trying to play catch-up on past neglect.

The government saw the crocodile tears shed about roads. The honourable member for Cranbourne spoke about the strategic infrastructure planning study just before he raised the legitimate issue of roads in the City of Casey that need to be fixed. Many roads not just in his electorate or my electorate, but also in the electorate of the honourable member for Berwick, were not addressed. The strategic infrastructure planning study prepared under the former government was available, but everyone is critical of it because even though it was an attempt at strategic planning setting time frames for when roads were needed, so many other roads were not included.

The former government was secretive and did not consult the community; it did not want to talk to the community, and yet the honourable members for Berwick and Cranbourne are complaining about the lack of road funding in their areas!

The government believes a report like the strategic infrastructure planning study is a good idea, and now that the Hallam–Narre Warren bypass is being funded, it would like the City of Casey to use some current growth figures to develop a plan showing what roads should be funded on a year-by-year basis so that Casey will have an appropriate plan to put to government. The opposition is complaining that the government is not moving fast enough on roads it failed to fund when it was in government.

The Labor Party went to the election with a plan for roads as well as a \$240 million accident black spot funding program. A lot of catch-up work must be done in the City of Casey. The community understands that the government will not build everything in year one or two, but it will do it as fast as it can. That area has been poorly funded for a long time and, as I said, it will take years to catch up with the growth.

Opposition members are complaining about the Scoresby bypass. I remind them that their federal colleagues cut funding to the state government again this year. The Victorian government pays 26 per cent of all petrol taxes to the federal government. Last year only 18 per cent was returned for road funding and this year the federal government will return only 15 per cent. That extra money could have been spent on building the Scoresby bypass or another freeway extension like the Pakenham bypass.

The Honourable Neil Lucas, a member for Eumemmerring in the other place, has been whingeing and whining about the Pakenham bypass. What is he doing to get his federal colleagues to ensure Victorians are no longer short changed on road funding? If Victoria were funded at the same level as the petrol taxes it pays to the federal government, this government could build an extra Hallam–Narre Warren bypass every year. The Bracks government could do a lot more, but the opposition is not doing anything to push its federal colleagues to improve the situation. Have the shadow Treasurer or the shadow transport minister issued press releases criticising their federal colleagues for again cutting road funding to Victoria? The answer is no. They would rather stand up for the federal coalition than for Victoria, and that is why the coalition lost the last state election and why it lost the Benalla by-election. It has learned nothing.

The government has made many commitments to road funding in the City of Casey in my electorate as well as in the electorates of the honourable members for Cranbourne and Berwick. The government will fund its commitments according to a reasonable plan. It said the Narre Warren North Road would receive funding, and following the budget the honourable member for Berwick publicly applauded the government for that. The government is pleased that at least someone has realised that, despite politics, it cannot be criticised for its funding policy.

When in opposition the Labor Party started the campaign for better roads in the City of Casey. Bob Ives, a former MLC for Eumemmerring Province, campaigned on that issue, putting petitions in letterboxes in the Maramba and Oatlands estates as well as all the estates running off the Narre Warren–Cranbourne Road. He tried to get the honourable member for Berwick to pull his finger out and get something done in the area. The Labor government is funding the extension to the Narre Warren North Road.

The Honourable Neil Lucas, has criticised the lack of response by the government about the Narre

Warren–Cranbourne Road. He has forgotten that the government has a written policy showing which roads will be funded. This government is committed to widening the Narre Warren–Cranbourne Road from the Princes Highway all the way to Fleetwood Drive. Mr Lucas is the only member for Eumemmerring speaking to the press because the other member representing the province, the Honourable Gordon Rich-Phillips, is still on L-plates — but he must be given the benefit of the doubt. The honourable member for Berwick has said his electorate has been given road funding as a result of seven months of opposition campaigning rather than the fact that the then Labor opposition consulted communities, formulated a written plan and campaigned for better roads in the area.

**Ms Asher** — We know you know.

**Mr PANDAZOPOULOS** — We know and you know that you guys are in a lot of trouble! At least the government has a written plan for roads.

The opposition also whinges and whines about what the government is doing about the proposed Berwick hospital. The honourable member for Berwick complains time and again about the Labor Party having a hidden agenda in its commitment to that hospital. He did not inform his constituents that his government's preferred tenderer for the project was pulling out because of contractual arrangements imposed by the previous government. It all folded during the time of the caretaker government, but the opposition has not been decent enough to tell the public exactly what happened. The Bracks government is committed to building the Berwick hospital — it will happen. The community knows the government is committed to it, despite the complaints of the honourable member for Berwick.

The honourable member for Berwick is also complaining about the Endeavour Hills police station — another complaint. The opposition wants hundreds of millions of dollars spent in seven months; it wants the government to fund its four-year election commitments in seven months. There will be an Endeavour Hills police station in this term of government — —

**Mr Baillieu** — Do you guarantee it?

**Mr PANDAZOPOULOS** — In this term of government, absolutely.

It is a pleasure to be a minister and to talk about the great things happening in my electorate. I am proud to represent one of the most multicultural areas in the state and to be the Minister assisting the Premier on

Multicultural Affairs. It has been a pleasure for me to implement multicultural initiatives, and particularly to increase Multicultural Affairs Commission grants to communities for the first time in nine years. The government has funded an additional 160 ethnic community organisations. It is minor financial support, but recognises the great work done by ethnic organisations whether in Melbourne or country Victoria. They are helping each other and their elderly citizens and acting as a mouthpiece for local communities. It is important for the most multicultural government in the country to strengthen ethnic community organisations in the most multicultural state in Australia.

In the budget the government announced a new initiative — that is, a minor capital works program for ethnic communities to upgrade, for example, kitchens in community halls. Small allocations of \$10 000 each will assist in upgrading community facilities.

**Mr Baillieu** — Marble kitchens!

**Mr PANDAZOPOULOS** — I wonder about ethnic communities in the Hawthorn electorate. The honourable member is saying the government will fund marble kitchens. That is why the opposition lost the election — it is so out of touch. How insulting to our ethnic communities! Previously there had been no funding program to support ethnic community organisations and to upgrade community buildings.

The honourable member for Hawthorn implies the money will be wasted. Communities are putting in \$20 to \$30 for every government dollar, so it is a good government investment. The opposition claims to be bipartisan in multiculturalism, yet the honourable member for Hawthorn makes comments that show how much he has to learn. Perhaps he should talk to the shadow minister, the honourable member for Caulfield, who understands multicultural matters.

Comments about tourism have also been made by the honourable member for Hawthorn, a former member of the board of Tourism Victoria. The opposition put out a press release criticising the government for not putting regional representatives on the board. Is the member being replaced by a regional representative? No.

*Honourable members interjecting.*

**Mr PANDAZOPOULOS** — Was the other representative, the honourable member for Evelyn, a regional representative? No. The government is appointing people with a regional focus such as the president of the Country Victoria Tourism Council,

who has been reappointed. The government has reappointed some of the opposition's nominees.

All opposition members do is whinge and whine and moan and groan. The government is getting on with the job. In the budget the government has increased regional events funding by \$0.5 million — a 170 per cent increase on the amount provided by the previous government — which has been loudly applauded by regional tourism organisations.

**Mr COOPER** (Mornington) — It is a pleasure to be able to take part in the debate on the budget. First, I compliment the Deputy Leader of the Opposition, the honourable member for Brighton, on her excellent speech on 11 May in response to the budget. It was her first speech on a budget as shadow Treasurer, and she put the position of the opposition and a large section of the community well. I am delighted the deputy leader is present to hear something that will add further to the consideration of the budget by the house!

Among other things the Deputy Leader of the Opposition called the budget a lost opportunity. It certainly was a lost opportunity in so far as the budget did nothing to arrest declining business confidence. It is a matter of concern to anyone with the future of the state at heart to read statements from organisations such as the Victorian Employers Chamber of Commerce and Industry (VECCI), the Victorian Automobile Chamber of Commerce and others.

The comments started early this year. An article in the *Age* of 14 February under the heading 'Victorian business confidence falls under Bracks' states:

Victorian business confidence has fallen sharply since the election of the Bracks government, according to a survey by the state's main employer body.

The 1999 December quarter survey by the Victorian Employers Chamber of Commerce and Industry found that 19 per cent of businesses believed the state economy would grow strongly in the next 12 months.

