PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

9 December 1999

(extract from Book 5)

Internet: www.parliament.vic.gov.au

By authority of the Victorian Government Printer

The Governor

His Excellency the Honourable Sir JAMES AUGUSTINE GOBBO, AC

The Lieutenant-Governor

Professor ADRIENNE E. CLARKE, AO

The Ministry

Premier, Treasurer and Minister for Multicultural Affairs	The Hon. S. P. Bracks, MP
Deputy Premier, Minister for Health and Minister for Planning	The Hon. J. W. Thwaites, MP
Minister for Industrial Relations and Minister assisting the Minister for Workcover	The Hon. M. M. Gould, MLC
Minister for Transport	The Hon. P. Batchelor, MP
Minister for Energy and Resources, Minister for Ports and Minister assisting the Minister for State and Regional Development	The Hon. C. C. Broad, MLC
Minister for State and Regional Development, Minister for Finance and Assistant Treasurer	The Hon. J. M. Brumby, MP
Minister for Local Government, Minister for Workcover and Minister assisting the Minister for Transport regarding Roads	The Hon. R. G. Cameron, MP
Minister for Community Services	The Hon. C. M. Campbell, MP
Minister for Education and Minister for the Arts	The Hon. M. E. Delahunty, MP
Minister for Environment and Conservation and Minister for Women's Affairs	The Hon. S. M. Garbutt, MP
Minister for Police and Emergency Services and Minister for Corrections	The Hon. A. Haermeyer, MP
Minister for Agriculture and Minister for Aboriginal Affairs	The Hon. K. G. Hamilton, MP
Attorney-General, Minister for Manufacturing Industry and Minister for Racing	The Hon. R. J. Hulls, MP
Minister for Post Compulsory Education, Training and Employment	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation, Minister for Youth Affairs and Minister assisting the Minister for Planning	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Major Projects and Tourism and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
Minister for Housing, Minister for Aged Care and Minister assisting the Minister for Health	The Hon. B. J. Pike, MP
Minister for Small Business and Minister for Consumer Affairs	The Hon. M. R. Thomson, MLC
Parliamentary Secretary of the Cabinet	The Hon. G. W. Jennings

Heads of Parliamentary Departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Hansard — Chief Reporter: Ms C. J. Williams

Library — Librarian: Mr B. J. Davidson

Parliamentary Services — Secretary: Ms C. M. Haydon

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. ALEX ANDRIANOPOULOS

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

Temporary Chairmen of Committees: Ms Barker, Ms Davies, Mr Jasper, Mr Kilgour, Mr Loney, Mr Lupton, Mr Nardella, Mrs Peulich, Mr Phillips, Mr Plowman, Mr Richardson, Mr Savage, Mr Seitz

Leader of the Parliamentary Labor Party and Premier:
The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
The Hon. D. V. NAPTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. LOUISE ASHER

Leader of the Parliamentary National Party:
The Hon. P. J. McNAMARA

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Leighton, Michael Andrew	Preston	ALP
Andrianopoulos, Alex	Mill Park	ALP	Lenders, John Johannes Joseph	Dandenong North	ALP
Asher, Ms Louise	Brighton	LP	Lim, Hong Muy	Clayton	ALP
Ashley, Gordon Wetzel	Bayswater	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Baillieu, Edward Norman	Hawthorn	LP	Loney, Peter James	Geelong North	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	Lupton, Hurtle Reginald, OAM, JP	Knox	LP
Batchelor, Peter	Thomastown	ALP	McArthur, Stephen James	Monbulk	LP
Beattie, Ms Elizabeth Jean	Tullamarine	ALP	McCall, Ms Andrea Lea	Frankston	LP
Bracks, Stephen Philip	Williamstown	ALP	McIntosh, Andrew John	Kew	LP
Brumby, John Mansfield	Broadmeadows	ALP	Maclellan, Robert Roy Cameron	Pakenham	LP
Burke, Ms Leonie Therese	Prahran	LP	McNamara, Patrick John	Benalla	NP
Cameron, Robert Graham	Bendigo West	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maughan, Noel John	Rodney	NP
Carli, Carlo	Coburg	ALP	Maxfield, Ian John	Narracan	ALP
Clark, Robert William	Box Hill	LP	Mildenhall, Bruce Allan	Footscray	ALP
Cooper, Robert Fitzgerald	Mornington	LP	Mulder, Terence Wynn	Polwarth	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Napthine, Dr Denis Vincent	Portland	LP
Dean, Dr Robert Logan	Berwick	LP	Nardella, Donato Antonio	Melton	ALP
Delahunty, Hugh Francis	Wimmera	NP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Pandazopoulos, John	Dandenong	ALP
Dixon, Martin Francis	Dromana	LP	Paterson, Alister Irvine	South Barwon	LP
Doyle, Robert Keith Bennett	Malvern	LP	Perton, Victor John	Doncaster	LP
Duncan, Ms Joanne Therese	Gisborne	ALP	Peulich, Mrs Inga	Bentleigh	LP
Elliott, Mrs Lorraine Clare	Mooroolbark	LP	Phillips, Wayne	Eltham	LP
Fyffe, Mrs Christine Ann	Evelyn	LP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Plowman, Antony Fulton	Benambra	LP
Gillett, Ms Mary Jane	Werribee	ALP	Richardson, John Ingles	Forest Hill	LP
Haermeyer, André	Yan Yean	ALP	Robinson, Anthony Gerard Peter	Mitcham	ALP
Hamilton, Keith Graeme	Morwell	ALP	Rowe, Gary James	Cranbourne	LP
Hardman, Benedict Paul	Seymour	ALP	Ryan, Peter Julian	Gippsland South	NP
Helper, Jochen	Ripon	ALP	Savage, Russell Irwin	Mildura	Ind
Holding, Timothy James	Springvale	ALP	Seitz, George	Keilor	ALP
Honeywood, Phillip Neville	Warrandyte	LP	Shardey, Mrs Helen Jean	Caulfield	LP
Howard, Geoffrey Kemp	Ballarat East	ALP	Smith, Ernest Ross	Glen Waverley	LP
Hulls, Rob Justin	Niddrie	ALP	Spry, Garry Howard	Bellarine	LP
Ingram, Craig	Gippsland East	Ind	Steggall, Barry Edward Hector	Swan Hill	NP
Jasper, Kenneth Stephen	Murray Valley	NP	Thompson, Murray Hamilton	Sandringham	LP
Kennett, Jeffrey Gibb [1]	Burwood	LP	Thwaites, Johnstone William	Albert Park	ALP
Kilgour, Donald	Shepparton	NP	Trezise, Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Matthew Shaw	Frankston East	ALP
Kotsiras, Nicholas	Bulleen	LP	Vogels, John Adrian	Warrnambool	LP
Langdon, Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Kimberley Arthur	Wantirna	LP
Languiller, Telmo	Sunshine	ALP	Wilson, Ronald Charles	Bennettswood	LP
Leigh, Geoffrey Graeme	Mordialloc	LP	Wynne, Richard William	Richmond	ALP

[1] Resigned 3 November 1999

CONTENTS

THURSDAY, 9 DECEMBER 1999

QUESTIONS ON NOTICE

TUESDAY, 7 DECEMBER 1999

Thursday, 9 December 1999

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.38 a.m. and read the prayer.

PERSONAL EXPLANATION

The SPEAKER — Order! I remind the house that personal explanations are serious statements that should be heard in silence.

Mr PLOWMAN (Benambra) — I wish to make a personal explanation. Last night during the adjournment debate I raised for the attention of the Minister for Health the financial crisis facing the Walwa Bush Nursing Hospital. I will quote part of the response of the Minister for Health as reported at page 89 of *Daily Hansard*:

> I must say that I am a bit sick of the honourable member for Benambra's misleading the public about reports that have been prepared. A report on the Walwa Bush Nursing Hospital was prepared by Kerr and Associates. I would like the honourable member for Benambra to honestly state whether he supports the recommendations of that report.

I interjected:

> Of course I do.

The minister went on:

> The report supported the closure of the acute beds at Walwa. Is that what the honourable member is suggesting? …
>
> The honourable member is suggesting that he wants to close the acute beds at Walwa.
>
> That is why it is difficult, that is why you can't make these decisions — —

I interjected that that was totally dishonest. At page 94 Mr Thwaites is reported as saying:

> The Kerr report into the Walwa Bush Nursing Hospital stated that the future of the hospital ought to be in community-based services. It did not support bed-based services at the hospital.

My response by interjection was, 'Yes, it did.'.

At page 92 Mr Thwaites is reported as saying:

> I am getting a bit sick and tired of the approach of the honourable member for Benambra. He is damaging the case of the Walwa Bush Nursing Hospital because he is a hypocrite …
>
> *Honourable members interjecting.*

Mr PLOWMAN — At page 93 he said:

> … I believe we have to work through these issues, but we ought to do it constructively, not in this hypocritical, dishonest and damaging way.

I have the Kerr report into the Walwa Bush Nursing Hospital in my hand. I will read the recommendations in it because I want *Hansard* to truly record them. The report states:

> The isolated nature of Walwa requires the continuation of a range of health services to be provided within the township. These services are threatened by the extremely vulnerable financial position of the WBNH. …
>
> If the WBNH were to close a number of services would be threatened or lost including:
>
> The potential loss of the general practice to the town
>
> The loss of the pharmacy services
>
> The loss of outpatient clinics
>
> The loss of infrastructure to support on-site and visiting community-based domiciliary services.

I will read the two recommendations in the report. The first recommendation is that:

> DHS provide a 'one-off' grant to UMH & CS/Walwa to develop a business plan that assists with the integration of community-based services at Walwa.

The second recommendation is that:

> DHS provide a recurrent grant for emergency stabilisation to enable Walwa BNH to provide:
>
> Emergency stabilisation …
>
> After-hours and weekend casualty services …
>
> Outpatient services
>
> Coordination of publicly funded preventative and community-based services.

Nowhere in the recommendations of the Kerr report — —

The SPEAKER — Order! The latter part of the personal explanation has not been cleared by the Chair. I will not hear the honourable member for Benambra any longer on that point. Under the standing orders honourable members are entitled to quote from *Hansard* if they believe they have been misrepresented by another member, and that is precisely what the honourable member for Benambra has done. It is also his right to quote from sections of a report to correct any misrepresentation, and that is precisely what he has done.

The Chair will not tolerate interjections from the Attorney-General or the Minister for Health while a personal explanation is being given.

AUDITOR-GENERAL

Government finances

Mr BRUMBY (Minister for Finance) presented report for 1998–99.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Accident Compensation Act 1985 — Report on Requests for Approval

Health Services Act 1988 — Report of the Community Visitors for the year 1998–99 — Ordered to be printed

Ombudsman and Deputy Ombudsman (Police Complaints) — Report for the year 1998–99 — Ordered to be printed.

REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered later this day.

MEMBERS STATEMENTS

Intergraph: royal commission

Ms ASHER (Brighton) — I refer to the announcement the Premier made yesterday concerning the royal commission into Intergraph. In the interests of fairness and equity I call on the Premier to assure the house that the legal expenses of the former office-holders affected by the commission will be paid for by the Crown. The legal costs of the people who previously acted as Premier, ministers of the Crown, officials, office-bearers and staff should be paid for.

Providing legal representation for the people called before royal commissions and other people affected by them is a longstanding tradition of this place and most of the parliaments of the commonwealth. The issue is fundamental to this particular royal commission. The basic question is whether this royal commission is a genuine attempt to get to the truth or whether it is a political witch-hunt.

I call on the Premier to ensure that the Attorney-General does the right thing and provides for the Crown to cover the legal costs of the people genuinely affected by the royal commission. Previous Premiers have agreed to that, and as I said it has been a longstanding tradition of this place and other parliaments of Australia. The opposition's request is reasonable, and opposition members will be writing to the Premier on the matter. We call on him to assure the house that the legal costs of those affected by the commission will be picked up by the Crown.

Loddon–Mallee Deaflink

Ms ALLAN (Bendigo East) — Last Friday I attended the first birthday party of Loddon–Mallee Deaflink, which is an information service on deafness and impairment.

Deaflink is a regional information service run by the Bendigo Health Care Group and funded through the Department of Human Services. Funding for the project became available following a statewide report that identified the need for information services for the hearing-impaired in rural and regional Victoria.

Loddon–Mallee Deaflink covers a wide region of central and north-western Victoria and specialises in providing information, community support and education about deafness and hearing impairment.

Vast numbers of people in the Loddon–Mallee region have a hearing impairment, but the rate of reporting remains quite low and therefore deafness is not acknowledged as a disability by many in the community.

The Loddon–Mallee Deaflink project seeks to break down these barriers. The project worker, Mr Michael Uniacke is a tireless worker for the project who covers many miles in his job. He has a great deal of experience with deafness and hearing impairment. At the birthday celebration Michael spoke passionately about the program and his role. He has been a trailblazer in the Loddon–Mallee region for the project, and today I commend him for his work.

Michael referred to the great Australian poet, Henry Lawson, who also had hearing loss, which is a little-known fact — —

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

Jet skis: noise

Ms McCALL (Frankston) — Today, at the beginning of summer, is hot. The electorate I represent faces Port Phillip Bay and one of its biggest problems during summer is caused by those referred to by Herb Baptist, whose letter appears in today's *Herald Sun*, as 'Ratbags on water' — that is, jet ski operators.

Honourable members interjecting.

Ms McCALL — I note that some members of this side of the house appreciate that description!

Those of us who live on the beach side of Port Phillip Bay notice the excessive noise caused by a certain hoon element who ride jet skis. In the past certain no-go zones were allocated around Port Phillip Bay. We are awaiting the outcome of a report which recommends in the strongest possible terms that jet skis be licensed for Port Phillip Bay as if they were standard craft.

I am keen to get this moving as quickly as possible. An area in my electorate referred to as Olivers Hill is an echo chamber for the jet skis. I assure the house that if a jet ski is on the water at certain times of the day or evening it is a noisy piece of machinery. I can hear them from my house. I would be concerned, particularly as I feel strongly — —

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

Yarra Primary School

Mr WYNNE (Richmond) — I direct the attention of the house to the unique Yarra Primary School, which has survived seven years of the Kennett government and staved off potential closure. I am delighted to say it has increased its pupil enrolments and endorses the education policies of the government. The school is strongly committed to open access to the community and considers its responsibilities to include being part of the broader community. The school established on its school grounds a neighbourhood house called Finbar Community House. It has opened its computer rooms to public access during evenings and weekends. The vast bulk of the computers were donated to the school through a gracious gift of the Victorian Employers Chamber of Commerce and Industry.

I congratulate the principal, Sue Loch, and staff, and the president of the school council, Andrew Ferguson, and his hardworking committee of management. I have raised with the Minister for Education some issues about maintenance and capital works and leasing arrangements for the neighbourhood house.

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

Rosalie Fahey

Mrs FYFFE (Evelyn) — Today I praise the efforts of Ms Rosalie Fahey, a constituent of the electorate of Evelyn who recently competed and was successful in the national dressage competition in Sydney. One can only hope that the result places her in a good position to qualify for the Paralympics in Sydney next year.

I also praise the efforts of Ms Jillian Van of Country Link. Ms Van was contacted by my office after Ms Fahey had spoken to us. She was in great distress over the prices of the train fares to Sydney that she and her carer would have to pay to attend the competition.

Not only did Ms Van manage to resolve the issue but she was able to provide Ms Fahey and her carer with sponsorship from Country Link for the value of the tickets to Sydney. This is an exemplary show of kindness, decency and outstanding competency. Ms Van is a credit to her employers.

Country Link also deserves thanks for its sponsorship of an outstanding Victorian. Ms Fahey has overcome many challenges and obstacles to reach this part of her career and deserves admiration and commendation for her efforts so far, including the fantastic result achieved in Sydney recently.

I look forward to hearing of many more successful results for Ms Fahey and hope that she will always feel free to contact my office if we can assist in any way in the future, as my staff and I are happy to do for all the constituents of Evelyn.

Burwood: Labor candidate

Mr HULLS (Attorney-General) — We start the day with the Lord's Prayer because many of us take our religion seriously. Nobody should be prejudiced as a result of their religious beliefs. The Leader of the Opposition, however, seems to have taken a different view about the matter. I notice that the Labor Party candidate for Burwood is a man who made a choice some time ago to join the brotherhood, and that like others before him, including the late Morris West, he decided that that life was not for him.

He has now been treated as though his time in the seminary was like dancing in *The Devil's Playground*.

What the Leader of the Opposition has done in criticising this man because of what he did in the past is outrageous, grubby, anti-Catholic, anti-Christian and anti-democratic.

I want the Leader of the Opposition to come into this place and apologise. He is a man who has relatives, as I do, who are Catholic nuns. I would have thought it was beneath him to come into this place and allow his office to be used in a hypocritical way. He should come into this place and apologise.

The honourable member for Brighton is also behind this grubby attack. It is outrageous. The people of Burwood will judge the Leader of the Opposition for such outrageous conduct.

Australian Institute of Criminology

Mr ASHLEY (Bayswater) — I direct the attention of the house to a small envelope that I received from the Australian Institute of Criminology which contained a large publication entitled *Australian Crime*. I also direct the attention of the house to larger envelopes I receive from time to time that are paid for by public funds. When I open an envelope such as the one I have with me I often find two pieces of A4-size paper which, if folded, would fit into a smaller envelope.

I am complaining on behalf of the taxpayers of Australia because it is unfair and unfortunate that the Australian Institute of Criminology is spending twice the amount of money on postage that it should spend. It may be regarded as a crime.

ALP: fundraising dinner

Mr LEIGH (Mordialloc) — I raise the matter of the Labor Party's dinner the other night. More than $11 000 was paid by Transurban for the Labor Party function but I believe the sum is significantly more than that when one takes into account the other companies that may have arrangements with City Link. The Minister for Transport does not want to talk to anybody about City Link because he has a vengeance against it and its operations and Melbourne motorists. The Minister for Transport will not see reason and get on with the job. However, during the course of the election campaign he was prepared to illegally occupy City Link's territory. That action resulted in the death the next day of an individual who broke through the barrier after seeing the stunt the minister pulled the day before.

One must ask why a company like Transurban would pay to attend a Labor Party function, other than to pay blackmail money. Transurban was given the opportunity to pay money to this scurrilous bunch of people, people who behaved as though the City Link project was against the city of Melbourne and all Victorians. Some $2 billion has been added to Victoria's economy through the project. Obviously improvements need to be made to some of the operations under City Link, but it is a great pity that the only way business people can associate themselves with and get access to ministers of this government is by paying money to the Labor Party. The minister knows full well — —

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

Yarrabah School

Ms LINDELL (Carrum) — I draw to the attention of the house the 25th anniversary of Yarrabah School which was celebrated last Saturday, 4 December. Yarrabah is a specialist school at Aspendale for students with disabilities. Its mission statement reads:

> To provide every child with the opportunity for meaningful learning, worthwhile educational programs and non-categorisation that maximises their talents and abilities and encourages self-esteem.

The school believes all students can learn and experience success. Saturday's celebration of the school's anniversary was testament to that philosophy. I was extremely pleased to be invited to participate on the day.

The students' concert was made up of the early education class performing four songs, including 'A Sailor Went to Sea' and 'Rock-a-bye Your Bear'. The primary school students entertained the audience with 'Three Billygoats Gruff' and the senior students had everyone involved in their rendition of 'Celebration'. However, the highlight of the concert was the whole school singing 'I am Australian'.

I offer the principal, Pauline Musgrave, school council president, Trevor Browning, and all the staff and volunteers and school council members my congratulations on the success of their day. Yarrabah is an exceptional school. The dedication and expertise of its teachers and volunteers — —

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

Echuca East Primary School

Mr MAUGHAN (Rodney) — I wish to inform the house about a problem with Echuca East Primary School, to which the previous government allocated $1.5 million for stage 1 of a rebuilding program.

Tenders were received for amounts well over $2 million, and they are being called again. The school is gravely concerned that if the tenders again come in over budget it will not get all of stage 1 completed. I ask the Minister for Education to assure the school that in the event of the tenders being over budget she will make up the difference.

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

UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN

Mr THWAITES (Minister for Planning) — I move:

That pursuant to section 46D(1)(c) of the Planning and Environment Act 1987, amendment no. 109 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Mr CLARK (Box Hill) — A motion of this sort comes on for debate fairly rarely. Because it affects a regional strategy plan it requires the approval of both houses of Parliament. It is perhaps not surprising that the Minister for Planning has not had a great deal of opportunity to work out the protocols by which he liaises with the opposition in respect of such motions.

In this case the relevant local member, the honourable member for Monbulk, is very well informed of the issues concerned with the motion, as one would expect from a diligent and conscientious local member like him. He has been closely involved with the processes that have led to the motion being moved in the house. Therefore, on this occasion the opposition is prepared to allow the motion to be passed by the house, even though notice of it was given only yesterday — and, I should add, without prior consultation with me as the shadow Minister for Planning or, so far as I am aware, with any other member of the opposition.

I signal that the opposition would certainly expect some better protocols to be put in place for consultation in advance of notices of motion of this sort being given, assuming the government would like to proceed with the motion the following day. When the positions were reversed, Labor opposition members certainly raised a great deal of protest about matters relating to planning coming on for debate in the house at short notice. I understand that the previous Minister for Planning and Local Government had a very good working relationship with the opposition — particularly when the former member for Richmond, Mr Dollis, was shadow minister — and consultation arrangements were made on matters such as this.

I do not want to reflect adversely on the minister's staff in this matter because when I approached his office yesterday and pointed out to them that the notice of motion had been given, his staff responded quickly and arranged for me to be put in touch with the department and provided with a copy of the briefing note on the matter. However, that is not a protocol that can generally be expected to be adequate for the opposition to be able to respond on one day's notice to motions of this sort.

If it were not for the fact that the honourable member for Monbulk was very familiar with the issue, the opposition would be entitled to expect some time to, first of all, be briefed on what the motion relates to, and then time to consult with any affected members of the community before forming a view on whether to support the motion.

Motions of this sort require the support of both this house and the other place, so I exhort the minister to put in place steps to be followed before another motion of this sort comes before the house to ensure the opposition is informed in advance of the minister giving notice of his intention to move such a motion. Then, if there is a need for discussion and consultation, that can take place before the motion comes before the house. The relevant planning legislation sets fairly tight limits within which the house needs to deal with the motion, so it is more logical that consultation and discussion take place well in advance.

As I said, this is the first motion of its kind that the minister has moved, but I hope in future arrangements such as I have suggested are put in place. As I also said, in the case of this motion, given the extensive involvement to date of the honourable member for Monbulk in the matter addressed in the motion, the opposition will not oppose the motion.

Mr McARTHUR (Monbulk) — I am pleased to see this motion come before the house. I am very familiar with the land that is the subject of the motion moved by the Minister for Planning. It is land over which I have been involved in discussions and negotiations for many years now.

The aspect of the matter that I shall take up particularly relates to the conservation covenant which, as a result of the land transfer proposed by amendment no. 109, will be applied to some of the land that was previously part of the Silvan no. 2 reservation held by Melbourne Water for many years.

The decision was taken some time ago not to proceed with the second Silvan dam. Melbourne Water and, before that, the Melbourne and Metropolitan Board of Works leased out most of the land that was previously reserved for the site of the second Silvan dam.

Some of the families who leased that land for many decades were good land and environmental managers. It is therefore fitting that the work they have done over a number of decades is now recognised in the motion. The motion also recognises the willingness of the families to enter into a conservation covenant to ensure for the future the proper protection of the forested areas of that land, which contains significant areas of mountain ash and other eucalypt forest.

The conservation covenant properly ensures the protection and future management of the land. It is a very sensible outcome and a demonstration of the faith of both the previous and current governments that conservation covenants will encourage and promote better environmental management of private land.

It has been my view for some time that if the government was not prepared to support and promote conservation covenants as an appropriate method of protection of private land it could hardly expect private landowners to adopt that practice. On that basis I welcome the motion. It will serve the community well and will ensure the proper protection and environmental management of the land covered by the conservation covenant on the old Silvan no. 2 dam site.

Motion agreed to.

PUBLIC PROSECUTIONS (AMENDMENT) BILL

Second reading

Debate resumed from 25 November; motion of Mr HULLS (Attorney-General).

The SPEAKER — Order! I am of the opinion that the second and third readings of the bill require to be passed by an absolute majority of the house.

Dr DEAN (Berwick) — The opposition will not oppose the amendments to the Public Prosecutions Act, which was introduced in 1994 to replace the Director of Public Prosecutions Act 1982.

Before I talk about the changes made to the 1994 act I want to note what a good job the present Director of Public Prosecutions (DPP) is doing. He is respected on both sides of the house. As his period of tenure has continued, the respect in which he is held has increased. His reputation for fair-mindedness, getting on with the job and running an efficient office is to be commended.

The bill makes only two small amendments to what was a very important and in its own way revolutionary piece of legislation in 1994, which effectively restructured the DPP's office to make it operate more smoothly, to bring it up to date with modern times and to ensure that the resources available to the DPP — which I am sure he and everybody would always agree are never enough — were used in the most efficient way possible.

It is a constant battle to provide access to justice and ensure that the public prosecutor has enough resources at his or her disposal. It is a constant battle to keep up the right amount of resources to do the job. Justice is very expensive, and people on both sides of the house — I imagine the Attorney-General and I, certainly — are always looking for ways to ensure that the existing system of justice is streamlined and does its job in the most efficient and cost-effective way. The reason for that is that people's access to justice is incredibly important.

The bill is more concerned with people's access to defence, because the DPP is taking action on behalf of the people of Victoria to ensure that crimes committed within the state's boundaries are properly investigated and, if necessary, cases prosecuted to ensure that the perpetrators are brought to justice.

The 1994 bill which repealed the 1982 act and introduced a whole new regime for the office of Director of Public Prosecutions has been extremely successful. The fact that the bill amends only a small portion of the many changes made in 1994 is testimony to the fact that not only the present government but the Director of Public Prosecutions as well believe the initial major changes have been successful in making the office work better.

Although I do not want to get into any sort of political slanging match, it is important to point out that when the 1994 bill was brought in the then shadow Attorney-General, the former member for Melbourne, criticised every one of the changes that were made — I think there were five or six — and said that dire consequences would result from the changes. They did not. I know it is the job of the opposition to oppose, but if changes are opposed that later turn out to be appropriate, it is necessary to bring that to the attention of the house during the process.

I refer to one change in particular that was greatly criticised at the time: it was revolutionary but has now proved itself. That was the creation of the directors committee. The opposition response to the creation of the committee was that it was a political matter, it was an attempt to nobble the DPP and it was an outrage. Much smoke and fire and one or two mirrors were involved as well!

The directors committee comprised the DPP, the Chief Crown Prosecutor and the Crown Prosecutor, who was involved in what was called a special decision. Whenever a special decision was required it had to go before the directors committee for decision, and the director had a casting vote. If it turned out that the director wanted to go against the findings of the committee he could do so, but he had to advise the Attorney-General and the Attorney-General had to advise Parliament.

By their very nature those special decisions were likely to be politically and in every other way controversial. One example is the entry of a nolle prosequi against advice — that is, a case where the DPP decides, despite the advice of his or her prosecutor, not to proceed with a criminal prosecution even though the Crown Prosecutor had recommended it — so if the director said, 'No, I am not going to take that advice', the matter had to go before the committee.

If a director decided to make a presentment of a particular case also against advice — that is, the Crown Prosecutor said, 'No, I do not think you should proceed with that matter', but the DPP said, 'Yes, I will', that had to go to the committee. An appeal against a Supreme Court decision that it would be an abuse of process to proceed — in other words, if the Supreme Court said, 'I think it would be an abuse of process if the DPP proceeded with the prosecution', but the DPP said, 'No, I want to appeal against that decision of the Supreme Court' — again, a very controversial matter — also went to the directors committee.

There was also a decision to dispense with a committal. Committals have become a pretty hallowed operation in the judicial process, and although they are criticised by some, they are a filter and a first chance for a defendant to avoid prosecution. Decisions to dispense with committals are controversial and are known as special decisions. It was decided under what was then a revolutionary act that such decisions should go to the directors committee to decide whether or not it was appropriate for the director to make a decision. If the committee said 'no' and the director still wanted to go ahead, he or she could do so. However, in such cases the director would have to give the reasons for doing so to the Attorney-General, who in turn would have to give the reasons to Parliament.

At the time it was said that the change was nobbling the Director of Public Prosecutions (DPP), and so forth. It happened at about the time of a controversial case that involved the prosecution of nine or so police officers. The matter was appealed and the charges were ultimately dismissed. The name of the matter was the Gary Abdullah case. The director had made the brave decision to go ahead, despite all the publicity and against advice, and subsequently he was subjected to the political fall out. It was better to have a committee handle such matters. The director could then say, 'I have gone to the committee; we have all thought about it'. That would disperse the terror, or the political fall out. It was not terror; however, I suppose the process caused the police to feel terror.

Although the government was then accused of trying to nobble the DPP by not allowing him to make decisions, I notice that provision has not been amended in the proposed legislation. That is good. I do not know Mr Flatman's view on there being a directors committee, but I would guess that a director may find some comfort in the fact that he can go to a committee to spread the difficult decisions, and can still go ahead if he desires to do so. That was a good decision and I expect, and certainly hope, the government will not alter it, despite its protestations when in opposition.

The process is a great guarantee of the protection of the DPP, and the system is working all right. Although at the time of its introduction concerns were expressed and questions arose such as, 'How will you get them together?', and, 'What if one of them is sick?', all that has been worked out. The committee members do not have to meet physically. They can go through the process by saying in writing — by fax or email — whether they agree or do not agree with a decision. It was a good decision and ways have been found to ensure that it works.

Another major change to the DPP's area was the creation of, firstly, the Office of Public Prosecutions, and secondly, the position of Solicitor for Public Prosecutions. The change was roundly criticised. It was said it would take away the power of the director to run his own office. The concern was as follows. Outside in the real world — not that the office of the DPP is not the real world — of cut and thrust in the legal profession the way it usually works is that solicitors do all the administrative work, such as getting cases together, looking after the gathering of witnesses, briefing counsel, and so forth. I have to be careful what I say about solicitors, because I come from the

barristers' side of things. Solicitors are fine people who have a fabulous part to play. Many appear in matters and do lots of good work.

It is a unique system. It is true that perhaps over time those tasks will all be done by the one person because the current system is too expensive. However, it is a good system to the extent that it enables the DPP, or on the other side of things, the counsel, to concentrate on the case and do what they are trained to do best — that is, to take the case to court. They do not have to worry about whether or not there are enough paper clips, the witnesses are there or the briefs have been done properly — they do not have to deal with the administrative work. It enables the DPP to concentrate on what he or she has to do.

At the time there was a concern about the cost of the director's office. Although funding for the DPP has continued to increase, at that time it was increasing rapidly. In 1986 it was about $3.2 million, in 1990 it was $6.2 million, in 1991 it was $6.9 million and in 1992 it was $7.6 million. Any government would have had to take close cognisance of the escalating cost, and one of the reasons for creating the Office of Public prosecutions and the position of Solicitor for Public Prosecutions was to drive administrative efficiencies.

I will indulge in a bit of self-criticism. I was formerly a barrister and I know the strengths and weaknesses of barristers. One of the strengths of barristers — I am sure my colleagues at the bar, even the honourable member for Kew, will not be too offended if I say this — is not the administration of the nuts and bolts of matters, such as ensuring documents are in the right place at the right time, that even they themselves are in the right place at the right time, that the office is working properly, that there is enough paper, and that X has been briefed and Y has been notified to be in court. It was probably — —

Mr Richardson interjected.

Dr DEAN — They do not do it, and that is the point I am getting to. That work is done by solicitors. Solicitors and barristers have specialised roles in the profession. Both have particular jobs to do and are good at them. It was probably an anachronism that there was no specialisation in the former prosecutions office — the Director of Public Prosecutions was in charge of the lot. He was in charge of ensuring the office had all the things it needed and that briefings had taken place, as well as briefing counsel, running the case and deciding who to prosecute. It was a clever innovation to say, 'Let's have a Solicitor of Public Prosecutions to do all that'. I think everyone would agree that as a consequence of that change the office is running more efficiently than previously.

Nothing I have said should be taken as a criticism of the previous Director of Public Prosecutions. However, I think probably even he would agree that having someone with the sole task of looking at that side of the job and leaving him free to do what he had to do would have been of great benefit to him. The change has meant that the office — what did the advertisement for the Budget rent-a-car company say? — is driving its dollar further.

Another major and important change was the complete restructuring of the positions of Prosecutors for the Queen. The Prosecutors for the Queen were on life appointments and took an entirely individual approach to their positions — that is, they were doing the indictments and running the cases, but they were not in any way tied into the DPP team. They were very individualistic people and did a fabulous job, but there was no structure in the DPP's office that could be identified as a unified organisation with a particular direction and approach.

The act set up the positions of Director of Public Prosecutions, Solicitor for Public Prosecutions, Chief Crown Prosecutor, who was remunerated at the level of a County Court judge, senior Crown prosecutors and Crown prosecutors, on 10-year terms. At last there was a structure: a Director of Public Prosecutions and the Queens prosecutors, who became Crown prosecutors — I think they probably all became senior Crown prosecutors. They could act as a team, follow common guidelines and take a common approach. The prosecution of crime in this state was greatly enhanced by the changes.

At the time the change was criticised up hill and down dale, but it has worked. It has modernised the whole system. The previous Attorney-General is to be congratulated on taking initiatives to modernise the office, and I understand these have been picked up by other states.

The DPP's committee was a change brought in to give the DPP more oomph and to give the office a modern direction. The committee comprised the Director of Public Prosecutions, the Chief Crown Prosecutor, the Solicitor for Public Prosecutions and a person nominated by the Governor in Council. The committee formulates policy and directions for the DPP. It was also involved in moving the prosecution of crime from the control of the police, who originally had a complete monopoly, to skilled prosecutors within the DPP's office. The police are sensitive to the change, but it is

slowly taking place. In certain courts the police have done and continue to do a fabulous job, but there was a need for a more definite and professional structure for prosecutions in Victoria. The DPP's committee oversaw that sort of change and constantly comes up with new ideas for the DPP.