This was down from 43 per cent of respondents holding a similar view in the September quarter survey.

The depressing part is that the latest information from VECCI shows the decline in business confidence is continuing. No opposition member should take any pleasure from that because when business confidence declines, investment also declines and job opportunities start to shrink. All honourable members, regardless of their political persuasion, would be keen to see the growth that has occurred in Victoria since 1992 — the growth that was driven so hard by the former Kennett coalition government — continue under the current Labor government.

It is of no pleasure to read and hear statements from major employer organisations that their members are starting to reduce their expectations of government and their confidence in the future of Victoria. The government needs to address that urgently. It was warned in February about declining business confidence, and therefore it had the opportunity to address it in the budget.

The opposition also urged the government to examine payroll tax. The house will recall that the former coalition government reduced payroll tax from 7 per cent to 5.75 per cent, which gave Victoria a lower payroll tax than New South Wales. It certainly assisted business and investment, and set the scene for increased employment.

What was the message from the Premier, as the Treasurer, when he presented the budget? The Bracks government's message to the business community was it might cut payroll tax some time, but in the meantime it increased workers compensation costs. Today during his contribution to the debate the Minister for Major Projects and Tourism was asked by the honourable member for Hawthorn by interjection whether he would guarantee the business tax cuts that had been forecast by the Premier. The minister declined to give the guarantee. The minister gave a guarantee about things in his own electorate, including schools in the Pakenham and Berwick area. However, as I said, when he was asked directly by the honourable member for Hawthorn whether he would guarantee the business cuts that were forecast by the Premier when he brought down the budget, he declined to give a guarantee. The minister is in very good company: the Premier has also declined to give a guarantee.

The government is sending the message to the business community that it might, if the weather is fine and if it has no other priorities, give us a tax break some time. It will not tell us when: it might do it; then again, it might not. Is it any wonder that business confidence is declining in that climate and with that kind of message coming from the Premier and from other ministers during this debate?

The opposition is telling the business community that it needs to apply more pressure to the government to get those kinds of guarantees. Employers are apprehensive. They all have vivid memories of the Cain and Kirner Labor governments which regularly belted business all over the place. Another memory is that two of the principal advisers to the Cain and Kirner governments are the present Premier and Deputy Premier. Is it any wonder that the business community in Victoria has concerns? Is it any wonder that it is seeking assurances

from the government? It is sad that the government is more concerned about giving assurances to the groups it believes are important to it — such as the unions and other lobby groups — than it is about giving support to the business community.

Ministers are asked almost on a daily basis to guarantee the employment growth target that has been set by the government. Today the Minister for Finance gave a response that was no response at all. She shifted away from and all around the question. The minister refused to answer the question and say that the government stands by its employment forecasts. Of course it cannot stand by them, because it will not give business the kinds of assurances it wants on tax breaks. It is small business and the private sector that will grow employment in the state. It is the business community, not government, that will do that.

The budget was the government's first opportunity to set the scene and say to business, 'Here are the guarantees we will give you; this is the climate over the next three or four years you can expect from the government; these are the tax cuts we will deliver to you, and we commit ourselves to delivering those tax cuts. You go out there and grow your businesses and grow the economy of the state'. That is not the message the government sent to the business community. It was a sad day when the first opportunity the Premier had in bringing down the budget was a lost opportunity. It is something that I regret, and I hope it will be corrected by the government in the very near future because business is looking for that commitment.

When one considers what the government inherited from the former Kennett government, one has to say it has been given every opportunity to push the reforms that the business and general communities are seeking. I refer the house to the Australian Bureau of Statistics (ABS) 1998–99 report on Victoria. It clearly shows what a good job the Kennett government did in restoring and building Victoria from the shambles left by the Kirner government in 1992. The record of the Kennett government is truly remarkable.

The ABS report revealed that for 1998–99, during the time of the Kennett government, Victorians easily outstripped all other Australians on the key measures of living standards. I refer to individual areas of the ABS report. Employment reached its highest level in state history in 1999, with almost 300 000 more jobs than in 1992. Honourable members well recall the 12 per cent unemployment record of the Cain and Kirner governments. Under the Kennett government unemployment reached a record low of 6.8 per cent for the September 1999 quarter.

In 1998–99 Victoria was Australia's fastest growing state. It had the highest business expenditure on R & D of any state. Exports were up. Manufacturing turnover was at a record high and outpaced New South Wales. The value of state exports in 1998–99 was almost double the 1991–92 levels. In building and construction, the value of new building approvals was double the 1992 levels and consumer confidence was shown by record levels of retail turnover and vehicle registrations. When the Bracks government took over, the outgoing Kennett government could be proud of the business environment. It was a legacy handed to the Labor government for which it should be thankful.

What have government members said in this debate? A number of them have spoken, including the Minister for Major Projects and Tourism. Much of the government's rhetoric has concentrated on the alleged failure of the former Kennett government to deliver benefits to all Victorians.

I make two important points about those allegations, which have been repeated time and again. We all know that if such untruths are repeated constantly and not rebutted, they become fact in the minds of the general community. The first point that needs to be made is that Labor rhetoric conveniently ignores Victoria's financial position in 1992, after 10 years of Labor government.

Victorians should not forget that when the Kennett government came to power in 1992 it inherited a \$32 billion debt and a \$2 billion budget deficit. Most of the recurrent budget was being financed by borrowings, most of those borrowings were being financed by further borrowings, and the interest on the borrowings was being financed by even more borrowings. Such was the economic insanity that was the hallmark of the Cain and Kirner governments.

Now Victoria has another big-spending Labor government whose budget initiatives have been made possible only because of the \$1.7 billion legacy left by the Kennett government! The big question to be asked is whether the government can be trusted to handle the funds properly. It has already taken one big bite out of that surplus, reducing the legacy to \$592 million in only one budget. Over the next two or three years the opposition will be interested to see the size of the bites Labor takes as it spends away, paying little or no attention to the revenue side of the budget.

The second point to be made about Labor's allegation that the Kennett government did not deliver benefits to all Victorians is that it is simply not true. The facts speak for themselves. Other members on this side will talk about matters in their own electorates. In the short

time left to me I will give some examples of the expenditure record of the Kennett government in my electorate between March 1996 and September 1999, a little over three years.

Earlier the honourable member for Murray Valley spoke about the expenditure record of the Kennett government in his electorate. He was very complimentary of that record because through his efforts and those of the former government his electorate received a significant amount of money. I can say exactly the same thing, because in a little over three years more than \$65 million was allocated to the Mornington electorate, of which more than \$42 million went on schools and kindergartens.

The Minister for Education stands up and rabbits on, playing fast and loose with the truth by saying that the Kennett government ignored spending on education services, education infrastructure and education generally. The record shows that the Minister for Education is not telling the truth, just as she did not tell the truth when she made allegations about me during a recent adjournment debate, as a result of which I had to make a personal explanation. She deliberately set out to fudge the record then, just as she does not tell the truth when she talks about the money allocated for education throughout the state or in the electorate of Mornington.

As I said, in that three and a half years more than \$42 million was spent on schools and kindergartens in my electorate. Significant sums of money were also spent on the arts; roads; road safety; public transport; family support; the environment; youth; disability services; industry and employment; sport and recreation; older persons — more than \$5 million; water safety — a very important matter in my electorate, which has Port Phillip Bay on one side and Western Port Bay on the other; community groups; health — more than \$6 million; housing — more than \$1 million; and local government and planning. I repeat: more than \$65 million was spent in my electorate in that three and a half years.

The previous government's spending record was just as good. Despite the rhetoric of the Minister for Major Projects and Tourism who said he had to get permission to go into schools — I have never heard such rubbish — between 1992 and 1996 the Kennett government ensured that all electorates around the state had money spent on them. Money was spent by the drayload in the minister's electorate, because it is a growing area — and the southern part of his electorate, which abuts the electorate of Berwick, is growing significantly. As the Minister for Transport between 1997 and 1999, I know that the growth areas of

Berwick and Cranbourne were looked after very well. The former government did not shy away from the consequences of its decisions, which were not made on political grounds.

The honourable member for Cranbourne was told by Vicroads that decisions about allocating funding for urgent roadworks in his electorate were political decisions. That sort of thing did not happen under the Kennett government.

**Ms McCall** — It is a disgrace.

**Mr COOPER** — It is a disgrace that that is happening under the current government, given that it has been in office just a short time. Labor is playing favourites with road safety and acting in what it thinks are its best interests. The honourable member for Cranbourne gave the example of a dangerous section of road, which I know well, that runs to Five Ways through Clyde. I believe that section should be duplicated, and Vicroads believes it should be, too. It has clearly been stopped by the Minister for Transport, which is a disgrace. This is a budget of lost opportunities. However, fortunately the government has some time on its side, which I suggest it uses to repair the damage it has already caused.

**Ms OVERINGTON** (Ballarat West) — Firstly, I reassure the honourable member for Mornington that I am not a product of Labor rhetoric. I am reality, and I am here because I listen to my community.

I have much pleasure in speaking on the first budget of the Bracks Labor government, which has been welcomed by people throughout the state, and I am pleased to say that it has been keenly welcomed in my electorate.

The budget delivers real benefits to real people. It is about the Bracks Labor government delivering on its election promises, in contrast to the close-sack-and-burn mentality of the previous government. The budget is about promoting growth through providing more resources, including more resources for our schools and hospitals. The budget is about delivering on education and training, health and community services, justice, a safer Victoria, infrastructure, culture, and tourism and sport. It is about delivering for rural and regional Victoria, business and industry, and the environment.

During the state election Labor said it would promise only what it could deliver. Labor is committed to delivering responsible financial management, growing the whole state, improving services, and restoring

democracy — and the first Bracks Labor government budget delivers on those commitments.

In my electorate of Ballarat West, projects announced in the budget include \$6 million to complete the redevelopment of the Ballarat Base Hospital, which will be a wonderful facility when it is completed. The previous government made only progressive grants available, but the Bracks Labor government has delivered to complete the total redevelopment of the hospital which will include a new emergency department, a new intensive care unit and a new day care procedure area and will complete new facilities for ambulatory care.

Ambulatory care is a new concept in the field, and I understand the professionals at Ballarat Health Services are extremely excited about that new concept.

Funding of \$600 000 will be provided to enable the establishment of 24-hour MICA units in regional Victoria, which includes Ballarat. For a number of years many people have lobbied for that essential service, and I have no doubt that it will save many lives in future.

The Ballarat fast train project moved a step closer to reality with \$24 million being earmarked for the Ballarat line. Once again, the project has had the support of many groups and businesses and the general public in Ballarat.

A commitment for road accident black spot funding in Ballarat is also very welcome. Ballarat people will applaud the announcement of funding of works at the Skipton and Drummond streets intersection — anybody who has ever tried to make a right-hand turn from that intersection will know what I mean — and also in Main Road, Mount Clear. For years funding has been sought for those hazardous areas. Finally, those two very difficult intersections will receive much-needed funding.

For people who share a love of sport, \$200 000 has been allocated for the surface upgrade of the Eastern Oval and \$50 000 for the Eureka Pool toddlers pool.

They are not the only projects delivered to Ballarat. We will share in the \$170 million Regional Infrastructure Development Fund. The first project, which will receive \$5 million, is dedicated to vocational education and training to assist our young students and give them far more opportunities and choices.

Ballarat will also share in and benefit from the statewide programs in education and training: an additional \$23.8 million to employ 350 extra teachers;

\$22 million to help students with disabilities and impairments; an extra \$127 million funding boost for TAFE; and \$65 million to broaden education and training pathways.

**Ms Asher** — On a point of order, Mr Acting Speaker, I have been listening to the honourable member for Ballarat West very carefully, and I have also been observing her over the past 5 minutes. Although one is always ready to give latitude to new members it is obvious to me that she has been reading every word of her speech.

I do not mind if members use copious notes, but it has been a longstanding tradition of this house that members do not read speeches. I can see now, as she is almost showing me the notes, a fully written and scripted speech. I have given the honourable member 5 minutes to get into her speech before I have raised this point of order.

Mr Acting Speaker, given that it has been a longstanding tradition of this house not to read speeches, I request that you urge the honourable member to make her speech about her electorate, with which she should be familiar, and not to read her speech from a prepared text, which for all we know could have been prepared by someone else.

**The ACTING SPEAKER (Mr Jasper)** — Order! On the point of order, does the honourable member for Ballarat West wish to make a comment?

**Ms OVERINGTON** — Mr Acting Speaker, these are my own notes, made in my own hand for my own use. They are notes only, not a speech.

**The ACTING SPEAKER (Mr Jasper)** — Order! While I acknowledge the point of order raised by the Deputy Leader of the Opposition, it is a longstanding tradition in this house that members do not read speeches but that they may use copious notes. I trust the honourable member for Ballarat West will be able to contribute further to the debate with the minimum use of notes.

**Ms OVERINGTON** — Thank you, Mr Acting Speaker. I may have to refer to my notes at different times because I cannot remember the figures in detail.

In the area of health and community services an allocation of \$176 million will be provided to reopen 360 much-needed beds. Some \$19.7 million will also be provided for ambulance services and the employment of 100 new paramedics. People from around Victoria know those services are also much needed.

An additional \$5.3 million will be provided to improve school dental services. All current or previous members will have heard parents expressing grave concerns about the reduction in Victoria's school dental services over the past seven years. As one can see from the figures, those services will be boosted considerably. That will flow on to other dental services, and the cost of dentures for people on pension cards will be reduced. Currently, it costs \$180 for a set of dentures. That may not seem much for some people, but it is a lot for someone who does not have much money. Dentures will be reduced from \$180 to \$100.

Some \$4 million will be provided for school nursing programs. As honourable members know, funding was removed from school nursing programs over a number of years. I also welcome the allocation of \$9.8 million for mental health services. Unfortunately, that important service is often overlooked.

The budget also allocates \$75 million over four years for drug programs in metropolitan and regional Victoria. Some \$38.4 million is also allocated over three years for public housing — another area that was neglected over the past few years, which resulted in public housing falling into decay. The Bracks government takes pride in Victoria's public housing and is providing funding so people can be proud of where they live.

As I said, Ballarat will also benefit from the funding being made available throughout Victoria, including the \$1 billion available through the Growing Victoria infrastructure reserve. That fund will create jobs, which are sorely needed by people around Victoria, particularly by the youth of my area.

I could continue to refer to each portfolio one by one and highlight each of the allocations that will benefit Victoria, including Ballarat, but I will not. Instead I will refer to what people have said to me since the election on 18 September 1999, especially since the budget was introduced. They tell me that it feels as if a gentle breeze is dancing across Victoria. They were beginning to feel a bit shell-shocked after the seven years of gale-force winds blowing across the state, but they now feel included in the processes of government rather than excluded from them. Many people from Ballarat and Bendigo, and more recently from Benalla, are feeling that gentle breeze. I suggest that breeze will continue to blow gently.

I am proud to be part of a government that has delivered such a responsible budget. It is socially responsible, but there is still work to be done. The budget has also been accepted by the business

community. Financial responsibility underpins the Bracks Labor government budget. The budget was subject to an independent review by the Auditor-General, which is a world first. The government is totally open and transparent with the budget figures, unlike the situation in previous years when the budget documents provided no detail.

The Bracks Labor government budget was warmly received in Ballarat West. The headline on the front page of the Ballarat *Courier* of 3 May is 'Fair share for country areas'. The headline of an editorial in the same newspaper reads 'Regional areas are winners'. It should have read 'and grinners', because I do not think the city has stopped smiling. Even the Ballarat City Council has praised the Bracks Labor government for keeping its promises and commitments to regional Victoria.

It is not for me as the member for Ballarat West to explain how well the budget is accepted in Ballarat. Those headlines are only some examples of how the community feels. As I move around the schools, community health centres and kindergartens — the areas where members of the community meet and where the community grows — there is a feeling of being unshackled. That reminds me of that dreadful advertisement. I used to like Joe Cocker —

**Ms Allan** — Not any more.

**Ms OVERINGTON** — Not any more. I used to like *Unchain My Heart*, but when I saw the advertisement I thought, 'Oh no. Why did he do that?'. However, as I move around my community of Ballarat West people are telling me that that is how they feel. They feel they have been unchained: they can talk openly, consult openly, even criticise openly. There is a feeling of calm and people believe that, finally, they can move forward.