The 1994 act modernised the office of Director of Public Prosecutions and the changes have certainly been appreciated; at the time the DPP said he was keen to have them made. The criminal bar also praised the legislation.

There is no doubt the changes in the contempt power were controversial, and there are reasons for and against them. The reasons in favour were that in the past the Attorney-General had always brought contempt charges so it was possible that the DPP could have been placed in a situation of conflict. The argument against is that on occasion the Attorney-General could be faced with a political contempt prosecution, so the prosecution would be placed under the control of the Solicitor-General. The act provides that in that instance the Attorney-General shall act on the advice of the Solicitor-General; if that did not occur the Attorney-General must provide the reasons for not so acting to Parliament. That limited the power of the Attorney-General to take the actions. Certainly debate has flowed to and fro.

At the time the opposition stated its policy and what it would do to change the legislation. Now it is in government and is implementing its policy. It is appropriate that the changes be made, although there are arguments on both sides. That is why the Liberal Party will not oppose the change.

As with the other changes, an enormous amount of smoke was created and there was much beating of the drums. The changes were not as dramatic as they were made out to be, but that is the role of opposition as the previous opposition perceived it. So be it!

In conclusion, in what I hope is to be the new environment in this place the opposition and the government will agree on certain matters. I think the coalition government may have been the first state government to change the DPP's operations; certainly, it moved reasonably quickly to do so, and other states followed the lead. The opposition and the government agree that the Director of Public Prosecutions is playing a powerful and good role. It is an excellent way to enforce prosecutions. It is important that the DPP be backed up. The government and the opposition would agree that the DPP is doing a fine job. I hope any changes that are made, as with the changes made in 1994 which greatly strengthened and helped the office to operate in an efficient and more focused way, will always be supported by both sides of the house. We will have our differences on particular matters.

The opposition does not agree that the changes being made in relation to contempt proceedings should be shrouded politically as they were by the former opposition. There will always be different views on how contempt cases are prosecuted, even if the DPP is prosecuting. There are problems with whether the DPP's office can distance itself from other contempt prosecutions just as criticisms are made that the Attorney-General is too close to the political process to conduct defence cases. It needs to be remembered that it is a function of modern politics that the Attorney-General is seen in this political light.

Before the DPP legislation was introduced the Attorney-General was in charge of all prosecutions. The Attorney-General had that responsibility as well as being a politician. One sad consequence of modern politics becoming so aggressive and party-orientated is that the role of the Attorney-General appears to have become incredibly politicised. I regret that.

When the Attorney-General was in opposition he would say, 'When I become Attorney-General, which I know will happen after the next election' — he used to say that on many occasions — 'I will try to change that'. I do not have his personality, although I will say that the opposition intends to do everything it can to win the next election. If it is successful and I am lucky enough then to be appointed Attorney-General I assure the house that I will do my utmost to ensure that the Attorney-General is seen in a slightly different position from the normal political position of a frontbench minister. I will not take the same approach as does the present Attorney-General in relation to conduct either inside or outside the house, but it would be a wonderful addition to modern politics if the special role of the Attorney-General, which should be neutral to political influences in conducting legal affairs, is returned.

With the former Attorney-General I attended the Standing Committee of Attorneys-General on the last occasion that it met. It was fabulous to watch the attorneys-general and the commonwealth Attorney-General discussing weighty matters in relation to the law of this country. In that environment the attorneys-general approached solutions to legal problems differently from my experience of meetings in other portfolios, because they saw themselves not only as members of political parties but also as having the separate roles of trying to ensure the solutions they came up with were appropriate regardless of whether

they were politically uncomfortable. The level of cooperation around the table was extraordinary.

Yesterday in the house I referred to the court system in this country, which is in a complicated mess with the federal and state courts all doing what they are doing. I said that if any group of people had the vision to break through that mess, even if it required some political backing off and giving up certain things between states and the commonwealth, the attorneys-general could do it. I am not trying to give them credit that they do not deserve, and I am not trying to say that just because lawyers are lawyers they are any different from anybody else.

However, I am saying that years of training in taking a logical and neutral approach to political problems as well as a love of the justice system and how it works reflect the integrity of attorneys-general and inform the way they go about their work and the way they view their role.

Opposition members do not oppose the amendments; we understand why they need to be made. It is good to see that the Director of Public Prosecutions will have his or her conditions enshrined in the constitution. We have had a big fight over contempt, and it is time for the government to do what it believes is appropriate. I am pleased that the government is sticking with the other major changes to the office of the Director of Public Prosecutions.

Mr WYNNE (Richmond) — I thank the honourable member for Berwick for his contribution on the bill. This is the third leg in a trifecta that will enshrine in law some important policy objectives with which the Bracks government went to the election. The objectives include restoring the independence of the Auditor-General, reforming the Freedom of Information Act and enshrining in the constitution the independence of the public prosecutor. It is important to note that although the Bracks government has been in office only 52 days, all three bills giving effect to those changes have been debated in the house.

The basis for the bill is contained in the policy document entitled 'A more just Victoria — Labor's justice policy', which the Labor Party took to the last election. As I said, the bill aims to enshrine in the Victorian constitution the independence of the Director of Public Prosecutions (DPP). It is part of the government's response to the Independents charter that also aims to restore the power of the Director of Public Prosecutions to bring contempt of court proceedings independent of the Attorney-General and the Solicitor-General.

Both commitments have been fulfilled in full. In Victoria the position of Director of Public Prosecutions was created by the Director of Public Prosecutions Act 1982. Until then prosecutions of indictable offences were handled by the criminal law branch of the Crown Solicitor's Office. Presentments were signed by the Attorney-General, the Solicitor-General or prosecutors for the Queen.

The Director of Public Prosecutions Act established the DPP as an independent prosecuting authority whose salary and conditions of employment were equivalent to a Supreme Court judge and who could be removed from office only by a resolution of both houses of Parliament. That situation reflected the position of the then Cain government. You will recall, Madam Deputy Speaker, that the Honourable John Cain was also at that stage the Attorney-General. He sought to remove any suggestion that the launching of prosecutions, or the failure to launch them, could be subject to political pressure.

In 1994 the Director of Public Prosecutions Act was repealed and replaced by the current Public Prosecutions Act. Honourable members may recall some of the circumstances that applied at the time. Late last night I read from the Hansard report of the debate, some of which was at best vigorous and certainly fiery. It would be fair to say that the then opposition had some real concerns about the coalition government's motivation for repealing that act. Nevertheless, time moves on and the Labor government now has the opportunity to enshrine in the constitution the independence of the public prosecutor.

During the 1994 debate section 46 was the subject of extensive discussion. The then Attorney-General, Jan Wade, appeared to rely on two arguments in favour of the section. The first was that contempt proceedings are unusual in that they raise wider issues than other proceedings. Obviously they involve a balance between the need for a fair trial — which could be jeopardised by publication of certain prejudicial material — and the right to freedom of speech. It was argued that the Attorney-General rather than the Director of Public Prosecutions was in a better position to strike that balance.

In the government's view it is wrong to suggest that the DPP is unable to properly perform such a task. Clearly a decision to prosecute for contempt involves a consideration of the public interest, but so do many other decisions to prosecute for other offences.

The former Attorney-General's second argument in favour of section 46 was that because most contempt

proceedings are brought against third parties, the need to ensure the defendant receives a fair trial means that it is wrong for the DPP to be responsible for prosecuting a defendant while also being responsible for deciding whether to bring contempt proceedings against third parties.

The government rejects that argument on three grounds. Firstly, the argument assumes without any foundation that the DPP would disregard his or her duties under the Public Prosecutions Act and under the prosecutorial guidelines. Secondly, if the DPP considers he or she has a conflict of interests in such a case, the Public Prosecutions Act enables the public prosecutor to refer the case to the Attorney-General. Thirdly, it must be remembered that the DPP is not the only person who can bring contempt proceedings. Even if the DPP disregarded his or her duties by deciding not to refer the matter to the Attorney-General and decided for tactical reasons not to bring contempt proceedings, it would still be possible for the Attorney-General — or the plaintiff — to bring the proceedings. The checks and balances are there.

I turn to another aspect of section 46 that was not debated by Parliament. The section not only removed the right of the DPP to bring contempt proceedings but also substantially reduced the common-law right of ordinary people to bring contempt proceedings. That aspect of section 46 was highlighted in 1995 when a group of Papua New Guinean villagers tried to bring contempt proceedings against BHP for its behaviour during a case brought by the villagers against it in the Supreme Court of Victoria. The Supreme Court found that BHP had committed a contempt, but when the case went to the Court of Appeal it was found that section 46 had removed the villagers' right to bring the contempt proceedings.

The bill repeals section 46 of the act. In so doing, it expressly revives the common law with regard to the bringing of contempt proceedings that applied in Victoria before section 46 came into force on 1 July 1994.

The bill also strengthens the independence of the position of the Director of Public Prosecutions by transferring the provisions dealing with the appointment of the Director of Public Prosecutions and the terms and conditions of that appointment from the Public Prosecution Act to the Constitution Act 1975. Clause 10 entrenches those provisions in the Constitution Act so that in future they may only be repealed or amended by a bill passed by an absolute majority of members of each house of Parliament, which is an important checking mechanism.

The bill substantially enhances the independence of prosecutorial decision making in Victoria from governmental or political interference. In so doing, it implements one of the key planks of the government.

It would be fair to say that when the bill was introduced into Parliament it was the subject of major political furore. I recommend anybody who has a passing interest to look back at some of the debate. It was a fiery debate that revolved around the Director of Public Prosecutions potentially bringing contempt charges against former Premier Kennett for comments Mr Kennett made following the arrest of an alleged serial killer. It was a hostile debate and raised great passions on both sides of the house.

The bill enjoys bipartisan support. It is an important election commitment of the government. Enshrining the independence of the public prosecutor in the constitution is an important symbol of the government. It recognises it is an independent body unfettered by political interference. I commend the bill to the house.

Mr WILSON (Bennettswood) — I am pleased to join the debate on the Public Prosecutions (Amendment) Bill. Honourable members will agree that the Director of Public Prosecutions plays an important role in our legal system. The amending legislation is a further development and evolution in the role of the DPP. The opposition does not oppose the reform.

As a new member of the house, sitting opposite a new government, I am surprised by the vigour of the government members supporting the bill. One gets the impression that government members believe they have a monopoly on good policy making and that all of the Kennett government's legislative reforms were somewhat flawed or perhaps even conspiratorial. I believe the vast majority of members of Parliament come to this place with the best of intentions to improve our society and legislative reform is an important component behind that goal. On that basis I wish to reflect on the 1994 legislation that the bill seeks to amend.

Honourable members will be aware that the position of the DPP was created in 1982 legislation and, as the Attorney-General reminded the house, the goal was to remove any suggestion that prosecutions or failure to launch prosecutions were the subject of political pressure. That was a major development in the administration of criminal justice in Victoria and the Director of Public Prosecutions Act 1982 will be remembered as an important innovation in our legal system.

By 1994, the Kennett government, and the then Attorney-General, concluded that the 1982 legislation required amendments to deal with significant developments in Victoria's legal and prosecution systems. Before enacting the 1994 legislation the government consulted widely and there was significant scrutiny of the bill before it was introduced. By the time the bill was debated in the Parliament a total politicisation had occurred and the sentiments expressed by the then opposition in 1994 are the genesis of the amending bill now before the house.

Despite the protestations of honourable members opposite, I have no problem in accepting the former Attorney-General's statement to the house in April 1994 that the legislation was intended to maintain and strengthen the position of the DPP. Late last night — like the honourable member for Richmond — when researching the debate on the 1994 bill, I read with interest a comment from the honourable member for Gippsland South. He said he could not readily recall any debate in the house that had sunk to a point so low as that reached in the then opposition's contributions to the bill. The honourable member for Gippsland South spoke of the vicious, vindictive and personalised attack on the then Attorney-General, the Honourable Jan Wade.

I wish to record my admiration for the former Attorney-General. Jan Wade made an outstanding contribution to Victoria, both prior to and during her term as the honourable member for Kew, particularly as Attorney-General between 1992 and 1999. I believe many of the legislative reforms initiated by the former Attorney-General will be long remembered as excellent policy making, and I pay special tribute to an outstanding legislator.

The 1994 bill continued the process of improving and developing the role of the DPP in the spirit of the 1982 act. In essence, the purpose of the bill is to reverse provisions with respect to the DPP that were enacted by the previous government, particularly enabling the DPP, the Attorney-General, the court or person with sufficient standing to bring contempt of court proceedings, and in establishing the DPP's terms and conditions of employment under the Constitution Act.

The 1994 act, as it dealt with contempt proceedings, was inspired by a sincere belief that the commencement of proceedings for contempt is a function of particular significance to the integrity of the judicial system. Under the 1994 legislation, the power to bring an action for a criminal contempt was vested in the Attorney-General, acting only on the advice of the Solicitor-General. Under the 1994 act, the Attorney-General is unable to proceed unless advice is forthcoming from the Solicitor-General.

I have read the current Attorney-General's three reasons for seeking to amend the provisions. The Attorney-General's reasoning reflects the spirit of the opposition to the 1994 legislation. Honourable members will be aware that the bill repeals section 46 of the 1994 act and, in so doing, revives the common law with regard to the bringing of contempt proceedings that applied in Victoria prior to 1 July 1994.

I note that the Attorney-General's second-reading speech refers to the goal of strengthening the independence of the DPP. The Attorney-General's language of December 1999 is not very different from Attorney-General Wade's language in 1994. Although the circumstances in which honourable members find themselves in this place force them to throw taunts and ridicule across the chamber, I have every confidence that both sides of the house are genuinely committed to an independent and strong DPP.

My final comments relate to provisions that allow for the entrenchment of the position of Director of Public Prosecutions by inserting new provisions in the Constitution Act. The bill provides for the qualifications, appointment and term of appointment of the DPP. The bill also deals with the terms and conditions of the director's appointment, and with resignation, suspension and removal from office. It reinforces the safeguards that protect the director from unfair suspension or removal from office and gives the Governor in Council and Parliament an important role to play in those unusual circumstances.

I welcome the opportunity to participate in the debate. The opposition is not opposing the bill.

Mr HOLDING (Springvale) — I listened carefully to the contribution of the honourable member for Bennettswood on the Public Prosecutions (Amendment) Bill. Firstly, he seemed to be saying — and I take it at face value — that the opposition is supporting the bill That is important and the government appreciates it. Secondly, he provided the house with some background about the reasons for the original Public Prosecutions Act of 1994, which removed the power of the Director of Public Prosecutions to bring contempt actions and effectively referred that power or responsibility back to the Attorney-General.

If the house is to have a serious debate about the reasons for the bill and the justification of its

introduction honourable members need to understand why the contempt powers were removed from the Director of Public Prosecutions in 1994 and the effect of that removal. They need to understand that the former government and its Attorney-General decided to remove the contempt powers from the Director of Public Prosecutions not because they had a sincere belief that the contempt function was not an appropriate function for the DPP, but because they wanted to obtain political control for the bringing of contempt actions.

If honourable members turn their minds to what was happening back in 1994 they will recall that the then Premier made certain comments in relation to a serial killer. Those matters were cited as possibly being in contempt of court and there was a suggestion at the time that contempt action was to be taken against the Premier. In that politically charged atmosphere the former government decided to remove from the Director of Public Prosecutions the responsibility for bringing contempt actions. Although the legislation did more, that was its political essence and the aspect that dominated debate at the time.

An article published in the *Law Institute Journal* of April 1994 described the intent of the Public Prosecutions Bill. It states that the bill:

> … contains a number of significant reforms to the system of public prosecutions in Victoria.

The article further states:

> The first significant reform proposed in the bill is the total repeal of the existing Director of Public Prosecutions Act of 1982 … In effect, the entire legislative framework for public prosecutions would be removed in one fell swoop. In its place would be a completely restructured Office of Public Prosecutions, a newly established 'Committee for Public Prosecutions' and 'Deputy Director of Public Prosecutions', and the curtailment of existing powers and functions of the DPP through various procedural requirements. The omission of the word 'Director' from the title of the bill indicates the government's reluctance to grant one individual significant powers in a unit of public administration. The 'Director' of public prosecutions no longer becomes the focus. Instead, decision-making powers are to be 'dispersed' —

and the use of inverted commas around 'dispersed' is appropriate —

> among a range of authorities.

The bill before us today will restore some of the powers that were lost when the 1993 bill was passed. It will also strengthen the independence of the position of the Director of Public Prosecutions by transferring the provisions that deal with the appointment of the DPP and the terms and conditions of that appointment from the Public Prosecutions Act to the Constitution Act.

The entrenching of the appointment procedures for the DPP in the Constitution Act is an important mechanism. It does two things: it provides a stronger legal framework for preserving the independence of the DPP and it provides a symbolic assertion of the DPP's role and function. It is a symbolic assertion of the important status the DPP enjoys in the Victorian legal framework. That is a progressive move and a welcome provision in the bill. It supports the notion that there ought to be appropriate checks and balances on the exercise of executive power.