During the previous seven years a fear in the community clutched at people's hearts. People felt as if there was black ice around their hearts. I am pleased to say that the ice is now starting to melt. As I have already said, I am extremely proud to stand as part of the Bracks government.

**Mr Helper** — Labor cares!

**Ms OVERINGTON** — Labor cares, indeed! We have said all along that Labor cares and Labor listens.

It is interesting that speakers on the other side of the house have said in this debate, 'It is all wrong. If people start believing the Labor rhetoric it will eventually come true'. Don't they get it? It is not rhetoric; it really is true. Victorians had given up; they knew no-one was

listening to them. That is why I stand here alongside my many regional colleagues, including the honourable member for Benalla, who has recently joined us.

**Mr Helper** interjected.

**Ms OVERINGTON** — Denise cares, that is right.

It has been an exciting, not to say incredible, eight months. I am extremely proud to be part of the government that has produced this budget, and I wish it a speedy passage.

**Ms McCALL** (Frankston) — Picking up on the passage quoted by the honourable member for Cranbourne, 'To be or not to be', I would like to add from the same passage, 'To sleep, perchance to dream' and perhaps add another line, 'And one day we will wake up from the awful nightmare that has overtaken Victoria in the past eight months'.

I will mention in brief some of the issues in the budget that have relevance to the electorate of Frankston, along with an issue in which I have a personal interest — namely, women's health. I stand proud as I say that over the almost four years from March 1996 during which I represented the electorate of Frankston as a member of the former coalition government I earned an honourable record of personal investment in the area. I make absolutely no apology for the amount of money that went into the electorate to correct the funding shortfalls left by the previous Labor government prior to 1992. The coalition government needed to prioritise funding and recognised a funding pecking order — it understood where funding was most needed.

The difference in approach is most obvious in the area of health. I have proudly defended Frankston Hospital many times in this chamber. Over those four years during which I was the member for Frankston the hospital received over \$30 million in investment from the coalition government. It has been a constant building site, gaining a new casualty wing, another extension and an integrated day centre that is still being built. It is a hospital of which the community has been proud and will continue to be so. The amount of money the budget allocates to the Frankston Hospital, \$12 million over two years, is merely a recognition of a continuing need for funds in a growth corridor.

On the subject of education, the electorate has 16 state schools and 3 private schools, all of which are exceptionally good schools. A number of them have needed to be very self-sufficient over the years, due to the backlog left by the previous Labor government. However, the school communities recognised that it would be their turn in due course. I am delighted to say

that under the previous Minister for Education, Phil Gude, schools in the electorate of Frankston were well regarded and well supported.

In particular I have a strong affection for Mount Erin Secondary College, which was originally founded as Baxter Technical College and become a secondary school in the early 1990s. Mount Erin now boasts a population of more than 1 100 students and has the only deaf facility on the Mornington Peninsula. I am proud that we managed to attract the deaf facility to Mount Erin.

Among the other secondary schools Frankston High School has an exceptional academic record and is a first-class school. It has had extremely good VCE results and now has close to 1500 pupils, chasing Karingal Park as one of the largest secondary schools in Victoria.

Mount Eliza Secondary College has often been considered the Cinderella of the Mount Eliza schools. Peninsula College and Toorak College, two major private schools, are both nearby and seem more advantaged. Mount Eliza Secondary College started a project two years ago. It employed consultants to help develop plans for an art and technology wing, and I am delighted to say that this time last year the then Minister for Education gave the go-ahead for stage 1 of that project. I am also pleased to note in the budget papers an allocation of \$1.4 million, the amount mooted by the former government, for the Mount Eliza project.

However, the project has a problem. There are delays within the education department and the regional office and there has been a \$120 000 funding shortfall because the incoming government did not do its homework on matters such as decision making, turning circles for buses and some other interesting issues.

A couple of other schools in my electorate have major problems, too, concerning asbestos in classrooms. In its eagerness to reduce class sizes in primary schools the government reallocated some decommissioned classrooms to two primary schools in the electorate, Derinya Primary School and Mount Eliza Primary School.

Kunyang Primary School has an excellent record of quality schooling and is on a first-class site overlooking Port Phillip Bay. It is also receiving funding for its awaited project, something begun under the previous government and now funded under the new government.

The honourable member for Frankston East, in his statement about the Bracks budget, commented on the

Chisholm Institute of TAFE. He is obviously not as sure about the boundaries of his electorate as I am. The TAFE building is in my electorate, not his, but I am delighted he has given me the money, because it completes the nursing block project that started in mine. I am happy he has acknowledged that it is in his electorate, but it is in mine.

I turn to the third area — transport. Much rhetoric has been heard from the Minister for Major Projects and Tourism, who is also the Minister for Gaming — he is also the Minister for Table-top Dancing and various other things like that — about transport issues. Following on from what was said by the honourable members for Cranbourne and Mornington, I turn to raise the issue of transport on the Mornington Peninsula.

Stage 1 of the widening of the Moorooduc Highway was commenced under the previous government. For those honourable members who are unfamiliar with that area, I advise that it is used extensively to go to the magnificent wineries and tourist attractions on the Mornington Peninsula. Stage 2 of Moorooduc Highway, in particular Robinsons Road, was due to begin and had been announced by the previous minister, the Honourable Geoff Craige in the other place. Money for a set of traffic lights on that black spot section of the highway was due to be allocated in this year's budget. I am very disappointed — —

*Government members interjecting.*

**The ACTING SPEAKER (Mr Jasper)** — Order! I would like to be able to hear the honourable member for Frankston without assistance from the government side.

**Ms McCALL** — The area designated for traffic lights along Robinsons Road is between two secondary schools, a primary school and a retirement village. The Robinsons Road corner is treacherous during rush hour, to say the least. An invitation is about to be issued to the Minister for Transport to come down and see whether without the benefit of his driver he can actually get out of Robinsons Road during the exit time from school without taking a skateboard across or taking any young people with him. The community is very disappointed that the \$800 000 Vicroads was ready to allocate for Robinsons Road is not in the budget.

On the issue of trains going into Frankston, I am delighted that the \$30 million project at Frankston railway station will still proceed, although I am told there has been a bit of a hold-up in the transport department. That may mean that the minister has not

got around to signing the right documents. However, I have been assured by the previous Minister for Transport that all the documents were signed and ready to go. That project will provide real employment; it is not a make-work project or just a way of keeping kids at school longer or off the streets.

The project will create 350 jobs and will do a great deal to improve a difficult part of Frankston — an underpass that encourages perhaps less desirable members of the community from both Frankston and Frankston East, if I dare suggest that. There are problems with that stretch of Young Street. The shop traders feel isolated and there is a recognition that the minute the project begins there will be a big change to that part of Frankston. I am sorry there has been a delay.

I am also sorry that the only mention of transport in the budget is about an increase in flier trains to Frankston. I understand from Bayside Trains that from 1 July they had intended to increase the express train service in any case.

I turn to the issue of women's health. During the last period of the former coalition government's time in office I chaired the women's action plan consultative committee and was involved in the positive women's health plan initiative of the previous health minister in the other place, the Honourable Robert Knowles. The plan, which was launched in September last year, was an excellent document. I commend the work of Dame Margaret Guilfoyle as the chair of the Ministerial Advisory Committee on Women's Health that guided the development of the plan.

The document states, in part:

The plan recognises that health is more than just an absence of sickness. In the context of daily life, women see health as the ability to take part in society, to work, to raise a family and have a sense of wellbeing. Health is influenced by age, gender, physical and biological factors, and by social, cultural, economic and environmental conditions. The government is committed to improving women's health and has allocated \$100 million to support the initiatives of the plan.

I have gone through the wonderful glossy documents put out by the new Labor government and I am having a bit of trouble finding that \$100 million. Where is the money that was promised for issues such as research into ovarian cancer and breast screening? Where is the substantial input for women's rural health that was promised under the women's health plan? I cannot seem to find it. However, I am prepared to understand that it may be somewhere in the documents and if that is the case I ask that it be pointed out to me and I will be delighted to support it. I have not noticed it so far.

**Mr Viney** interjected.

**The ACTING SPEAKER (Mr Jasper)** — Order! The honourable member for Frankston East will cease interjecting. He will get his opportunity if he wishes to stand at his place at the appropriate time. The honourable member for Frankston will continue without assistance from the government benches.