Honourable members are often quick to assert that entrenching things in the Victorian constitution in order to ensure that an appropriate legal framework exists to protect them is not an effective mechanism in the Victorian context because the Victorian constitution can be changed by the Victorian Parliament. I beg to differ. Entrenching the roles, powers and functions of the DPP in the constitution provides a more effective legislative safeguard because the Victorian Constitution Act can be repealed or amended only by a bill that is passed by an absolute majority of members in each house of Parliament. The requirement for an absolute majority, in particular in the context of the current Parliament, means that the government of the day cannot simply amend the functions and powers of the DPP or remove the office of Director of Public Prosecutions. The entrenching of the appointment procedures in the constitution makes it impossible for that to be done without the support of all parties in the Parliament.

The legislation passed by the previous government in 1994 had a second, and at the time unintended, consequence in relation to the then section 46 of the act. That section dealt with contempt proceedings and its effect was tested in the Victorian Supreme Court in the BHP case. A contempt action was brought against BHP by villagers in Papua New Guinea who were adversely affected by the operations of the Ok Tedi mine that were a consequence of certain arrangements reached between BHP and the then government of Papua New Guinea.

I understand that at least one justice of the Victorian Supreme Court held that aspects of the Public Prosecutions Act, as it then was, were unconstitutional and not a valid exercise of legislative power by the Victorian Parliament because they offended provisions of the Victorian Constitution Act of 1975. Those aspects related to the capacity to bring actions in the Supreme Court — that is, the section 85 component of the Constitution Act. That is an important consideration and should be taken into account. The bill will ensure that the unintended consequences of the Public

Prosecutions Act of 1994 are overcome. The bill enjoys the support of all honourable members.

The bill is welcome because it asserts both the independence of the Director of Public Prosecutions (DPP) and the importance of his statutory functions. The bill both restores the independence and powers of the office of the DPP and entrenches those powers and functions under the Victorian constitution, which is an important safeguard. I commend the bill to the house.

Mrs FYFFE (Evelyn) — The former Attorney-General replaced the Director of Public Prosecutions Act with the Public Prosecutions Act in recognition of the need for change. The then Attorney-General's second-reading speech is recorded in *Hansard* of 21 April 1994:

> In 1982 a major step forward was taken … In important respects however, the structure set up in 1982 has exhibited significant flaws.
>
> … With the benefit of more than a decade of experience and with the examples of the other Australian jurisdictions, it is now again time for Victoria to institute a major reform to ensure the continuing proper function of our prosecution system.

The then Attorney-General referred to the costs of the then existing services. The second-reading speech recorded at page 1055 of *Hansard* of 21 April 1994 states that the costs in the year commencing July 1986 were more than $3 million; by June 1990 the costs for the year were more than $6 million; and in 1992–93 they more than $7.5 million.

Obviously it was time for change, which is always greeted with a mixed and noisy reaction and sometimes with feelings of hostility. Earlier speakers have recalled that the 1994 debate on the matter was heated.

On trying to relate the bill to the world I came from before becoming a member of Parliament, I see that the world of the law is in many ways similar to the old-world tradition of winemaking: it is a world of strong traditions relying on the security of what is, and not what could be.

Winemaking relies on the rhythm of the seasons, the security of routine and timelessness. In the old-world champagne cellars people worked in quietness, with subdued conversation and lighting. In addition to the visual and auditory atmosphere the workers were surrounded by the smells of ullage and the earthiness of dirt floors. Part of the process of champagne making involves the riddling down of the dead yeast cells and the lees into the neck of the bottle. Those processes require people to stand quietly in front of the riddling racks and systematically twist, shake and gently move each bottle in a continuous pattern day after day, week after week, all through the winter months while the vines lie dormant. However, by the mid-1970s the workers were diagnosed as suffering from RSI and costs were escalating so that the labour costs became too large a component of the total cost. The former Attorney-General also faced increasing costs and realised that changes needed to be made.

In champagne making, particularly in the New World, the riddling halls and the riddling technique were replaced with machine shaking, which drastically cut the incidence of RSI, and the time and costs. The fear of change produced much noise, many arguments and dire predictions of doom and gloom. However, the industry eventually recognised the overall benefit of those changes. By making only one amendment to the 1994 act the government also recognises that the changes then made were needed.

After the 1970s changes to the wine industry the incoming management group also made only one major change. A few rows of the old traditional riddling racks were introduced into tourist viewing areas and a few senior people were employed to go slowly through the motions of hand riddling. Those instigations retain a sense of tradition and security while the hard work continues in the background.

I am pleased that the Labor minority government appears to agree with the changes introduced in 1994 by the former Attorney-General. I support the shadow Attorney-General in not opposing the amendment to the Public Prosecutions Act.

Ms OVERINGTON (Ballarat West) — I have pleasure in contributing to the debate on the Public Prosecutions (Amendment) Bill which strengthens the independence of the Director of Public Prosecutions (DPP). It removes the DPP's decision-making powers from the influence of government or political process. Unfortunately, under the Kennett government those processes were politically tainted, which should never happen. The DPP should always be seen as being above politics and outside the influence of any political party.

In removing the decision-making powers of the DPP from the influence of government or the political process, the bill implements a key election pledge of the Bracks Labor government. All Victorians know that the Bracks Labor government is committed to transparent, open government. In introducing the Public Prosecutions (Amendment) Bill the government is fulfilling a promise to Victorians.

As honourable members are aware, the bill results from the removal of the DPP's powers, which should never be questioned or allowed to be removed. Honourable members may recall that the enactment of the Public Prosecutions Act followed indications that the then Director of Public Prosecutions, Mr Bernard Bongiorno, QC, was considered to be in contempt because the former government took offence at some of his rulings. By taking offence the government placed that position in the political arena. In open government that should never happen.

The bill repeals section 46 of the act which was the subject of much debate when it was introduced by the former Attorney-General, Jan Wade. There were two points of argument: the contempt proceedings and the need for a fair trial that was seen to be jeopardised, and the right to freedom of speech. Freedom of speech is a fundamental and basic worldwide right of every citizen. It is a right that some governments stifle and others take for granted. The Bracks Labor government will never question the right to freedom of speech.

In repealing section 46 of the Public Prosecutions Act, the bill expressly revives the common law with regard to the bringing of contempt proceedings that applied in Victoria before section 46 came into force on 1 July 1994. That was a sad day for Victoria.

The bill strengthens the independence of the position of the Director of Public Prosecutions by transferring the provisions dealing with the appointment of the DPP and the terms and conditions of the appointment from the Public Prosecutions Act to the Constitution Act. Clause 10 entrenches those provisions in the Constitution Act so that in future they may be repealed or amended only by an absolute majority of members in each house of the Parliament.

The bill substantially enhances the independence of prosecutorial decision making in Victoria from governmental or political interference and, in so doing, implements a key election policy of the Labor Party. Open government and transparency in government is a cornerstone of the Bracks Labor government and the bill is an important component of that strategy — something that has been missing in Victoria for the past seven years.

It is ironic that the amending bill is being introduced because certain political masters believed they could influence the law. No-one should have the right to influence the law. The DPP should be above political interference and influence.

The amendment will return public prosecution legislation to what it was when the principal bill was introduced in the 1980s. At that time Victoria was the only state that had enhanced the independence of the Director of Public Prosecutions in the constitution as an independent statutory holder. It is with pleasure that I commend the bill to the house.

Mr CLARK (Box Hill) — I raise with the Attorney-General whether the Public Prosecutions (Amendment) Bill needs a section 85 clause, a provision declaring that it is the intention of the bill to modify the jurisdiction of the Supreme Court. It is unfortunate that the Attorney-General is now leaving the chamber, because I would like him to consider this matter.

The intention and effect of clauses 7, 8 and 12 is to repeal sections 46 and 49(a) of the Public Prosecutions Act and to reinstate a common-law right to apply to the Supreme Court for punishment of a person for contempt of court. When legislation that affected those provisions was passed by the former government, Parliament determined that it would affect section 85 of the constitution and a section 85 provision was inserted in section 49(a) of the Public Prosecutions Act.

If the previous amendments affected section 85, there is a strong argument that this bill also affects section 85 — that is, section 85 as it now stands as varied by the previous amendments. One may say the bill requires an absolute majority in any case because of the direct amendments to the enshrining section of the constitution. However, there is a risk that if there is not an express declaration in the bill about section 85, the provisions of the bill that affect the section could be invalid because of the provisions in section 85 which provide for that consequence.

The government should urgently address the matter because the onus is on it to ensure there are no legal doubts about the validity of the legislation. It is important that the government addresses that issue and ensures that Parliament and the community fully understand the position. The issue is not beyond dispute. It can be argued that section 85(4) means there is not a need for a section 85 clause in the bill. It provides:

> This Act does not limit or affect the power of the Parliament to confer additional jurisdiction or powers on the Court.

It can be argued that the provisions of the bill which I have referred to confer additional jurisdictions or powers on the court and hence they fall within the terms of section 85(4), and therefore there is not a need for a section 85 statement. However, my view — and I

accept that the views of lawyers and former lawyers in this house may vary — is that the reference in section 85(4) to additional jurisdiction and more generally the entire provision does not refer to instances where there is an amendment to changes previously made to the jurisdiction of the Supreme Court by Parliament. Rather, the provision refers to where there are separate or fresh jurisdictions being conferred on the Supreme Court by Parliament. That could arise in a wide variety of matters — perhaps as a result of commonwealth–state agreements or international treaties and so on.

On my reading of section 85(4) alterations that are being made to previous alterations to the jurisdiction of the Supreme Court by Parliament raise considerable doubt whether they fall within the wording of section 85(4). If I am correct in that interpretation and if that provision does not apply, the provisions of the bill that affect the jurisdiction of the Supreme Court will be at risk of being ineffective.

As I said earlier, it is unfortunate that the Attorney-General left the chamber as I raised the point because it is one I would like him to respond to in closing the second-reading debate. It is relevant to the validity of the provisions in the bill and may prove relevant to other bills that may come before the house. I place this issue on the record and sincerely hope it will be addressed by the government and responded to by the Attorney-General at the end of the debate.

Ms DUNCAN (Gisborne) — The Public Prosecutions (Amendment) Bill repeals section 46 of the Public Prosecutions Act, which implements a commitment the Bracks Labor government made prior to and during the election campaign to provide open, accountable and honest government. The Labor Party justice policy, 'A More Just Victoria' states in part:

> … to enshrine the independence of the Director of Public Prosecutions in the Victorian constitution.

The bill is also based on the government's policy commitment in response to the Independents charter, which states in part that Labor will:

> … restore the power of the Director of Public Prosecutions to bring contempt of court proceedings independent of the Attorney-General and the Solicitor-General;
>
> enshrine the independence of the office of the Director of Public Prosecutions in the Victorian constitution …

At the time it was extraordinary to think that any government would have sought to and in fact did implement the changes to such a high office in the way the Kennett government did.

It reminds me of questions that were put to a former Premier of Queensland, Mr Bjelke-Petersen, about the meaning of the separation of powers. I recall he was at a loss to explain what they were. It strikes me it is something conservative governments generally fail to understand. They do not seem to understand that it is not appropriate for a Premier or for any member of Parliament to seek to influence the way in which prosecutions are dealt with. At the time of the change there was a heated and prolonged debate on the issue and it created widespread community unrest. People from all quarters were screaming from rooftops about the damaging effect the change would have on justice — and that is exactly what happened.

An article in the *Alternative Law Journal* of April 1994 talks about the opposition to the proposed changes. It states:

> Opposition to the proposed changes to the DPP's office, foreshadowed in the Public Prosecutions Bill … was expressed by the International Commission of Jurists, the Council for Civil Liberties, the Victorian Law Institute, senior members of the Victorian bar, other directors of public prosecutions throughout Australia, members of the Victorian Supreme Court, the staff of the Director of Public Prosecutions which numbers 100 and includes about 60 lawyers, the Chief Justice of the Family Court of Australia, Mr Justice Nicholson, and the Chairman of the New South Wales Court of Appeal, Mr Justice Kirby.

Almost all persons who had any position in the Australian justice system were united in their outrage against the proposed changes. All honourable members will recall the circumstances in which the changes were brought about and the flimsy arguments presented by the then Attorney-General when moving the amendments. The journal article continues:

> In fact, it has been said that the Attorney-General responsible for the bill, Jan Wade, alienated the entire legal profession and created a division comparable to that brought about by former Victorian Premier, Sir Henry Bolte's decision to hang Ronald Ryan in the 1960s. Certainly she upset the Victorian DPP, Bernard Bongiorno, QC. After discovering that the bill existed Mr Bongiorno said he would be surprised if he ever spoke to the Attorney-General again and when asked whether he had confidence in Mrs Wade replied that 'The job doesn't require me to have confidence in the Attorney'(*Age* 13.12.93).

Everyone, except the then government, saw the change as a detrimental and draconian backward step in justice in Victoria.

It is pleasing to see that the now opposition supports the amendments designed to reinstate the powers of the DPP. I am surprised the bill has bipartisan support given earlier opposition to such action. I can only assume that many of the relevant arguments were mounted in the cabinet room and among party

colleagues at the time of the removal of the powers. I also assume there was opposition to the original amendments and that individual members of the then government had the same reservations and concerns about them as were expressed almost universally at that time by people and groups involved in the justice system in Australia. I cannot recall any bill that provoked more widespread opposition. The possibility of there having been objections from individual members of the then government that were not expressed and the fact that the bill was passed despite such objections worries me. I become worried when a lack of openness in government prevents individuals from expressing their concerns.

The former Premier was a difficult man to negotiate with. He thought highly of his own views of the world and disregarded the views of many other people. Honourable members saw that again following the election in the negotiations over the Independents charter. I remember laughing when the then acting Premier, Jeff Kennett, agreed to the Independents charter, because he was agreeing to reverse a number of changes made in key pieces of legislation that he had been closely involved with and had pushed through Parliament. In most cases there had been opposition to the original changes he had proposed and grave concerns had been expressed about the effect they would have on a range of issues.

There was much public protest about the changes to Workcover and the decision to weaken the powers of the Auditor-General. Thousands of people gathered in the streets of Melbourne and screamed about the effects of the amendments to the Auditor-General's powers and about a government that did not like scrutiny or anybody suggesting it was doing the wrong thing, whether in respect of the Auditor-General, the Director of Public Prosecutions or other matters. Individuals who opposed the views of the government were silenced, struck off, had their positions changed or had their tenure threatened. I was surprised that the arguments mounted by three Independent members were so persuasive given that none of the arguments mounted by the legal profession, consumer groups and government bodies throughout Australia had been able to persuade the then Premier to change his views on those issues.

I can only assume that the arguments of the three Independents who now sit in this house were very persuasive, because they alone were able to persuade the former Premier to agree to implement some of the changes that the former opposition had been concerned about over a long period. It goes to show how things can change in politics!

The argument mounted at the time by then Attorney-General Jan Wade was that for some strange reason the Director of Public Prosecutions (DPP) was not in the best position to determine whether contempt of court charges should be laid against individuals. All of a sudden that high office was considered to be under undue influence or perhaps not conducting business as it had been done previously. That all arose when the then DPP was considering bringing contempt of court charges against the then Premier. Again it was very convenient timing that suddenly the view was formed that the DPP might be unduly influenced. I suspect the opposite was the case.

The then Attorney-General argued that contempt proceedings were quite unusual in court proceedings. For some strange reason she formed the view that they raised wider issues than ordinary court proceedings. She said that a number of conflicting interests must be balanced when considering bringing charges of contempt of court. Her view was that when charges were pending, it was necessary to avoid conflict by balancing the need for a fair trial — which could apparently be jeopardised by the publication of certain prejudicial material — with the equally important tenet of the right to freedom of speech. Government members would agree with the importance of that tenet.

It was suggested by the then Attorney-General that, rather than the DPP being in a position to make judgments in balancing those two tenets — that is, the right to freedom of speech and the need to ensure a fair trial — suddenly the DPP was not in the best position to strike a balance in determining whether those two requirements were being treated equally. It was the then Attorney-General's view that she was in a better position to strike a balance than the DPP.

It is the government's view that that is an absolute furphy. The then opposition realised that the Attorney-General's position was an absolute mockery of an argument and did not stand up to scrutiny. It is ridiculous to suggest that the DPP is not in a position to determine the balance between those two tasks.

Clearly the decision to prosecute for contempt involves consideration of how the public dollar is spent, but so do so many other decisions the DPP makes. In retrospect the provision is extraordinary. I hope the opposition is embarrassed by the arguments mounted at the time. Many decisions to prosecute require the balancing of public interests and a range of other interests to be taken into account. That is why the office of the Director of Public Prosecutions exists, and that is why in this country there is a separation of powers between the judiciary and the Parliament. Members on

this side of the house and Labor governments throughout the country consider the separation of powers to be absolutely paramount, sacrosanct, and never to be compromised.

The amendments that resulted in the enactment of the Public Prosecutions Act are an example of exactly why there is a separation of powers. Section 46 of that act in particular illustrates how important it is to enshrine that independence in the constitution so that relevant provisions cannot again be changed at the whim of a government that sniffs in the wind some problems it is likely to face or some public embarrassment it will have to endure. Provisions of the new bill prevent the law from being changed to suit the government of the day.