**Ms McCALL** — Thank you very much, Mr Acting Speaker. I also refer to another issue in relation to health that affects women and families — that is, the cutting of an excellent pilot program that was run in Frankston. Pilot programs do not necessarily have to cease, particularly if they are successful. I refer to a document headed ‘Labor cuts free mobile immunisation service’. I cannot understand why a successful immunisation program in the Frankston electorate was cut given that there have been outbreaks of measles and various other illnesses. There is no mention in the budget of that continuing as a commitment to the future of young people.

The Frankston electorate is a good electorate to represent. I am proud to have represented it since 1996 and to have carried on a tradition begun by the Honourable Graeme Weideman, my predecessor. The electorate has among the highest percentages of residents born in the United Kingdom and of self-funded retirees. It is also home to an exceptionally high level of small businesses.

The Frankston electorate does not have major employers, although there are many small business operators, many of whom work from home. I am concerned that although the Labor government has talked a great deal about small business, few of its members have ever worked in or run a small business. I note that the honourable member for Frankston East still runs a small business. However, I have read the recent figures provided by the Victorian Employers Chamber of Commerce and Industry and the other groups that are concerned about the downturn in the economy and the lack of confidence being shown by small business.

I turn now to information technology. The former Treasurer and Minister for Information Technology and Multimedia, Alan Stockdale, spent an enormous amount of time supporting and encouraging the multimedia industry. However, on examination, the budget documents reveal that the Labor government has done a poor job in encouraging and supporting small business to take up information technology in particular.

I note with interest that during question time today the new Minister for Finance talked in her capacity as Minister for Post Compulsory Education, Training and Employment about unemployment issues on the Mornington Peninsula. Rather than just encouraging them to stay at school and establishing programs to ensure they are more skilled — in other words, rather than just talking about keeping them at school and out of the way — the most important thing the government can do for young people on the Mornington Peninsula is to create real jobs that provide real futures. In saying that I speak on behalf of the honourable members for Mornington and Dromana.

**Mr NARDELLA (Melton)** — In the 10 seconds left I will say a few words about how much I love representing my electorate. It is fantastic looking after the people of Melton.

**Debate interrupted pursuant to sessional orders.**

**The DEPUTY SPEAKER** — Order! The honourable member for Melton will have the call when the bill is next before the Chair.

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! Under sessional orders the time for the adjournment of the house has arrived.

### Lysterfield Primary School

**Mr LUPTON (Knox)** — In the absence of the Minister for Education I raise a matter for the attention of the Minister for Housing. On 15 March I referred the Minister for Education to the airconditioning of temporary classrooms in schools in my electorate. I explained in some detail that although the government had said that the classrooms would be airconditioned, many school communities expressed concern that some classrooms had already been airconditioned because they were not aware of the government’s funding plans.

I said that the Lysterfield Primary School had spent \$6000 to aircondition some of its buildings. Some six weeks later the government announced its intention to aircondition those same buildings, yet it would not refund the money spent by the parents. The real concern is that the parents raised the money to improve the school facilities on their own initiative. I asked the minister whether there was some way she could make an ex gratia payment to recompense the parents for the work they had done.

On 1 May I again wrote to the Minister to remind her of the situation. In the adjournment debate of 15 March the minister said she would be happy to look at the matter in detail. It is now 24 May: two months have elapsed since I first raised the issue.

I ask the minister to advise the house whether she has investigated the matter, which affects not only Lysterfield Primary School but also many other Victorian schools where parents have raised the money to aircondition buildings when in the short term the government has indicated its intention to do the same.

Under the guidelines the only way schools can receive government funding for airconditioning is to pull the existing units out and place them in another building. That would be unprofessional, inconsistent with its policy in other areas, and a total waste of money.

### **Police: Lancefield station**

**Ms DUNCAN** (Gisborne) — I ask the Minister for Police and Emergency Services what action the government is taking about the much-needed upgrade of the Lancefield police station. As is the case with many small country police stations, the weatherboard station at Lancefield is extremely small, run-down and neglected.

The Lancefield community has had many cuts in its services and feels left out of many of the things that have happened in the state during the past seven and a half years. The importance of police stations to small country towns cannot be overestimated, and the town is entitled to the best in modern policing facilities.

The Bacchus Marsh police station, which is in my electorate, is also in need of a substantial upgrade, and that will start this year. Lancefield has a similar problem with its police station.

Community safety is a huge issue in the state, particularly in small towns where people feel the issue more acutely. Although Lancefield does not have a raging crime rate, the area has its own social problems. The population has increased and the police station has not kept pace with the town. The Lancefield police station is certainly in need of serious attention, and I ask the minister to take action to remedy the situation.

### **Preschools: Gardenvale**

**Mr DIXON** (Dromana) — I raise for the Minister for Community Services a matter regarding the provision of preschool premises in the Gardenvale area. I ask the minister to investigate some options to counter the reduction in the number of preschool buildings

available in that area, especially those that provide places for four-year-old children. Five out of six of the preschools in the area are located on church properties, and last year two preschools catering for four-year-olds closed down. The St Stephens Preschool has just had a reprieve from the church, its landlord, to operate for one more year. Another preschool in the area is just about to close down.

The churches provide premises at very low rental, which makes the preschools viable, but it is probably becoming quite unreasonable to expect the churches to provide premises in the long-term because of the low rental and the high property values in the area. These days community organisations such as churches are expected to provide a wider range of services to their local communities, and churches are looking at that issue.

Preschools are not the best use of those premises. There is a crisis in the provision of preschool services and premises in Gardenvale. Those areas do not have declining populations — there are growing numbers of young families, and therefore a greater call for the provision of places in four-year-old kinders. St Stephens has 75 names on its waiting list for 50 places next year. That is a good indication of the growing need in the area.

The local Glen Eira City Council cannot reasonably be expected to provide new premises or help with relocation of the preschools. The minister needs to intervene now to provide a sense of security in the long term for the provision of four-year-old places so that in 2001 and 2002 the premises are available in the area to provide places for what is a very important part of the education of four-year-old children. It will not happen overnight, and I ask the minister to intervene now.

### **Hume: Sunbury separation**

**Ms BEATTIE** (Tullamarine) — I seek advice from the Minister for Local Government on progress on the appointment of a panel to examine the feasibility and viability of Sunbury becoming a separate municipality from the City of Hume.

The issue goes back to the black hand of the Kennett government and the way it treated local government. Many Sunbury residents were extremely unhappy at the way councils were bludgeoned into amalgamations by the Kennett government. Compulsory competitive tendering was enforced and a rate freeze saw services slashed. Despite pressure from the Sunbury Residents Association the Hume City Council refused to provide it with details of the revenue raised in the Sunbury area.

The Macedon Ranges Shire Council, also mooted as an amalgamation partner, refused to discuss any sort of amalgamation with a separate Sunbury.

The Bracks government is committed to a true partnership with local government. I arranged a meeting with the Minister for Local Government and the Sunbury Residents Association, at which the minister undertook to appoint a panel to consider the matter. Sunbury residents have been looking forward to making submissions to the panel, having the financial implications of such a move clarified and examining the issue with all the facts and figures laid out before them. I know facts and figures do not count with some members in the house — confetti counts for more — but the Labor government is interested in facts and figures.

I commend the minister for his proactive stance on the issue. He has sought to pick up the ball and run with it, where the previous government dropped it.

*Honourable members interjecting.*

**Ms BEATTIE** — They are enthusiastic about the heavy-handed Kennett government. I would like the minister to report on the issue.

### **Rail: Shepparton–Numurkah–Cobram service**

**Mr JASPER** (Murray Valley) — In the absence of the Minister for Transport I refer the Minister for Housing to passenger rail services in country Victoria, in particular to the reinstatement of the service between Shepparton, Numurkah and Cobram. Honourable members will remember that in the early 1980s a previous Liberal government curtailed passenger rail services in country Victoria. Extensive representations were made in the early 1980s, and following the change in government in 1982 the then Minister for Transport, the Honourable Steve Crabb, reinstated the Shepparton–Numurkah–Cobram service, which operated to the benefit of local residents throughout the 1980s.