The former Attorney-General's second argument in support of section 46 was that most contempt proceedings are brought against third parties. She said it is wrong that the DPP is responsible for ensuring the defendant receives a fair trial, for prosecuting the defendant and for deciding whether to bring contempt proceedings against third parties. The government rejects unequivocally those arguments for a number of sound reasons that have been outlined by previous speakers in the debate.

When section 46 was introduced one flow-on effect was not debated by the Parliament. Section 46 not only removed the right of the DPP to bring contempt proceedings but also substantially reduced the common-law right of ordinary people to bring such proceedings. Earlier the honourable member for Richmond enunciated that concern and cited one example. It was not known until the provision was tested that that would be the effect of the amendment.

A number of villagers from Papua New Guinea tried to bring contempt proceedings against BHP because of its behaviour during a case they brought against it in the Supreme Court. The Supreme Court found that BHP had committed a contempt, but when the case was appealed the Court of Appeal found that section 46 had removed the villagers' right to bring the contempt proceedings at all! I am not sure whether that was in the mind of the then government when the amendments were made, but certainly that was their effect. They were tested later and that was found to be the case.

The bill repeals section 46, the insidious provision that had the effect of grossly limiting the system of justice in the state. The bill expressly revives the common-law right to bring contempt proceedings that applied in Victoria prior to section 46 coming into force in July 1994.

The bill also strengthens the independence of the position of the DPP by, in effect, transferring the provisions relating to the appointment of the DPP and the terms and conditions of that appointment from the Public Prosecutions Act to the Constitution Act. Clause 10 entrenches those provisions in the Constitution Act so that in future they may be repealed or amended only by a bill passed by an absolute majority of both houses of Parliament. The transitional provisions in the bill ensure that the current incumbent, Mr Geoff Flatman, QC, retains his position as DPP on the same terms and conditions.

Ms McCALL (Frankston) — It is always a great pleasure to stand in the chamber and debate legislation, whatever it may be. It is most important that every member of the chamber recognise his and her responsibility for tidying up, modifying or generally streamlining whatever legislation may be before the house.

It is also important that honourable members recognise that at times legislation is not as tidy and organised as it might be and that some legislation will have to be brought back to the chamber for reorganisation. For that reason the opposition does not oppose the bill. However, I draw attention to the government's acknowledgment that some of the provisions of the Public Prosecutions Act were introduced to streamline the performance of the DPP.

May I take a moment to congratulate the current Director of Public Prosecutions, Mr Geoff Flatman, on the excellent job he is currently doing on behalf of the people of Victoria.

I am told by reliable sources — as a non-lawyer I have to rely on the excellent legal advice I receive occasionally from this side of the chamber — that the structure of the system with respect to the DPP is very similar to that of the United Kingdom and that the DPP in England carries out many responsibilities similar to those of Victoria's DPP.

The main thrust of the argument is that all of the duties and responsibilities of the DPP will in time be enshrined in the Constitution Act — a vital piece of documentation and something of which we Victorians are rightly proud. Anybody who chooses to tamper with the Constitution Act does so at his or her peril. The house is in the throes of considering tampering with that act and has to be very careful that it does not jeopardise the rights and privileges of being Victorians that we value.

The opposition does not oppose the proposed legislation and recommends that the bill be given a speedy passage. We recognise the role of the DPP and the independence of that role; and we acknowledge the excellent way in which the current DPP is fulfilling his role on behalf of the people of Victoria.

Mr LENDERS (Dandenong North) — My participation in the debate on the Public Prosecutions (Amendment) Bill is on yet another legal matter. It is the joy or the curse of being one of five members on this side of the chamber with a law degree to have the privilege of participating in many of these debates. Having studied law is obviously very good training for being a member of Parliament, because it enables us to peruse the legislation that comes before us, to reflect on where it fits into the general scheme of statute and regulation, and to read and understand it. Unlike three of my colleagues on this side who actually practised law, after I got my law degree I simply went on and did other things.

Mr Langdon interjected.

Mr LENDERS — The honourable member for Ivanhoe says, 'Better things'; I would say 'other things'. The law is an honourable profession — a great profession through which to assist people.

Ms McCall interjected.

Mr LENDERS — The honourable member for Frankston says by interjection that I had a distinguished career in small business. I could regale her with tales of what it was like growing up on a dairy farm and getting up at 5.00 a.m.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member on the bill, please.

Mr LENDERS — As you correctly advise me, Mr Acting Speaker, that is probably straying a little from the Public Prosecutions (Amendment) Bill, although one can spend an hour while milking cows thinking about the law and other things. This morning my colleagues the honourable members for Polwarth and Warrnambool — who also come from Dutch dairy farming backgrounds — agreed that it is a good time to reflect on the things that go on in this chamber.

Other honourable members have addressed the weightier aspects of the legislation since the Director of Public Prosecutions Act was passed in 1982. The bill has received bipartisan support, and I welcome that. Many of the weighty political issues of the day about which we argue, including the way they fit into the lives of ordinary people, become more relevant in debating this bill.

I note with interest that I once again follow the honourable member for Frankston. We discuss the bits of legislation that come before us and have similar views. I have yet to disagree with her on any of the legislation, although last week we had a disagreement about whether in a Westminster system there should be oak leaves or eucalyptus leaves in the pattern of the carpet on the floor of the lower chamber.

The creation of the office of the Director of Public Prosecutions is a logical extension of the role of the Attorney-General as chief legal officer in the Westminster system. Many of the day-to-day operations of the chief legal officer and the Department of Justice, as it is now known, have to be separate from those of the Attorney-General to separate the roles of the executive and the legislature. Also, because of the workload involved, it is more appropriate to have as DPP a person whose role is dedicated to making decisions on prosecutions and who is removed from the executive.

For a considerable time both sides of this house have supported the establishment and evolution in practice of the office of Director of Public Prosecutions and the amendments to the role. Where we diverged in this house and on the two sides of politics was on the amendments made to the legislation several years ago. However, in the spirit of bipartisanship the opposition is now supporting these changes — they are good changes — which enables me to reflect on the evolution of the law and on the unanimity of opinion in this place.

On most bills honourable members actually vote on the same side: it is only issues that go to a division that tend to be reported. As I reflect on what my constituents in the electorate of Dandenong North would think of a piece of legislation like this or of the parliamentary process generally, I am confident about saying that most members of the public are not aware of how often we vote the same way in this place. Perhaps there is a role for us as legislators to act as educators when bills such as this come before the chamber. It is a good piece of legislation which we are all supporting because it will improve the legal system. We should inform our constituents that rather than being divided we are working together as a team on this measure.

The role of the Director of Public Prosecutions is important in the legal system. The bill goes beyond making changes to the office; it also contains changes to the common law. Clause 12 refers to the delineation

between common law and statute law and provides a good opportunity to reflect on the relationship between them.

Our legal system is a mixture of common law, which is the series of judgments that in their wisdom superior courts have collectively handed down through the ages. Many aspects of common law come from the superior courts of the United Kingdom. Some of the precedents entrenched in the law, particularly in torts and contracts, go back hundreds of years. The great constitutional debates that have taken place in the United Kingdom arose out of common law. In fact the creation of Parliament as an institution and its rights, privileges and prerogatives essentially came out of the common law. It has only been in circumstances where the legislature as it has evolved has seen the need to vary the common law that legislation has been put into place.

The Public Prosecutions (Amendment) Bill deals with the relationship between statute and common law. Several years ago the amendments to the act removed some of the common-law provisions and prerogatives and replaced them with statutes. This is a desirable course of action where the legislature in its wisdom decides it wishes to amend the common law, because in the end the common law is nothing but a series of codes which have been adopted by judges over the years and which reflect the decisions of their predecessors. Some common-law provisions are not necessarily the ones we should have. If we reflect on issues such as the first statutory offences in motor car accident cases we see that many provisions of common law are no longer applicable.

Clause 12 restores common law in a number of areas, and that should be reflected on and not let pass without comment.

Clauses 10 and 11 refer to entrenching some of the provisions in the Constitution Act of 1975, and again it is pertinent to reflect on the state constitution as it relates to common law, statute law and government under the Westminster system. Entrenching provisions in the constitution is done all the time and is not a significant aspect of Victorian legislation. Debates on section 85 of the Constitution Act occasionally create excitement, but amending the Victorian constitution is simple, requiring an absolute majority on the second and third readings in both chambers. Entrenching these provisions in the constitution sends an important signal and should be considered further during discussion of weighty items such as amendments and how they reflect statute law, common law, and the constitution — the relationships among them and the way the constitution is changed in the state.

Currently, given the narrow balance of power in the Legislative Assembly and the Liberal Party's control of the Legislative Council, constitutional change will not occur unless there is bipartisan support. An executive government might be frustrated by that but it is a healthy aspect of the Westminster system. When the government has an absolute majority in each chamber, the entrenchment provisions in the Victorian Constitution Act are simple to change. This bill and all other pieces of legislation will remain part of the public debate as Parliament and the community reflect on how the constitution is to be changed. Discussion of proportional representation and majorities will be appropriate when another bill comes before the house.

Today the relationship between common law, statute law and the constitution is being addressed, but it is pertinent to reflect that the constitution is a document that should not generally be tampered with. Change should be reserved for significant items, and changes to the constitution should have the consent of a clear majority of both houses or of the population.

Yesterday in debate the house discussed amending the federal constitution and the difficulty of requiring absolute majorities in at least one chamber, a majority vote in a majority of states, and a majority vote across the country. It is pertinent to reflect on the inclusion of such changes in the Victorian constitution, or if the existing provision remains, a majority clearly indicating bipartisan support. Having proportional representation in the upper house would go a long way to addressing the issue.

The common law referred to in clause 12 is a worthwhile and valuable inheritance from the Westminster system. I am one of the greatest critics in this place of some of the entrenched provisions of the Westminster system that do not have meaning — traditions that are blindly followed. My constituents in Dandenong North would be bewildered and alienated by the operations of this place — both the chamber and the building. Cherished aspects of the Westminster system must be vigorously defended and common law is one of them, provided it is flexible enough to be amended by legislation. The strength of common law is its capacity for flexibility — if circumstances change, judges can reflect community attitudes and make pertinent and sage judgments. The Harvester judgment at the turn of the century, which partly was responsible for establishing the conciliation and arbitration system, and cases such as *Donoghue v. Stevenson* — the tale of the snail which, as my colleague the

honourable member for Springvale suggests, all second-year law students covered in their studies — are all important parts of the common law.

Mr Perton interjected.

Mr LENDERS — And a very good education at that.

Common law can grow. Restoring aspects of the common law in clause 12 will be good for us as a state and a Parliament and will provide a more flexible legal system so wise judges can bring the law into the 20th and 21st centuries and not leave it in a previous age.

Legislation is important where the common law does not serve or where it is not flexible. Yesterday in discussion in this place the legislature had to assert its right to establish sound grounds so business could operate in this state and the legal system could operate with certainty. It did that and it was particularly useful.

The tale of the withdrawal of the rights of former Director of Public Prosecutions, Mr Bongiorno, several years ago has been thoroughly canvassed here, but it is worth canvassing it again in the context of the legislation. What is the balance in the Westminster system between the chief legal officer, the Attorney-General — an honourable man — and the Director of Public Prosecutions, who carries out the executive acts? Amendments made to the act several years ago were in a sense a little crazy. Under the previous system the Attorney-General always maintained a right to intervene whenever he or she felt necessary. Removing the power of intervention from the DPP was not a sound move, but that is now history and will pass with the passing of the legislation. The power of the Attorney-General to intervene in the public interest where he or she feels it is appropriate will enhance the legal system.

In the Westminster system a line is drawn between the role of the chief law officer and the legislature. In England one person, the Lord Chancellor, is the Presiding Officer of the House of Lords, the chief legal officer of the Crown and a member of the cabinet. It is ironic that the Westminster tradition based on the separation of powers and on checks and balances has all the power vested in one person. At the moment the British Parliament is addressing the proposed reform of the House of Lords — a good reform forcing a dose of democracy on the Lords by asking them to select which 92 of them will survive the rest of the Parliament.

It is a good thing for us to learn from, particularly as it reflects on common law and the role of the constitution in other parts of the world. The events in Britain are fascinating to all of us in this place, and the fate of the upper house will be watched with interest and amusement. We hope the Blair government will be able to democratise the House of Lords and make it accountable to the British people — something we hope will occur to all upper houses in Australia, particularly ones near and dear to us.

The common law has evolved out of the Westminster system, and the role of the chief law officer under the bill is pertinent when looking at the role of the chief law officer in Britain. I speculate that the Australian system will evolve to become more like that of the United States of America, where the role of the chief law officer is separated from the legislative and judicial roles, as it is here. The US Attorney-General is not a member of the Congress and does not preside over the Supreme Court but is an executive officer of the state. The Chief Justice presides over the Supreme Court — —

Mr Holding interjected.

Mr LENDERS — There are many special prosecutors in the United States, as the honourable member for Springvale says. Perhaps we could do with a few of them in Victoria. Nevertheless the DPP — —

Mr Perton interjected.

Mr LENDERS — The honourable member for Doncaster knows I am a cleanskin, but I should not reply to interjections.

It is always a pleasure to follow the honourable member for Berwick in debate. I have praised him in previous discussions — he is an honourable gentleman with a good turn of phrase. Honourable Acting Speaker, in your absence yesterday, the Acting Speaker at the time accepted as parliamentary language the honourable member for Berwick's statement that he could not care 'a tinker's cuss' about an item. Given the difficulty that occurs sometimes with unparliamentary language in the chamber as the debate gets heated, I am pleased to see that the use of expletives such as 'tinker's cuss' is coming into the lexicon of parliamentary language, and that is something we can enjoy.

The bill itself, rather than the general discussion around it, has bipartisan support. We should trumpet that in our communities, and I will certainly do so at every opportunity in Dandenong North. We need to show that we do not always focus on divisive things. Probably 90 per cent or more of the legislation passed by Parliament has bipartisan support. The government is just as guilty as the opposition of exploiting divisions rather than the things on which there is unanimity. We

should reflect a bit more on that when we look at the workings of the Parliament.

The bill is good legislation. It is interesting that, yet again, notice is being paid to people's reflections on the interrelationship between the executive, the judiciary and the legislature. The separation of powers is a cherished thing and cannot be taken for granted. Although we have an honourable Attorney-General and an honourable system of government, we should always keep a close eye on such important things. The legislature must scrutinise legislation fearlessly and deliberate accordingly. I commend the bill to the house.

Mr PERTON (Doncaster) — I am delighted to follow the honourable member for Dandenong North. I enjoyed his thoughts on bipartisan support for law reform. As you know, Mr Acting Speaker, I have just concluded a term as chairman of the Law Reform Committee, which had 4 Liberal members, 4 Labor members and 1 National member. The committee's conclusions on many controversial issues of significance to the community were reached by consensus. Some of its recommendations were implemented by the previous government and some remain to be implemented by the current government.

Now that the parliamentary committees have been re-established I look forward to the Law Reform Committee building on the work the honourable member referred to. I trust that he and the other members who have contributed to the debate are considering joining that committee, and I hope the Attorney-General will provide them with references of substance so that work on the reform of the law can continue in a spirit of bipartisanship.

The bill will include in the constitution provisions relating to the definition, appointment and terms and conditions of the Director of Public Prosecutions. I was a bit perplexed by the Attorney-General's comment about that not being particularly significant. It might merely have been a stunt; I cannot believe the Attorney-General would think that way, knowing his reverence for the constitution.

During the debates on legal issues that took place in 1994 and later I always detected some confusion on the community's part about the doctrine of the separation of powers. I do not believe the position of Director of Public Prosecutions involves the separation of powers because in prosecutions the office holds the power of the Crown and the state. Nevertheless, the debates in 1994 revealed that the notion that the separation of powers was critical to the DPP's proper discharge of his or her powers had become entrenched in the minds of the community.

In general, the people who have held the office of Director of Public Prosecutions have had the confidence of the population, both in their decisions to prosecute and their decisions not to prosecute — notwithstanding that each of us can remember times when the popular press attacked decisions of a DPP that were properly made in difficult circumstances.

It often happens that, on hearing that a coroner has made a finding against one citizen in a case involving the death of another, the community is perplexed by the fact that the DPP has to apply the standard of criminal proof rather than the standard of civil proof — balance of probabilities — in making a decision about whether to prosecute. Such decisions are difficult to make, and it was good that in 1982 many of them were taken out of political hands and put into the hands of a professional person through the establishment of the Office of the Director of Public Prosecutions, now the Office of Public Prosecutions. That office is not subject to as much political pressure and has become well entrenched in the minds of Victorians. Including a reference to the office in the constitution is therefore right and proper.

It is also interesting to note that the notion of appointing a DPP for life has disappeared. None of us now believes the life appointment of a DPP is appropriate. The job of Director of Public Prosecutions involves coping with a lot of personal pressure, working long hours and making difficult decisions, so it should be taken up only for a fixed term. It would be unusual if, at the end of such a term, a DPP were not appointed to the judiciary — or, if he or she did not seek such an appointment, did not return to private practice or the like.

In that respect including the position in the constitution recognises the popular view that the office of DPP is important. It will remove from the political sphere many of the difficult decisions about whether to prosecute or not prosecute. The establishment of the Solicitor for Public Prosecutions and of a committee to handle decisions where the DPP overrides the advice of his own prosecutors was well debated in May 1994, but those reforms now seem to be accepted by the Labor government. The then Attorney-General, the Honourable Jan Wade, expressed the logical view that certain difficult decisions are better made by a committee than by a Director of Public Prosecutions alone.

As the honourable member for Dandenong North said, there is now entrenched bipartisan support for those ideas: the DPP should not be appointed for life; certain difficult decisions are better made by a committee; and the Solicitor of Public Prosecutions should do a lot of the administrative work. By agreement, Mr Acting Speaker, that is all I have to contribute to the debate. I leave it to the Attorney-General to sum up.

Mr HULLS (Attorney-General) — I thank all those who have contributed to the debate: the honourable member for Berwick, the honourable member for Richmond — my parliamentary secretary, who is doing a fine job — the honourable members for Bennettswood, Springvale, Evelyn, Ballarat West, Box Hill, Gisborne, Frankston and Dandenong North and the honourable member for Doncaster.

The bill confirms that the Bracks Labor government is getting on with business and that it is prepared to adhere to the election promises it made. It also confirms that the government is prepared to enshrine in the constitution the office of the Director of Public Prosecutions, that it is not prepared to have the office tampered with as it has been in the past, and that it will put back into the hands of the DPP the power initiate contempt proceedings.

I refer briefly to a statement about the Law Reform Committee made by the honourable member for Doncaster. He urged honourable members to become members of that committee. I remind the honourable member that another of the commitments of the Bracks Labor government is to re-establish a law reform commission and advise him that I expect the commission, when it is established, to be at the cutting edge of law reform not just in Australia but throughout the world. I am more than happy for the honourable member to give me any ideas he has about the new law reform commission. The Law Reform Committee, of which he was a member, will be re-established; but the cutting edge of law reform will be undertaken by the new law reform commission.

The honourable member for Doncaster also referred to the vigorous debate that took place in this place in 1994. It was indeed a vigorous and heated debate.

The debate centred on an attempt to emasculate the office of the DPP. It was only after the draft of the bill became public that the government backed away from its original proposal, which was to undermine the independence of the Director of Public Prosecutions by appointing a deputy DPP, who would have been directly answerable to the Attorney-General, not to the DPP. So let's not kid ourselves about the reasons for the introduction of the Public Prosecutions Bill, which was watered down only after the then opposition ran a concerted campaign to alert Victorians to what was going on. Although the current opposition might say certain parts of the old legislation have gained general acceptance, we must never forget why it was introduced.

As I said in the second-reading speech, it became too much for the former Premier when the former DPP, Mr Bernard Bongiorno, was considering bringing contempt proceedings against him. The Premier contacted the former Attorney-General, Jan Wade, to ask her to fix up the matter. The former Attorney-General met with Bernard Bongiorno in an underhanded attempt to put pressure on him not to proceed with the matter. That was an interference with the justice system. Although Mr Bongiorno did not succumb to the pressure, it was a dark period in Victoria's political and legal history when the chief law officer of the state and the Premier, in collusion with Mr Greg Craven, who was the Crown counsel at the time, deliberately tried to drive the former DPP from office.

That is why the house is debating the bill today. The government has introduced the bill, which is good, sound legislation, to redress once and for all the underhanded behaviour that occurred in 1994. I do not resile from that — I make it clear why the bill is being introduced. I have no doubt that members on the other side know in their heart of hearts why the bill has been introduced. I am pleased that the Independents proposed in their charter to enshrine the independence of the DPP in the constitution. That will occur and the power of the DPP to institute contempt proceedings will be restored, which is good. I am pleased that is now supported by all members of the house.

In a nutshell, the bill honours a commitment Labor gave during the election campaign. The Labor Party's justice policy, headed 'A more just Victoria', makes it clear that in government Labor will enshrine the independence of the DPP in the constitution and restore the power of the DPP to bring contempt of court proceedings and make it independent of the Attorney-General and the Solicitor-General. The Bracks Labor government delivers: Labor is getting on with business and adhering to its promises. I expect there will be more good news for Victorians in the justice area as we move into the new year. That good news will include the establishment of a law reform commission, the reinstatement of compensation for pain and suffering for victims of crime, and the reinstatement of common-law rights for seriously injured workers.

As the chief law officer of the state I am proud to be introducing legislation that will implement a raft of law reform measures. When I decide to give the game away — whether it is in 4, 8 or 12 years time — I want to be remembered as someone who had a passion for reforming the judicial system to enable everyone, particularly the most disadvantaged members of the community, to have access to justice. Achieving that involves wide-ranging change. It includes reforms to legal aid — that is a huge issue, and I intend to be at the forefront of the fight — and the changes proposed by the bill. It may not be the sort of legislation that captures the hearts and minds of Victorians, but it is good, fundamental legislation that goes to the heart of democracy.

When people review the history of the Bracks Labor government in 100 years, I expect they will see that it spent the first few years of its long term in office fixing up the mess left by the previous Kennett government, which debased the integrity of the judicial system and the worth of members of the community. The Labor government will be judged by its efforts in fixing up that mess and in making Victoria a more vibrant, friendly and equitable place. I will ensure that I play a key role in that process by introducing legislation that will make Victoria a more just and fairer state. One of the key aspects of that aim is ensuring that people have access to justice.

As part of the big picture of increasing legal aid, establishing a law reform commission and putting Victoria at the cutting edge of law reform and access to justice, the government will introduce legislation to reinforce the separation of powers and ensure that the state has an appropriate prosecutorial system instead of one that is tampered with by politicians. Justice is far too important to be left to the whims of politicians. Under no circumstances should a Premier use the judicial system as his or her plaything to undermine one of the most basic tenets of democracy — equitable access to the justice system. We do not want a two-tiered legal system — a Rolls Royce system for the rich and beaten up Volkswagen for the rest. The fact is that every Victorian should be entitled to a Rolls Royce justice system.

Mr Ryan interjected.

Mr HULLS — The introduction of the 1994 Public Prosecutions Bill by the previous government, of which the honourable member for Gippsland South was a member, was a bitter blow to the independence of the judicial system.

Although I have said this sort of legislation may not capture the hearts and minds of all Victorians, I know deep down all opposition members and Victorians who care about access and equity issues in justice will be thrilled by the introduction of this bill.

All the doubters who said that Labor had a great reform program — announced and enunciated in the lead-up to the election — but that it would be unable to deliver it have been proved wrong yet again. Labor delivers; Bracks delivers. We are getting on with the business of ensuring that Victoria is a far better place than it was — that is why the legislation is crucial.

I thank all members of the house for supporting the bill. I wish it a speedy passage.

The ACTING SPEAKER (Mr Loney) — Order! As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act 1975 — —

Mr Clark — On a point of order, Mr Acting Speaker, has the required statement of intention in relation to this bill been made under section 85 of the Constitution Act? I raised the matter in debate. The bill requires to be passed by an absolute majority but I do not believe it is because of a section 85 statement.

The ACTING SPEAKER (Mr Loney) — Order! The honourable member is correct. It does not require a statement; it is a direct amendment. But it still requires to be passed by a majority of the house. 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.

REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 5, line 26, omit "of $2 000 000 or more".

2. Insert the following New Clause to follow clause 5 —

"**A.** ***Reporting on payments from Fund***

(1) The Minister must ensure that the report of operations and financial statements prepared under section 45 of the **Financial Management Act 1994** include —

(a) accounts and records of each payment out of the Fund for the purposes of section 5(1)(a); and

(b) details of all applications for financial assistance from the Fund received by the Minister whether the application resulted in any payment from the Fund or not; and

(c) an assessment of the relative effectiveness of each payment from the Fund for the purposes of section 5(1)(a).

(2) The Auditor-General must include in a report under section 9 of the **Audit Act 1994** on the audit of the financial statements of the Department administered by the Minister a special report on the matters referred to in sub-section (1)(b) and (c).

(3) Nothing in this section limits the operation of the **Audit Act 1994** or the **Financial Management Act 1994**.".

Mr BRUMBY (Minister for State and Regional Development) — I move:

That amendment 1 be disagreed with.

The government opposes amendment 1 for a number of reasons. The amendment moved by the opposition and adopted by the other place would require that every payment made from the fund have the approval of the Treasurer before the responsible minister can approve or make any grant. It begs the question why the opposition wants to single out this legislation in such a bureaucratic and punitive way to make it virtually unworkable.

My department has assessed other acts of Parliament and other programs administered by ministers. The system that would be set up by this extraordinary amendment does not apply to other appropriations and acts of Parliament. The basis of and motivation for the opposition moving the amendment is to frustrate, delay and impose bureaucratic burdens on the legislation.

The bill is designed to pump an additional $170 million into regional and rural Victoria from the beginning of the next financial year. The government has made a number of commitments. The unallocated funds should be distributed fairly into regional infrastructure programs throughout Victoria. The government does not wish to be burdened by unnecessary bureaucratic red tape that does not apply to other legislation.

This morning I read the contribution to the debate by opposition members in the other place. The debate is an example of an opposition biting off its nose to spite its face, and an opposition which says it will not oppose the legislation but then tries to dismantle or scuttle it and pull it apart and remove its effectiveness in every single way, shape and form.

The government wrote into the legislation that the Minister for State and Regional Development requires the approval of the Treasurer before grants above $2 million can be signed off. That was a recommendation of the Department of Treasury and Finance, which I accepted because it struck a fair balance between ministerial executive authority and the need to ensure that amounts were properly checked through other areas of government.

When one examines other legislation one can see the extent of the hypocrisy of the opposition. For example, no limit applies to the Premier alone granting money from the Community Support Fund.

There is no limit on approvals under the Better Roads fund — they can be given by the Treasurer alone. Is the opposition intending to argue that every single approval under the Better Roads fund needs the approval of other ministers? Does it intend to do that with regard to the Community Support Fund, which was put in place when the opposition was in government? No, of course not! The opposition wants to put such limits only on this legislation because it is about regional and rural Victoria.

The opposition has not learnt that it lost the election and it has not learnt that country Victorians want this legislation and the $170 million that goes with it. The opposition wants to put up every conceivable barrier to thwart the bill. What about industry grants? The former Minister for Industry, Science and Technology in the other place would know that, subject to cabinet minutes, the minister can sign off letters of authority offering millions of dollars on behalf of the state of Victoria. What about departmental secretaries? They

have appropriation limits. The science, engineering and technology program of the previous government involved $310 million over five years.

There are no limits — I repeat, no limits — on what the industry minister can sign off on. Just a few weeks ago I approved a technology commercialisation program of $20 million over four years. Did it have to get the approval of the Treasurer or the Premier? No, it did not. Under whose legislation was it? It was under the previous government's legislation. So let us not have this hypocrisy.

Is the opposition really saying with this amendment that when the Minister for Education decides on projects, such as the building of a new school in Gippsland South for $6 million, she has to go to the Treasurer or the cabinet with each individual project to get it approved? Is that what the opposition is saying? At present, if a minister intends to give approval for a school, a new TAFE college or a new extension to a hospital wing, he or she does not have to go through the sort of process the opposition has set out in amendment 1 to this bill. Ministers have approval up to the limits of their appropriations.

Let us be clear about the proposed legislation. In drafting it I endeavoured to strike a fair balance, and I believe I struck a fair balance, which is $2 million. The bill says that where there are big projects like electricity in western Victoria, I will get the approval of the Treasurer. The balance is there, and I believe it is fair. It was recommended to me by the Department of Treasury and Finance.

But this amendment would require every single grant that I approve, however small, to have the approval of the Treasurer. I approve thousands of dollars worth of grants under programs set up by the previous government, such as rural community development scheme grants. I do not have to go to the Treasurer every time I approve one up to $50 000, $100 000 or $250 000. But the opposition is saying in this amendment that I should have to do that. Why is the opposition saying that? It is because it does not want this legislation. That is the guts of the matter. Read the speeches made last week!

The honourable member for Rodney was the only opposition member who had the guts last week to say in this place that this is a good fund. For that he was pilloried by the Deputy Leader of the National Party and manager of opposition business in this house, all because he had the guts to say it is good legislation — and it is good.

The government does not accept the amendment. It does not accept that the legislation, which aims to help people in regional and rural Victoria, should be subject to punitive administrative and bureaucratic burdens which do not apply to other legislation that comes through this place.

Mr RYAN (Gippsland South) — Throughout the course of the debate the opposition parties have made it perfectly clear that they are anxious in the extreme to ensure that every cent that can be spent in country and regional Victoria be spent. That has never been an issue in this whole debate.

When the minister talks about the debate last week and his assertion that I pilloried the honourable member for Rodney for his contribution, that again is further rubbish from this minister, who gets fairly loose with those sorts of assertions. It is similar to the assertion he made that I had deliberately scuttled — to use his expression — a major $90-million development for country Victoria. He made the assertion because he thought that when the letter I received from the federal Minister for Transport and Regional Services, John Anderson, which outlined the fact that there is no federal money involved to fund the initiative in which Labor has placed a lot of store, on the standardisation of the rail freight gauge in Victoria — —

Mr Bracks interjected.

Mr RYAN — I do support that project, Premier. If you had read the record of the debate you would have seen that I support the project. More particularly, on the assertion the minister has made about what I said or did not say, he did not know or understand that when I wrote to Peter McGauran, the federal member for Gippsland, asking whether there was any federal money in the federal fund that would support the project with which the Labor Party has been traipsing around Victoria — that is, the standardisation of the rail gauge — I said in part:

> A central plank of the use of the fund —

that is, the fund the house is now talking about —

> is the proposal by the government to standardise the rail freight gauge across Victoria. The intention is to contribute $40 million to this initiative —

and, Premier, if you want to listen for a minute, I said to him —

> which I must say I strongly support if it can be undertaken.

Let us be very clear about this: the minister talks about my pillorying the honourable member for Rodney over

his contribution, which is absolute rubbish, as was the assertion he made last week that I had by my own hand scuttled a proposal for a $90-million development in country Victoria. I have not done it; I never would do it, as I told him later. That would never be the case. The same point applies across the whole gamut of the discussion on the legislation.

Let us get to the core of the matter. We are talking here about accountability, because on the face of it the legislation gives this minister the capacity to swan around Victoria with $2 million in his pocket and, without reference to anybody, pay it out where he thinks appropriate.

Honourable members interjecting.

Mr RYAN — That is what the bill says. The next thing is that the bill makes that proposition in circumstances where there are no guidelines on how the money is to be spent. There are no guidelines, are there, Minister? So, in effect, he has a $2 million cheque to spend in circumstances where, on his own admission, there are absolutely no guidelines. One needs only to read the *Hansard* of the debate in the other place last night and in the early hours of this morning to see that the issue of guidelines was talked about ad nauseam — and of course there are no guidelines.

Mr Bracks interjected.

Mr RYAN — We will get to clause 5, Premier. That in turn leads to the further fact that we have clause 5, to which the Premier properly directs attention, and I thank him for doing so. One need only look at that clause to see all the vagaries associated with the application of the fund. One need only read clause 5(1)(a) to see the vast area of application of this fund to enable the money to go absolutely anywhere and everywhere. Last week during the debate I said to the minister, 'It is so wide, you tell me what would not fit in. Is there any project that would not fit in under the provisions dealing with the application of the fund?'. I am still waiting for the answer.

Mr Brumby — On a point of order, Mr Acting Speaker, on the matter of the proceedings before the house, my understanding is that we are dealing with the first amendment, which seeks to omit the reference to '$2 million or more' from line 26 of clause 5, and that we are not dealing with the second amendment. I understand we have two separate debates on the matter. The honourable member for Gippsland South may not be aware of that.

Mr RYAN — I am perfectly aware of it. The second amendment seeks to insert an additional clause. We are talking now about clause 5.

I am illustrating the necessity for the amendment to be accepted because of the vagaries associated with the application of the fund. This is all about accountability, which is why a discussion in relation to the contents of clause 5(1)(a) is very pertinent to the amendment.

The ACTING SPEAKER (Mr Loney) — Order! On the point of order, I believe the comments of the honourable member for Gippsland South have been relevant, but I point out that the amendment is to a specific part of the bill. I therefore ask the honourable member for Gippsland South to make sure he stays within those parameters.

Mr RYAN — So the breadth of clause 5(1)(a) is relevant to the application of the amendment.

The government says that the bill will relate to small and large grants. One need only look at the policy commitments of $100 million that the government has made so far to see that only about 20 of them constitute the totality of that expenditure. The legislation for the fund is not by design related to the small grants that the honourable member now refers to as examples.

I refer to the $40 million supposedly for the freight initiative, which I will definitely support if the government gets the structure right, as I said in the letter to the federal member for Gippsland, Peter McGauran. The grants range from $40 million to the smallest amount, which I believe is $150 000. Therefore, there are no $5000, $10 000 or $20 00 grants, which is appropriate because on the face of it those amounts of money ought not properly make their way into legislation for a Regional Infrastructure Development Fund. They may have some relevance in terms of feasibility studies or something of that nature, but those sums can be properly paid out of a raft of what I hope are other forms of programs that are developed to assist country and regional Victoria.