In the early 1990s, with changes to passenger rail services — and honourable members will be aware that I am a strong supporter of passenger rail services in country Victoria — that service was again curtailed. Most country passenger rail services were retained, but unfortunately that one was not. I have received strong representations in recent times seeking the reinstatement of the service. In discussions the managing director of V/Line services, Mr Geoff Smithwick, has advised that an investigation is currently under way to make sure that passenger rail

services of a high standard are provided for country Victoria.

I ask that the reinstatement be considered on the basis of one service a day, going to Cobram in the evening and coming back the next morning. The service would have to work in conjunction with the bus service currently provided from Cobram through Numurkah to Shepparton and the privately run passenger rail service from Melbourne to Shepparton that is currently provided. A combined service would enable people in the area to have the best of both worlds. They would be able to use the passenger rail service to travel directly to Melbourne from Cobram and Numurkah and surrounding areas and would also have the advantage of a bus service that would take passengers from areas such as Yarroweyah, Strathmerton and Katunga through to Shepparton.

I ask the Minister for Transport to investigate the reinstatement of that service as soon as possible.

### **Courts: Heidelberg complex**

**Mr LANGDON** (Ivanhoe) — I ask the Attorney-General to take action on the Heidelberg court complex, which is in the heart of my electorate and is in urgent need of repair. It is in shocking condition and when I visited it last month I saw that prisoners had to be escorted along a long path downstairs from the Heidelberg police station to the court complex. You may be aware, Madam Deputy Speaker, that during the spring sessional period I asked the Minister for Police and Emergency Services about the police station, and he confirmed that \$7.5 million was being allocated for the redevelopment of the police station.

I wish to raise with the Attorney-General the court complex in my electorate. The house may recall that my electorate has a long history of the black hand of the Kennett government, to quote the honourable member for Tullamarine, with regard to the broken promise of the police headquarters and the infamous Colosseum Hotel run by Bruce Mathieson. It was a promise made by the Kennett government at the time of the 1996 election, which it broke immediately after I was elected. Throughout the election campaign the upper house representatives for Templestowe Province, the Honourable Bill Forwood and the Honourable Carlo Furletti, said the government would recommit the \$7.5 million, but the police minister has now proved that to be a lie.

Honourable members will know that since the election of the Bracks government the opposition has been trying to slur the government by saying it would not

honour the commitment to build the police station and court complex. I ask the Attorney-General to put the opposition in its place by confirming for all time that the government will go ahead with the police station and court complex. That will do away with the blatant untruths the opposition keep telling my electorate. The opposition has a guilt complex; it could not honour its commitment of \$5.4 million. I want the government to confirm that it will act on behalf of my constituents.

### **Tallangatta: employment contract**

**Mr PLOWMAN** (Benambra) — I raise a matter for the attention of the Minister for Environment and Conservation relating to a recent outbreak of sheep killings by wild dogs coming out of Crown land in the areas around Walwa and Burrowye.

**The DEPUTY SPEAKER** — Order! I remind the honourable member for Mordialloc that under standing order 46 he is not allowed to read books in the house.

**Mr PLOWMAN** — Last Tuesday I received a phone call from Noel Cheshire who had found 15 sheep killed by wild dogs coming from the nearby Crown land. A week earlier he had found about the same number killed in the same way. The dog problem is immense on the Crown land between Gippsland and north-eastern Victoria. A consultant was employed to investigate the problem, and he convened meetings in the affected areas. A meeting was held at Bullioh, which is just to the east of Tallangatta in the area around Walwa and Burrowye. Over 100 landowners came to the meeting to express their concerns. It was a very emotional meeting and some members talked about losses of up to 60 to 70 sheep due to wild dogs.

My concern is that the dog problem is continuing unabated. Maurice Moore, a dog man, has done an exceptional job, ably assisted by a new dog man, Greg Burt. Unfortunately Greg Burt is on a 12-month contract and his contract expires in July. I ask the minister to reconsider Greg Burt's tenure and seek to have him employed for a further term, hopefully on a permanent basis. The problem is dramatic for the people affected by wild dogs. I sympathise with them and their families, and I ask the minister to reconsider her decision and take on Greg Burt for at least a further three years.

### **VIP Security Services**

**Mr LENDERS** (Dandenong North) — My electorate of Dandenong North also suffered from the black hand of the Kennett government with a reduction in police numbers. Part of the consequence of that

reduction in police numbers was that some elderly constituents of mine feared for their security and safety and as a consequence there was a boom in security services.

I direct the attention of the Attorney-General to a company called VIP Security Services (Aust) Pty Ltd which supplied equipment to an elderly constituent of mine, Mrs Sevenich of Sylvia Street, Dandenong North. Mrs Sevenich subscribed to a security service from VIP but it did not function correctly. She received a bill from VIP for \$552.20, which is a significant amount of money. Mrs Sevenich got no redress from a very unsympathetic company. She raised the issue with the Victorian Civil and Administrative Tribunal which intervened, made an order and adjudicated between Optus and VIP and found that VIP was required to repay Mrs Sevenich the \$552.20. It seemed to be a straightforward matter and the issue should have been resolved.

Unfortunately VIP treated the whole issue with contempt in the sense that it realised that a company could bully an elderly constituent; it had no intention of repaying the money. It taunted Mrs Sevenich and invited her to get the money back from the company. A series of orders were made and a sheriff's warrant was issued. However, the warrant to enforce the order cost \$151 and it was too difficult for Mrs Sevenich to find a further \$151.00 in order to get money back from VIP.

**The DEPUTY SPEAKER** — Order! The honourable member for Dandenong North has not said what action he wishes the Attorney-General to take.

**Mr LENDERS** — I ask the Attorney-General for advice as to what action Mrs Sevenich and others like her should take to deal with such situations? People are being treated with contempt by a company which refuses to repay money and forces people to keep paying money to the legal system to try to get their money back.

### **Phylloxera**

**Mrs FYFFE** (Evelyn) — I wish to raise a matter for the attention of the Minister for Agriculture. I urge him to initiate research into the vine disease phylloxera, a disease that can lie dormant for many years. It is a vine disease that can be spread through dirt collected on the tyres or the undersides of trucks and cars or transferred on the footwear of people walking in affected vineyards and travelling to other areas.

Although steps have been taken to stop the transport of cuttings from phylloxera-declared areas, control the movement of harvesting and other machinery in those

areas and implement a sterilisation program, the disease has not been contained, as fresh outbreaks over the past two years have shown.

Viticulturists have a method of prevention, and that is through the use of phylloxera-resistant root stock. It is very expensive in comparison to the purchase of cuttings, but more importantly, the phylloxera-disease resistant root stock does not produce wines or fruit of the quality required to maintain the standards Victorian wines now enjoy overseas.

The root stock is not of the high quality required, and I have been urged by people in the industry to ask the Minister for Agriculture to take the initiative and urgently establish facilities and provide funding for the research and development of root stock that will be phylloxera-resistant and produce grapes of high quality to maintain the momentum of the Victorian wine industry.

### Footscray Boat Club

**Mr MILDENHALL** (Footscray) — I wish to raise a matter for the attention of the Minister for Environment and Conservation. It is the intention of Parks Victoria to put out to commercial tender the caretaker's residence and dining room at the Footscray Boat Club. The boat club houses the Footscray rowing club, the Footscray canoe club and clubs from Victoria University and is situated in the picturesque Footscray Park.

I ask the minister to intervene and review the need for the tender to proceed. The club is a non-profit organisation consistently and typically run by hardworking volunteers. It does not generate significant revenue out of the facilities.

The club's fine building was established with club funds by the Department of Sport and Recreation, the university and then Footscray council in 1975 following an insurance claim when the old wooden rowing club, which dated back to the 19th century, burnt down. It is not a glamour club like those associated with members on the other side of the chamber, but through hard work it has produced accomplished rowers like Olympic gold medallist and Oarsome Foursome member Mike McKay.

The call for tender seems an unreasonable impost on a small, hardworking club. It also seems to be a flow-over from the black hand of the Kennett government and its extraordinary ideological obsession to sell or gain a commercial return from any community initiative or community space. I ask the minister to remind Parks Victoria that the government

has changed; to tell it to cease and desist from the mercenary money-grabbing venture; to take its hands out of the pockets of the hardworking volunteers of the Footscray Boat Club; to order it to review the tender process; and to inculcate Parks Victoria with the values of community initiative and enterprise.

### Hampton Bowls Club

**Ms ASHER** (Brighton) — I raise an issue for the attention of the Minister for Sport and Recreation in the other place. It relates to the Hampton Bowls Club in my electorate, which has applied for a grant — I take the grant seriously, unlike the honourable member opposite — in the minor facilities funding program.

The club has applied for \$36 000. It has of course matched this amount with a similar amount of its own. The grant is for floodlighting for three bowling greens. The club has a strong record and has shown growth in recent years. It has a junior team which was featured in the *Sunday Age* on 21 November 1999 — a schoolboy trio. The club has also been a pioneer in its treatment of women, and its members are enthusiastic about the sport.

The club wishes to pitch for the 2003 national titles. As members will be aware, the tourism and economic benefits of pitching for national titles are substantial. It will not be able to do so if the current antiquated and limited lighting remains in place. The club wishes to floodlight the area, and has the support of Bayside council in its application. If the floodlighting is provided on the three bowling greens, the club can also pitch for a major interstate event which will be of enormous economic benefit to the local area.

I ask the Minister for Major Projects and Tourism representing the Minister for Sport and Recreation in the other place, with whom I have personally raised the issue, or the minister at the table to recognise the strength of the funding bid. I believe it will be well-directed funding to a locally based, community-orientated club. The club has indicated that, notwithstanding any results of funding, it is aware of a parliamentary bowls club among members of Parliament and would like to challenge the members of the club to a tournament here or at their own grounds — we hope, floodlit! Again I encourage the minister to look at the supporting documentation to assess the worth of the club and its efforts, its financial viability and the pioneering aspects of the club.

I encourage the minister to look at the supporting documentation to ascertain the worth of the club, the

efforts it has made, its financial viability, and its pioneering aspects.

**Mr Richardson** — On a point of order, Madam Deputy Speaker, a moment ago the Chair ruled that the honourable member for Mordialloc was in breach of standing order 78.

**The DEPUTY SPEAKER** — Order! Standing order 46.

**Mr Richardson** — My recollection was that the Chair said standing order 78 when referring to honourable members not reading books in the Parliament. Standing order 78 states:

No amendment shall be proposed to any words which it has been resolved shall stand part of, or shall be inserted in, or added to, a question, except an amendment to add other words thereto.

Clearly, that does not relate to reading a book. If I am mistaken — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I ask that the honourable member for Bendigo East allow the honourable member for Forest Hill to put his point of order.

**Mr Richardson** — If I am mistaken it would be helpful if the Chair would advise me which standing order she was referring to, and I would be pleased to address that.

**The DEPUTY SPEAKER** — Order! I ask the honourable member for Forest Hill to come to the end of his point of order.

**Mr Richardson** — I will if I am given a chance to by that unruly lot over there! There is a standing order, the number of which escapes me at the moment, which precludes honourable members from reading newspapers in the chamber, but I have no recollection of one which relates to — —

*Honourable members interjecting.*

**Mr Richardson** — I am being helped! I thank the Attorney-General for his assistance. Standing order 46 states:

No member shall read any newspaper, book, or letter in his place unless in addressing the Chair.

Madam Deputy Speaker, firstly, the honourable member for Mordialloc was not in his place. There is no evidence to anybody on this side of the house that

the honourable member was actually reading the book rather than simply glancing at a few pages, and yet he was rebuked by the Chair.

**The DEPUTY SPEAKER** — Order! The honourable member for Forest Hill is incorrect. The standing order I quoted was no. 46. I could see the honourable member for Mordialloc clearly, even if the honourable member for Forest Hill could not, and the honourable member was reading a book.

### Responses

**Mr HULLS (Attorney-General)** — The honourable member for Ivanhoe raised the important issue of the Heidelberg courthouse. Honourable members will recall when the former Kennett government imposed its black hand on a promise it made about the Heidelberg police station. Instead of police, the people of Heidelberg got pokies. The police were transferred and the pokies were brought in at a site that was supposed to be the headquarters for the Heidelberg police. The former government certainly broke that promise.

Since 1996, a member for Templestowe Province in the other place, Mr Forwood, has been running around saying that the Kennett government promised about \$7 million for a new police station, but it did not deliver. The honourable member has since been running around saying that Labor will not deliver the new police station or any other facilities in Heidelberg. I do not want to speak on behalf of the Minister for Police and Emergency Services — he is here and can speak for himself — but the Bracks government will deliver. The government has not committed \$7 million but closer to \$9 million for not just a police station but also for a courthouse upgrade.

I had the pleasure of touring the Heidelberg courthouse on 7 April and I assure the house and the honourable member for Ivanhoe that an upgrade of that court facility is long overdue. I advise honourable members that additional courtrooms, including Children's Court facilities, will be provided. An additional magistrate's chamber and ancillary areas will be provided. A separate approach, entry and waiting room for Children's Court matters will be provided. Secure custody access to the court with a holding cell facility and a new custodial facility within the police station will also be provided.

I also advise the house that a meeting of the project control group has been scheduled for 31 May and confirmation and engagement of the project architect and quantity surveyor will take place prior to the meeting. The proposed refurbishment and expanded

complex will mean that the court will operate more efficiently and security for staff, prisoners, and the public will be improved. In addition, more appropriate accommodation and security will be provided to victims at that courthouse. Those changes, of which I am proud, will greatly enhance access to justice in the Heidelberg area.

To assist in the redevelopment process I have established a users committee for Heidelberg and have asked the honourable member for Ivanhoe to chair that committee. I am pleased to announce that the committee met for the first time on 17 April. I take this opportunity to commend the honourable member for Ivanhoe and his committee and assure the house that the views of the committee on the redevelopment process will certainly be taken into account. The new upgrade of the court facilities at Heidelberg is certainly on its way and the government will deliver.

The honourable member for Dandenong North raised an important matter concerning Mrs Sevenich and the problems she has faced with a company called VIP Security Services Australia Pty Ltd. The honourable member said a court order had been made against the company for a security system it supplied to Mrs Sevenich, who I understand is an aged pensioner. I understand her health has also been affected by the trauma that she has undergone as a result of the matter.

There is no easy answer to matters of this type. There are always difficulties with the circumstances faced by a person such as Mrs Sevenich. I know the honourable member for Dandenong North also sympathises with her plight. As honourable members will appreciate, unenforceable judgments are a fact of life and no legal system can guarantee that a party sued will be solvent or have assets within a particular jurisdiction when enforcement is attempted. I will outline briefly the process of attempting to enforce Victorian Civil and Administrative Tribunal orders.

A party can request that an order be registered with the Magistrates Court, and a warrant is then issued by the court at no charge to the party. But if a party seeks to have that warrant enforced, a service fee of \$151 is payable to the Sheriff's Office. If possible, that service fee cost is recovered from the defendant.

The charging of a fee for service has a long history and is somewhat analogous to the charging of a court application fee. The fee usually falls well short of the actual cost to the Sheriff's Office of executing the warrant. I understand that prior to her taking out the Sheriff's warrant Mrs Sevenich was advised by my department that she should satisfy herself that the

Sheriff had a reasonable chance of recovering the moneys owed. Mrs Sevenich was also provided with contacts to assist her to ascertain that information.

The collection of judgment debts is being addressed in the review of the civil justice system being undertaken by my department. I assure the honourable member for Dandenong North that I will explore the matter further and that the concerns raised by his constituent will be given priority in that review.

However, I will refer the conduct of VIP Services to the Minister for Consumer Affairs. I am of the view that Victoria cannot put up with businesses that are not prepared to act as good corporate citizens. It is not good enough when a business against whom a court order is made for installing an inappropriate or faulty system simply abrogates its responsibility by paying out that court order.

As I said, the enforcement procedures will be taken up as part of the review of the civil justice system.

**Mr HAERMEYER** (Minister for Police and Emergency Services) — The honourable member for Gisborne directed to my attention the state of the police station at Lancefield and, without saying so, implied that her electorate had also been afflicted by the black hand of the Kennett government.

**Mr Leigh** interjected.

**Mr HAERMEYER** — It certainly has little to do with the dead head of the honourable member for Mordialloc.

The honourable member for Gisborne has done more for her electorate — and more for policing in particular — in six months than any other member who has represented her electorate in the preceding 50 years.