I am talking about what the bill stipulates — the establishment of a Regional Infrastructure Development Fund. The notion of there being an enormous number of payments that have to come within the ambit of the fund is ridiculous.

I also think it is proper to have consultation with the Treasurer about the terms of the total application of the fund. Because there will be so few applications, as illustrated by the example I have just given, it is appropriate to involve the Treasurer in a consideration of all applications. Each grant application ought to be

considered by Treasury to ensure that everybody from that area makes the appropriate contribution in approving expenditure from the fund.

The key point is accountability. The opposition wants to ensure that when money from the fund is spent, the people in Treasury — who are obliged under government legislation to have regard to what the government is spending once it gets to $20 000 001 — should be involved in applications for less than $2 million. It is a proper amendment in all the circumstances.

It is all very well for the minister to shake his head: make no mistake, country Victorians are worried about the government's financial accountability. It is the Labor government's Achilles heel, and country Victorians are keen to ensure that when you, Minister, spend money out of the fund on behalf of the government, it is spent in a proper fashion. One way of enabling that to happen is to ensure that Treasury looks at borderline items. For reasons I have explained, they will be minimal in number.

I ask the minister to accept the amendment to the bill and put aside the nonsense that the opposition is delaying the legislation. Members on this side of the house are perfectly happy to have the bill go through, as it was passed through the Council last night. The bill went through without any problems because the opposition is only too happy to have the money spent. The only thing holding it up is that the government does not want to be accountable — just as in the good old days. The amendment is pertinent in ensuring that the level of accountability is maintained as it ought to be.

Mr STEGGALL (Swan Hill) — I support the honourable member for Gippsland South. I raise one other issue that has come to my attention since I spoke on the bill, and it comes from speeches that were made by the honourable member for Geelong North and the honourable member for Geelong. They both quoted from the Geelong policy document of the Labor Party on the Regional Infrastructure Development Fund in particular and explained why the amendments supported by the honourable member for Gippsland South are vital for someone like me who comes from a country electorate.

I was able to chase down the document, and I will quote the passage the members referred to. It states:

> We will ensure that capital expenditure will be spent in proportion to the population.

For many of us in country Victoria — I mean country Victoria, not regional Geelong, Ballarat and Bendigo — that is not acceptable. It is not the way in which a government with a Rural Infrastructure Development Fund should operate. One of the reasons for the amendments is to assist people to understand that the development funds will not — I hope — be spent in the manner described in the Labor Party policy document as 'in proportion to the population'.

For example, I refer to the $40 million infrastructure upgrade for rail freight. The policy of the previous government provided for work to link Mildura in northern Victoria to the port of Portland because of the natural growth coming from Sunraysia, New South Wales, South Australia and the mineral sands development in those areas. I point out to the Minister for State and Regional Development that $27 million will be needed to link the rail line from Lascelles to Hopetoun and bring it down to the port of Portland. If the test that the capital expenditure will be spent in proportion to the population were applied in that instance, we would never achieve that aim.

I hope the minister will give a clear guideline to show that the infrastructure development funds will not be spent as indicated in the Labor Party policy document.

To that end the amendment will lead to an understanding of exactly where the funds will go. I regard the inclusion of the Treasurer as very important because it will allow a second look at the direction the expenditure of the infrastructure development funds is taking, and those of us in the remote and sparsely populated areas of Victoria will be able to share in the government expenditure for those areas.

Mr SPRY (Bellarine) — I also support the amendments supported by the honourable member for Gippsland South. When the bill was introduced, many speakers on this side of the house expressed their grave concerns particularly about clause 5(2) of the bill, which in effect gives the minister absolute power to spend amounts of — —

An Honourable Member — What about the Community Support Fund?

Mr SPRY — Different guidelines! Just be reminded of the fact that those guidelines are strict and easy to follow.

The ACTING SPEAKER (Mr Loney) — Order! I ask the honourable member not to respond to interjections or make direct responses across the chamber.

Mr SPRY — Thank you for your guidance, Mr Acting Speaker. That is exactly the point the honourable member raises by interjection. It gives an indication of the contrast between the bill that he has just referred to and the bill under debate, which absolutely lacks the guidelines that we on this side of the house were looking for when it was discussed last week.

It is no wonder that opposition members of the upper house have also expressed their grave concerns. The opposition asks that the amendment be incorporated into the bill. In previous debates on the bill it was also indicated that the fund could turn into an absolute slush fund, which is just the point I wish to make at this stage.

House divided on motion:

Ayes, 43

Allan, Ms
Barker, Ms
Batchelor, Mr
Beattie, Ms
Bracks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Davies, Ms
Delahunty, Ms
Duncan, Ms
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hardman, Mr
Helper, Mr
Holding, Mr
Howard, Mr
Hulls, Mr
Ingram, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Languiller, Mr
Leighton, Mr
Lenders, Mr
Lim, Mr
Lindell, Ms
Loney, Mr
Maddigan, Mrs
Maxfield, Mr
Mildenhall, Mr
Nardella, Mr
Overington, Ms (*Teller*)
Pandazopoulos, Mr
Pike, Ms
Robinson, Mr
Savage, Mr
Seitz, Mr
Trezise, Mr
Viney, Mr
Wynne, Mr

Noes, 41

Asher, Ms
Ashley, Mr
Baillieu, Mr
Burke, Ms
Clark, Mr
Cooper, Mr
Dean, Dr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Elliott, Mrs
Fyffe, Mrs
Honeywood, Mr
Jasper, Mr
Kilgour, Mr
Kotsiras, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
Maclellan, Mr
McNamara, Mr
Maughan, Mr (*Teller*)
Mulder, Mr
Napthine, Dr
Paterson, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr (*Teller*)
Spry, Mr
Steggall, Mr
Vogels, Mr
Wells, Mr
McCall, Ms
McIntosh, Mr
Wilson, Mr

Motion agreed to.

Mr BRUMBY (Minister for State and Regional Development) — I move:

That amendment 2 be disagreed with.

The amendment is more substantive than the previous amendment and I am sure it will enjoy a high level of debate. The theme running through the two amendments is an attempt by the opposition to impose a set of rules for legislation relating to regional Victorians that it does not seek to apply to legislation relating to people in the Melbourne area. No requirements and no restrictions are placed on funding programs for Melbourne.

I have never seen any restrictions applied in either the previous government's legislation or on legislation in this session of Parliament. The only legislation that gets this sort of treatment by the opposition is that which seeks to assist and support regional Victoria.

I ask opposition members to examine all the legislation passed in the seven years they were in government and legislation passed in this session of Parliament. Have restrictions been placed on the activity of a trust fund or on any parliamentary appropriation? No! The only time such restrictions are sought to be placed on legislation is when the Labor Party tries to enact a bill which will increase funding to rural and regional Victoria by $170 million.

Mr Baillieu interjected.

Mr BRUMBY — The honourable member shows his ignorance, that he has still got his L-plates on and that it will take decades before he learns the practices and forms of the house.

Previous legislation — including, for example, that introduced by the former government to establish the Better Roads program and the Community Support Fund — has not had the same sorts of restrictions placed on it. The former government was not interested in doing that. The Liberal and National parties are only interested in punishing and subjecting people to a bureaucratic nightmare; frustrating Parliament and attempting to drag down legislation that aims to assist regional and rural Victoria.

I made it clear in the second-reading debate, and I make it clear again today, that this is a totally superfluous amendment. The Regional Infrastructure Development Fund will be subject to the Financial Management Act

and the Audit Act, as amended, by virtue of its establishment in the public account as part of a trust fund. I challenge the opposition to dispute that fact. The opposition is insinuating that the legislation will be outside the scope of the scrutiny of the Attorney-General. It is rubbish to assert that it will be, because, as I said, it will be subject to the Financial Management Act and the Audit Act, as amended.

Why would the opposition want to impose layer upon layer of bureaucratic regulation? Is there anything to gain from that? The opposition would do that only if it wanted to frustrate and delay the legislation and make it unworkable.

During the debate on the other place's amendment 1 I took the time to read the *Hansard* record of last night's debate in the other place. Honourable members should read that if they need examples of the opposition's attitude to the legislation. One honourable member said that the minister could use the fund to build a railway line from Spencer Street to an adjoining railway station. That is an example of how ludicrous and pathetic is the opposition's argument.

The Regional Infrastructure Development Fund sets out the criteria under which councils and other areas are eligible for funding. The dills in the upper house say, 'We can't support this; it is terrible, the minister could use the legislation to build a new railway line from Spencer Street to an adjoining station'. Presumably the opposition means a station at Jolimont or Richmond. That would be a good project for regional Victoria! That is the sort of scuttlebutt and rubbish the opposition is using to try to drag down the legislation.

A more interesting admission in the other house came from a former minister, the Honourable Bill Baxter, an honourable member for North Eastern Province. He said about the legislation — —

The ACTING SPEAKER (Mr Loney) — Order! I draw the minister's attention to the standing orders regarding the quoting of *Hansard*.

Mr BRUMBY — I was going to paraphrase, Mr Acting Speaker. Mr Baxter said that the legislation is unnecessary because there is nothing in the bill that empowers the government to do anything that the Premier and Treasurer and the departments cannot already do.

The opposition is saying that the legislation is not needed because departments can take similar action. If that is the case, what is the logic of the opposition moving the amendments to make the legislation unworkable? There is no logic because the amendment is politically motivated and is designed to frustrate, delay and drag down the progress of the bill.

I refer to a letter, which I am happy to table, dated 9 December 1999 from Ian Little, the secretary of the Department of Treasury and Finance to the acting secretary of the Department of State and Regional Development. It clarifies the role of the Auditor-General on the matter and states:

> I write to confirm that the funds and operations under the Regional Infrastructure Development Fund (RIDF) will be subject to the full audit powers of the Auditor-General.
>
> The Auditor-General, Mr Wayne Cameron, has reviewed the bill and advises that the RIDF will be subject to the same audit scrutiny as other funds and operations out of the trust fund in the public account. There are no restrictions on his authority under the Audit Act or any other act in respect of such funds.
>
> The Auditor-General may, amongst other things, review and comment on the manner in which accounts have been kept, their transparency and whether funds have been applied in accordance with the initiating statute. The accountability for establishing a reporting regime which meets the requirements of the Auditor-General and the Financial Management Act rests with the accountable officer, in this case, the secretary of the Department of State and Regional Development.

That is about as clear as it can get. The secretary of the Department of Treasury and Finance has reported that the Auditor-General has reviewed the bill and advises that it will be subject to exactly the same scrutiny as other funds and operations.

The Auditor-General is saying that he has to report through the secretary; he is obviously not going to engage in a political debate. The fund is subject to his scrutiny in exactly the same way as every other act. It begs the question: why is the opposition seeking to impose this punitive clause in the legislation, but in no other legislation before the house? In the hundreds of acts that provide authority for ministers to grant moneys for all sorts of programs the only one that is singled out by the opposition for special treatment by the Auditor-General is the one that aims to help regional and rural Victoria. That has not happened during the passage of any of the others, including the legislation establishing the Better Roads program and the Community Support Fund, or, for example, in any education or health act. The only one singled out for special treatment is the Bracks government's Regional Infrastructure Development Fund.

In my seven years in this place and my seven years in federal Parliament I have never seen such breathtaking and unmitigated hypocrisy from the opposition. For seven years the former government had the opportunity to insert this sort of clause in legislation, but far from

doing so it removed and obliterated most of the powers of the Auditor-General.

Now you are in opposition you sit over there and put on the most breathtaking display of hypocrisy. Why? Because of the amendment. You are seeking to scuttle the legislation. I can tell you, the government will not support it. The government has a clear mandate. There has never been a clearer mandate, and that is what this is all about. That is why you are opposing it and putting up the amendment. The fund was the centrepiece of Labor policy for regional and rural Victoria.

The day after the Premier launched the government's regional and rural policy in Ballarat, splashed across the front page of the *Age* was the announcement that $170 million would be available for country Victoria. Everybody knew about the fund and what the government said it would do. That is what good faith and trust in politics is about. We said we would legislate to do it, and we had a mandate to do it, and we will do it.

The government will not allow the legislation to be destroyed by this sort of rubbish, which applies to no other act in Victoria and which would require the employment of dozens of additional public servants to monitor it. Every phone call and contact made with the department about an application would have to be released publicly and audited by the Auditor-General. Opposition members are not interested in the good operation of the fund; they are only interested in bagging it. They are only interested in trailing through the applicants who may not be successful in the future and bagging the government for not funding everything that is put up.

Recently applications for projects worth approximately $2.5 billion were made under the $250 million rail fund controlled by federal minister John Anderson. There will be many applications for money from the Regional Infrastructure Development Fund, but I am in the business of funding the projects that will do the best for country Victoria. I will not have the opposition causing my department to employ dozens of additional bureaucrats at additional cost to the fund to write copious minutes and notes of every single inquiry, representation and application. I will not allow anybody to trawl all over the applications at great cost to my department. It serves no good and no public interest whatsoever. Rules of this kind do not apply to any other act and, more importantly, this is already covered by the Financial Management Act and the Audit Act. The fund is already subject to audit.

Another principle is involved, which the honourable member for Box Hill might understand. The Auditor-General should have the right to inquire into what he wants to investigate when he wants to investigate it for the reasons he wants to investigate it, and he should have the right to apply his resources to do that. He should not be dictated to by a tawdry opposition amendment about what he should audit and what he should not audit. He should not be dictated to by a tawdry opposition and a tawdry amendment.

If anybody wants to see the real attitude of the opposition to the legislation they should look through the debate in the upper house and read some of the absurd and ludicrous comments made in de facto opposition to it. I say to opposition members in respect of the amendment: you cannot have it both ways. You cannot get up on a piece of legislation and say out of the side of your mouths, 'We support the legislation', and then spend the next 30 minutes bagging it. That is what every speaker has done on the opposition side, except for the honourable member for Rodney. He was the only person on that side of the chamber to get up and say, 'This is a good piece of legislation'.

Anything that adds support and funding to country Victoria is good, and this is good. This is basic legislation that gives effect to an election mandate. It is a commitment the Premier and I gave, and it is one we want to honour as soon as possible. We will not have the bill dragged down into a bureaucratic mire because of an amendment moved by the opposition that seeks to apply to this legislation a different set of rules from those that have ever applied to other Victorian legislation. Talk about hypocrisy! Opposition members had seven years in government. Did they ever propose a piece of legislation that had this sort of requirement built into it? The answer is that there has never been one piece of legislation with such a requirement.

It is a unique amendment. It will be unique because it will get voted down, and the government will not accept it under any circumstances. Opposition members must understand that they can continue with the amendment and take it through to the upper house, but if they continue with that attitude they will scuttle the fund. You will bear responsibility for that.

The government has a clear mandate on the legislation. It could not be any clearer. The Premier did not go to Ballarat to announce a policy for rural and regional Victoria to see it scuttled by a second-rate amendment moved by a second-rate opposition. The government will put it through.

The government does not accept the amendment.

The ACTING SPEAKER (Mr Loney) — Order! Before calling the honourable member for Gippsland South I remind honourable members that all remarks should be directed through the Chair and that when the member speaking uses the word 'you' he or she is referring to the Chair.

Mr RYAN (Gippsland South) — Firstly it is important to get rid of the notion being perpetuated by the government about where the opposition parties stand on the legislation. To spend money in country Victoria is a noble aim, and in the course of debate on the second reading I declared my bias when I said — and I now repeat — that every dollar we can get from wherever we can get it for the purposes of enhancing country Victoria will be strenuously supported by the National and Liberal parties. There is no doubt about that. It is ridiculous to even raise such a matter in the context of this or any other debate. It is not an issue in this debate and it can be put aside as being a matter not relevant to the issues before the house.

Opposition parties are not looking to scuttle the legislation — rather, we seek to better it. If the government were serious about wanting to pass legislation that would deliver in the manner proposed it would gladly accept the proposals we have encompassed in the course of putting the amendments.

The minister referred to scuttling the bill and adopting a position against the legislation for all sorts of reasons he thinks are appropriate. The reality is that, as has been made clear by me and countless other speakers on behalf of the opposition parties, we support the ultimate intent — that is, to spend the money. However, we are concerned about the nature of the legislation before the house, and that is why we seek to amend it.

During debate the other night the minister said to me, 'Well, vote against it'. He dared me to vote against the legislation. I told him at that time that that was not the intention of the opposition parties — we do not intend to let the government off the hook by voting against it. We have never intended to vote against it, and we will not do so. The opposition wants to amend the legislation to make what is poor legislation better.

If the minister puts to me the rhetorical question, 'Why don't you vote against it?', I will answer in the following fashion. If legislation is brought into the house that the opposition parties believe ought to be opposed, then, by Jove, we will oppose it — have no doubt about that. For example, if the government were involved in a legislative debate in which the right of country Victorians to be represented in this place and to come here and vote were to be butchered, by Jove we would vote against that. If we were talking about undermining the capacity of country Victorians to elect representatives to come here and put a view on their behalf, by Jove we would vote against that! That is an issue about which we have a passionate view, and we would vote against it.