Within six months she has already obtained a new 24-hour police station for the growing township of Bacchus Marsh in her electorate. That police station will have a criminal intelligence unit and a traffic management unit. Like most electorates in the state, her electorate will also benefit from the additional 800 police officers provided by the Bracks government.

The Lancefield police station is a small, one-person station. As the honourable member said, Lancefield is not a town with a high rate of crime; however, the police station, which is housed in an outdated building, is important to the township. State-of-the-art police stations, even if they are only one-man facilities, are important to small towns like Lancefield because they signify that the police are there to stay. The government

wants to build modern police facilities in towns like Lancefield to attract the required police officers.

As part of the budget process, and in addition to its commitment to build seven new major police stations, the Bracks government has allocated \$5 million to the country police station upgrade program, as part of which 16 police stations across the state will be completely rebuilt. I am pleased to inform the honourable member for Gisborne that one of the stations to be rebuilt is the Lancefield police station, which will also receive state-of-the-art equipment and facilities at a total cost of \$198 770. That will ensure that the township of Lancefield is served by a modern police facility now and well into the future.

In six short months the honourable member for Gisborne has obtained two police stations for her electorate. That is a wonderful example of the golden hand of the Bracks government at work.

**Ms GARBUTT** (Minister for Environment and Conservation) — The honourable member for Benambra referred me to the damage wild dogs are causing, particularly in killing sheep. I assure him that the government understands the problem and is aware of the cost it imposes on the community. He suggested the renewal of the contract of Mr Greg Burt, the consultant looking at that issue. I am happy to examine that suggestion.

**An Honourable Member** — He is a dogger!

**Ms GARBUTT** — He is indeed a dogger. I will certainly consider that suggestion.

The honourable member for Footscray referred me to action taken by Parks Victoria regarding the Footscray Boat Club and asked for a review of the plans. I will undertake that review and get back to the honourable member.

**Ms CAMPBELL** (Minister for Community Services) — The honourable member for Dromana asked about preschools in Gardenvale. I would have thought that that was the territory of the honourable member for Brighton. I am fascinated to — —

**Ms Asher** — On a point of order, Madam Deputy Speaker, I always understood that an honourable member could raise only one matter during the adjournment debate. Certainly I raised only one. If the rules have changed and I am free to raise two, I would be grateful to be advised accordingly. My understanding is that I have an entitlement to raise only one issue, which is what I have done.

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

**Ms CAMPBELL** — Of course there is not. As I said, I am happy to respond to the matter raised by the honourable member for Dromana, which I should have thought would have been raised by the honourable member for Brighton at some stage. Nevertheless, given that the honourable member for Dromana is interested in the electorate of Brighton, I am happy to oblige him. I will provide whatever information he seeks so he can improve his knowledge of Brighton and, no doubt, many of its residents.

He referred to preschools that are operated on premises owned by St Stephen's, which I understand is an Anglican parish church.

**Ms Asher** interjected.

**Ms CAMPBELL** — Thank you. St Stephen's has been an Anglican church for many years. The issue of church properties — —

**Ms Asher** interjected.

**The DEPUTY SPEAKER** — Order! The honourable member for Brighton has already informed the house that she did not raise the issue as part of her contribution to the debate. She should cease interjecting and allow the Minister for Community Services to respond.

**Ms CAMPBELL** — Thank you, Deputy Speaker. The issue goes to the heart of the importance of preschool capital. Under the black hand of the Kennett government there was no approach to infrastructure in preschools. Over the period of the Kennett government Victoria faced the very serious situation where all capital for preschools was dependent upon the goodwill of the churches and local government. Of course, many of the churches are now in a rather difficult position because a number of their parishioners' dollars are invested in preschool properties that they are questioning at this point. I can — —

*Honourable members interjecting.*

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

**Ms CAMPBELL** — I can advise the honourable member for Dromana on a range of courses of action he may wish to pursue. One excellent approach was followed by the honourable member for Burwood when the Uniting Church in his area said it would not continue to provide capital for infrastructure for

preschools. The honourable member for Burwood worked in collaboration with local government and with kindergarten committees of management — that is, with the community. He also involved the Uniting Church not only locally but centrally. As a result of his very hard work, combined with the Department of Human Services in his region, plans are being presented to the Boroondara council for a new Uniting Church property in Glen Iris Road, Glen Iris.

It is a very fortunate situation to have such collaboration and partnership operating with a strong local member. I strongly recommend that if the honourable member for Dromana wants to be involved in Gardenvale he may like to become involved with the Department of Human Services, local government committees of management and the preschools to ensure that in future preschools in the Glen Iris council area are well and truly provided in cooperation.

As the honourable member for Dromana pointed out, the prospect for preschools around St Stephen's is terrific — they got full enrolment this year. I am sure that as a result of the Bracks government initiatives on per capita improvement and health care card holders St Stephen's will have continued enrolments.

I could quote how the honourable member for Burwood is looking towards the future. He has found that in his local government area the enrolments in Boroondara for preschools are increasing strongly as a result of the preschool participation rates.

In conclusion, it is important that there be a tripartite approach between local government, councils and the Department of Human Services. I will continue to work to ensure that partnership exists and grows.

**Mr HAMILTON** (Minister for Agriculture) — I thank the honourable member for Evelyn for raising this matter. While I would not claim to have the same knowledge of the wine industry as the honourable member, I notice in the Parliamentary Handbook that she was the owner of the Yarra Burn Winery, Yarra Junction, for a number of years.

Although I noted that she was very much aware of the problems with phylloxera in the wine industry, I suggest there would be some winegrowers around the country who would argue that phylloxera-resistant rootstock can produce wonderful wines.

**Mr Jasper** — Better.

**Mr HAMILTON** — I do not want to get into a debate about whether they are good or bad wines, but certainly in the electorate of the honourable member for

Murray Valley that disease-resistant root stock produces some wonderful wines.

I take the matter raised by the honourable member for Evelyn seriously. The constructive suggestion she made is that further research should be done by the department in conjunction with the wine industry — which is how the department does most of its research — to look at ways of improving the root stock so that other areas of Victoria can produce wines that are as good as those being produced by the better quality root stock.

I will take up the matter with the department and write to the honourable member for Evelyn to provide a more detailed answer to her suggestion.

**Mr CAMERON** (Minister for Local Government) — The honourable member for Tullamarine raised a matter concerning the black hand of the Kennett government. Unfortunately, the people of Tullamarine have had to foot the bill for the former government for far too long.

The honourable member for Tullamarine will shoulder the burden and represent her electorate with a great deal of vigour. The contentious issue of municipal arrangements in the City of Hume has been around for some time and was recognised during the election campaign. Some time ago the government advised that a panel would be set up to investigate the municipal arrangements, and the honourable member for Tullamarine in her usual helpful manner was active in that process. It was hoped that the panel would be established by the end of May, but because of the unavailability of a certain person I suspect it will be around two weeks before the government will be able to formally announce who will be on the panel.

Obviously the honourable member for Tullamarine will take an active interest in the process, as she always does when providing fearless leadership for her community. The panel will investigate the feasibility and viability of the municipal arrangements and will report to me as the responsible minister.

I assure the honourable member for Tullamarine that the start of the panel process is not far off. The people of the City of Hume will want to have an input in the process, and I also suspect the honourable member for Tullamarine will want to represent the views of the people of her electorate vigorously, as she has done since the election and as she will continue to do.

**Ms PIKE** (Minister for Housing) — The honourable member for Knox raised for the attention of the Minister for Education a matter concerning ex gratia payments for schools that have already paid for their airconditioning units and sought a response to correspondence. I will communicate that request to the Minister for Education.

The honourable member for Murray Valley raised with the Minister for Transport a matter concerning passenger rail services between Shepparton, Numurkah and Cobram. I will convey that matter to the Minister for Transport.

The honourable member for Brighton raised with the Minister for Sport and Recreation in another place a matter concerning a funding application for \$36 000 for floodlighting at the Hampton Bowls Club, which wishes to participate in the national championships in 2003. I take note of the challenge the club put out to the parliamentary bowls club to participate in a championship. That matter will be referred through the Minister for Gaming.

**The DEPUTY SPEAKER** — Order! The house stands adjourned.

**House adjourned 11.01 p.m.**