However, when the government seeks to achieve an end result that we fundamentally support but wants to do it on the basis of poor legislation, then we will seek to amend that legislation. That is what we are endeavouring to do with what I believe are the reasonable proposals encompassed in the amendment.

I turn to the second amendment. The minister can talk as much as he wants about the general application of the fund in the future, but the opposition parties are faced with the provisions of the bill. The reality is it is enabling legislation to constitute a fund which will over the next four years accumulate $170 million — nothing this year, but $170 million over the following three years. At the moment that is as far as it goes. No guidelines have been issued on how people will be able to access the money.

During the debate the minister asked why the opposition has picked this legislation to move this amendment. The answer is that other programs that were run by the previous government contain guidelines and mechanisms by which a fund can be accessed. The Community Support Fund has specific guidelines that must be complied with to access the fund. The reality is — and I have done it many times in representing constituents through my office — that there is a specific set of guidelines, and one has to comply with them to access that money.

Without referring in detail to all the other programs, the same can be said about them, all the way down to the small grants of $5000, $6000 and $10 000 that are reflected in the annual report of the former Department of State Development. When one considers the pages of grants that have been made, one recognises that in each instance they have been assessed departmentally and have been ticked off or knocked back on the basis they comply or do not comply with guidelines.

Here, conversely, the government wants to allocate $170 million to a fund in circumstances where it cannot explain to the house how that fund is to be accessed, who will be able to get to it, on what basis they will be able to get to it, whether it is to be capital funds or a loan, and whether the government will be advancing loans out of the fund. We simply do not know because no mechanism exists on which the judgment can be made.

The minister referred to the debate that took place last night and in the early hours of this morning in the other place. One has only to have regard to the detail, or the lack of it, contributed by the minister with the carriage of the legislation in that place to see there are enormous vagaries in the way the fund is to be applied. The opposition asks that the amendment referred to in amendment 2 be incorporated within the legislation.

The minister read out his letter, but I have not seen a copy of it. The minister has just passed a copy to me. I will have a detailed look at that while I am on my feet. The difficulty is that today the house is debating legislation about which there are no guidelines on how one will be able to access the fund, and there is an enormously wide range of mechanisms by which it can be spent over a wide sphere, which, from the debate so far at least, does not have any parameters. From what I have heard, there does not seem to be any means by which the application of the fund can be contained. By the operation of this amendment the opposition wants the Auditor-General to have regard to the specific issues to which it refers.

I accept that in fulfilling his role, the Auditor-General undertakes a level of reporting of a generalist nature. I pick up on the content of the letter, where it says:

> There are no restrictions on his authority under the Audit Act or any other act in respect of such funds.

I pose the question: given that there are no restrictions, why does the government object to those forms of issues being considered by the Auditor-General for the purpose of the report?

Mr Brumby interjected.

Mr RYAN — What is the problem with incorporating them? The difficulty is that the minister wants to have it both ways. He is happy to hand over and table in this place a letter which refers to there being no restrictions. Today the house is debating legislation that has no guidelines on how the money is supposed to be accessed. We have asked why the government does not specifically have regard to the issues referred to in the amendment, because that will enable Victorians to have far greater confidence in the manner in which that money is able to be expended.

Members opposite talk about open, honest and accountable government. Here is a perfect opportunity for the government to accept a range of suggestions which in the end are limited in scope but will enable a much better and more fulsome reporting mechanism to Parliament on the expenditure of the fund.

It should also be borne in mind that we are talking about a minimum number of submissions. If I remember correctly, the minister said that the department will need to employ dozens of bureaucrats to undertake the task. What absolute nonsense! As I have said, when one considers the policy commitments so far in the first $100-odd million allocated, one can see there are about 20 or 25. We are not talking about the small amounts which go for pages in the annual report of the former Department of State Development. We need to put that aside for the purpose of considering the debate. These are infrastructure development funds to be applied across a relatively narrow sphere — subject to the application of the provision — but if we make that judgment based on the policy proposals that are already in the marketplace, we are talking about a few of those which will easily be able to be assessed for the purposes of the amendment.

There is no need for any concern about the minister or the government dealing with this proposal. It is not an issue relating to generalist reporting. It is not an issue that lends itself to the general concepts that the Auditor-General's requirements touch on. No explanation exists on how the fund will be accessed or the money spent. The opposition parties have made some suggestions which will better enable the Victorian public to be informed, and they should be adopted.

In conclusion, there is absolutely no reason for the legislation to be delayed. It is entirely in the hands of the government. The opposition parties are concerned about that money being spent, small though it is. We would love to see an amount such as the $1.2 billion that the former government contributed to its water initiatives. Be that as it may, we will take everything we can get.

The only reason the legislation will be delayed, if it is, is that the government is not prepared to accept a reasonable degree of accountability when the opposition parties and the Independents are faced with a fund being constructed and its general use being subject to guidelines which do not exist.

Mr SAVAGE (Mildura) — I oppose the amendment which requires the Auditor-General to conduct a separate financial and performance audit of, and the minister to detail, every application grant to the fund. I doubt whether anybody would seriously challenge the commitment by the Independents for open, transparent and accountable government. However, it is our decision to oppose what appears to be a reasonable proposal to ensure the accountability of the fund which could be used as a vehicle for pork-barrelling.

As indicated, we have sought advice from a number of people who are familiar with the Victorian audit provisions and with the functions of the Auditor-General. The advice indicates that the amendment is not necessary. It is worth putting that in perspective. I relate it to the statement made by the current Chief Commissioner of Police who said some years ago that the crime on Melbourne streets could be dramatically reduced if he had another 15 000 policemen. That is a way of saying that people need to be confident in the use of every taxpayer dollar raised. The expenditure from the fund will be about $60 million annually and we have to ensure the size of the fund is comparable to the amount in general revenue.

Although the Community Support Fund (CSF) is similar in size to the Regional Infrastructure Development Fund it is different in many respects. I doubt the average person on the street would understand those subtle differences. Although the Community Support Fund has been used for pork-barrelling, abused and treated by the former Premier as his own personal slush fund, it is based on a completely different concept from that of the Regional Infrastructure Development Fund. To find reasons to question whether the CSF was ever used in a reasonable and accountable way honourable members have only to recall the $1-million loan from the CSF for the Rialto development and the $770 000 promised before the last election to build a tramline along the foreshore at Portland to enable the current opposition leader to retain his seat.

Each gaming machine in Victoria produces $3500 a year for the state. On my calculations my electorate has been cheated of over $1 million in returns from Community Support Fund. It is the ultimate in hypocrisy to suggest that the Regional Infrastructure Development Fund will in some way not be accountable to the people of Victoria. I can assure you, Madam Acting Speaker, that the Independents will have a lot to say if the fund is not accountable to the people of Victoria. The Independent members want to ensure that the Auditor-General has the power to do whatever is necessary to ensure that Victoria has accountable government. We believe the amendment is not necessary. The Auditor-General must be allowed to set his priorities, and he has said there is no need for additional legislative provisions.

The operations of the fund could be included in the annual reports of departmental operations so it is not necessary to pursue that aspect of the amendments. Further, if the Public Accounts and Estimates Committee had doubts about the performance of the fund it could suggest a specific audit of the fund be included in the Auditor-General's annual plan. For those reasons I do not support the amendments.

When the coalition was in government it continually used the terms 'whingeing', 'whining' and 'carping' to describe the then opposition, saying it had no vision. The bill is a visionary piece of legislation. I have listened with utter contempt to the drivel that has come from honourable members in the upper house about what they have done during the past seven years. My electorate has been given a privatised hospital and a water infrastructure that is leaking to such an extent that in a bad year the region loses approximately 40 gigalitres of water because of a lack of investment in regional infrastructure.

Mr Steggall interjected.

Mr SAVAGE — Yes, it is a huge amount. In a bad year in the Murray Valley irrigation area the maximum loss is 223 gigalitres — a huge amount! That is where money should be spent. So the honourable member for Swan Hill should not tell me my electorate has had a significant amount — —

Mr Steggall interjected.

Mr SAVAGE — We haven't had it! We need more. When the opposition was in government it grievously neglected the state of country Victoria. If it thinks it is now on a winner, I invite it to look at Gippsland, where it has only one remaining seat! The honourable member for Gippsland South is the only National Party member left in Gippsland — and the opposition thinks it had a big victory! The National Party is selling out the bill through a pedantic objectivity, and it is a damned disgrace!

Mr SPRY (Bellarine) — I appreciate the opportunity to make a further contribution to the debate on the bill and the amendments, because on the previous occasion I was sat down rather suddenly in the interests of the mechanics of the business of the house.

The points I want to make were referred to by the honourable member for Mildura a moment ago, and also by the Minister for State and Regional Development, who is in charge of the bill.

I repeat the point made earlier that the bill is distinguished from other discretionary funding sources available to the government by the lack of guidelines. The opposition's proposed new clause highlights that shortcoming. It is all about openness and accountability. Why would the government wish to oppose that amendment? The minister sets great store

on the fact that the Auditor-General will be reviewing allocations from the fund. He also mentioned that allocations will be controlled by the Financial Management Act.

The new clause requires that the accounts and records of each payment out of the fund must be made available, that the details of all applications for financial assistance from the fund must similarly be transparent and that assessment of the relative effectiveness of each payment from the fund must be made available. How on earth could anyone have any problems with that sort of openness and accountability? It is beyond my comprehension.

Ms Davies interjected.

Mr SPRY — The honourable member for Gippsland West is spouting away. Unfortunately I cannot hear what she is saying, but she seems to be objecting to the general tenor of my contribution. As the member for Bellarine I have a particular interest in applications for funding. As I said in my contribution to the previous debate on the bill, my concern is that allocation of some of the funding has already been decided in the absence of any guidelines whatever. That is strange to contemplate.

My concern is backed up by comments made by the Minister assisting the Minister for State and Regional Development in the upper house yesterday when she confirmed that the setting of guidelines was still the subject of review by departmental officers from the Department of State and Regional Development. Commitments have already been made, but were the allocations made in accordance with the nonexistent guidelines? The answer is obvious. Opposition members could be forgiven for seeing in the bill an opportunity for setting up some sort of slush fund.

Mr Helper interjected.

The ACTING SPEAKER (Ms Barker) — Order! There will be no interjections, thank you.

Mr SPRY — The honourable member for Ripon sits there, as he did in the original debate, hurling abuse across the chamber and talking about pork-barrelling. He has no idea what happened in Bellarine, has he, because in that case — —

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Bellarine will speak through the Chair and ignore interjections.

Mr SPRY — They are best ignored. Thank you for your guidance, Madam Acting Speaker. However, it is hard not to be provoked under the circumstances, I can assure you. The minister raised the issue of the Victorian public wanting to examine the details of the applications when they are received and compare them against the acceptance of applications in other cases. That will be an interesting exercise for the people of Victoria. It will reveal any misappropriation in terms of preference being given to particular electorates.

Mrs Peulich — They have been very good at that in the past!

Mr SPRY — They have been distinguished in their ability to apply those funds to targeted seats.

In conclusion, the minister alleges that we on this side of the house oppose the concept of the Regional Infrastructure Development Fund. Nothing could be further from the truth. As the honourable member for Gippsland South mentioned, the opposition welcomes any allocation of funds to rural and regional Victoria. However, as I mentioned in my earlier speech, I think the sum of $170 million over three years in allocations of $50 million, $50 million and $70 million is a piddling amount compared with the total funding the previous government allocated to rural and regional Victoria. That funding is conveniently forgotten by government members — and by the honourable member for Gippsland West when it suits her!

Although it would like the amount to be larger, the opposition is pleased to see the allocation of funding to rural and regional Victoria. The opposition is looking for transparency and accountability. The government's opposition to those concepts, particularly in view of its reaction to the Independents charter, is beyond the comprehension of members on this side.

Ms DAVIES (Gippsland West) — The bill was sent to the other house and returned to the Legislative Assembly with amendments. I have already spoken against those amendments. Earlier when speaking for the amendments the honourable member for Gippsland South, currently the Deputy Leader of the National Party and a man of great and thwarted ambitions, asserted that honourable members representing country electorates wanted the maximum amount of the Regional Infrastructure Development Fund spent on benefiting rural Victorians.

I agree with those comments. That is one of the reasons why I reject the second amendment moved by the honourable member for Gippsland South. The amendment contains absurd requirements such as those in proposed new clause A(1)(c) which requires the

Auditor-General to assess the relative effectiveness of each payment from the fund.

The honourable member for Gippsland South has apparently had legal training so I am amazed that he would use those words. They are so vague as to be a waste of time and are a further reason for my rejection of the amendment. If rural and regional Victoria receives infrastructure it has never had before that is an effective use of funds.

The amendment moved by the honourable member for Gippsland South would add to the workload of the Auditor-General and the cost of administering the fund to an absurd extent. Payments from the fund will be subject to the full audit process. The infrastructure development fund will be a separate fund in the public account; exactly what and why each allocation of funds is made will be more obvious through the normal accounting processes.

I want the legislation enacted. The hypocrisy — a word used before — of the opposition is astounding.

Mrs Peulich interjected.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Bentleigh may have the call if she wishes.

Ms DAVIES — The quotation 'full of sound and fury and signifying nothing' constantly comes to mind. Already in four weeks the government has shown it is prepared to be accountable to a greater extent than I saw in the entire seven years of the former government's time in power. In only four weeks the Bracks government has shown it is prepared to accept reasonable amendments to a greater extent than honourable members saw in the previous seven years.

If honourable members in the Legislative Council representing rural areas genuinely had their electorates as a first priority they would support the bill and allow its proclamation. However, it was not supported basically because several National Party hacks in the upper house are very comfortable following a Liberal Party agenda.

There was no division in the Assembly; both National and Liberal Party members agreed to the bill without amendment. If the opposition in this house genuinely considers that the amendments are crucial its members should have voted against the bill. The opposition is not genuine in its opposition to the bill receiving a speedy passage.

It is inconceivable that the Auditor-General should be forced to waste his time and resources going through unsuccessful applications for allocations from the fund. Honourable members should remember that the Auditor-General is supposedly independent. The honourable member for Gippsland South is trying to control the Auditor-General's actions by requiring him to waste both his time and resources going through applications that have not resulted in any spending of public money.

Subclauses (2) and (3) of proposed new clause A acknowledge the existence and importance of both the Audit Act and the Financial Management Act. They acknowledge that those acts provide the necessary scrutiny and accountability.

The basic problem is that the opposition does not yet accept its loss of government. Its members, particularly National Party members, should spend more time looking at their own failings than carrying on with a lot of sound and fury signifying nothing. If the National Party is not prepared to support fully the delivery of extra funds to rural and regional Victoria, the Independents will. National Party members should have more discussions with branch members and forget some of their fantasies of ministerial opportunities long lost. They should show a greater willingness to stand up for their constituents. If opposition members continue to vote the legislation down in both houses they will pay the price. I urge all honourable members to assert their loyalty to rural and regional Victoria.

The bill provides for full accountability. I am assured by those involved in the audit process that the accountability mechanisms are well able to deal with the allocation of public money from the fund. The absurd lengths requested by the opposition are both unnecessary and unwarranted. I hope that the legislation will be proclaimed as quickly as possible.

Mr HELPER (Ripon) — In the remaining few minutes I will make known to the house my opposition to the amendments moved by the honourable member for Gippsland South.

For the purposes of my contribution I will refer to the opposition as two separate parties. The National Party's support of the amendment is based purely on incompetence. Members of the Liberal Party have a choice of demonstrating either malice or incompetence. I suggest that those few National Party members left who represent regional areas will experience the wrath of their communities for holding up passage of the Regional Infrastructure Development Fund Bill.

In the second-reading debate on the bill the honourable member for Gippsland South bleated both in the chamber and to his local paper that as yet the fund had received no appropriation. Now he is holding up the establishment of the fund. It is an outrage and an indication of incompetence or malice on the part of the opposition.

It is telling that during the vast majority of time devoted to the debate on the amendments the only people in the chamber were National Party members.

The SPEAKER — Order! The time for questions without notice has arrived. The honourable member for Ripon will have the call when the matter is again before the Chair.

Debate interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Police: force motif

Mr RYAN (Gippsland South) — Can the Minister for Police and Emergency Services advise the house whether he fully endorses the instructions and guidelines outlined by the Chief Commissioner of Police that the Victoria Police chequered band motif is not to be used for corporate items or publications unless approved?

The SPEAKER — Order! Did the Minister for Police and Emergency Services hear the question?

Mr Haermeyer — No.

The SPEAKER — Order! I remind the house that at 2.00 p.m., under the sessional orders, questions without notice are called. The sessional orders state that the ringing of the bells will be for 1 minute, and 1 minute only. I ask all honourable members to adhere to the sessional orders. Will the Deputy Leader of the National Party repeat his question?

Mr RYAN — Will the Minister for Police and Emergency Services advise the house whether he fully endorses the instructions and guidelines outlined by the Chief Commissioner of Police that the Victoria Police chequered band motif is not to be used for corporate items or publications unless approved?

Mr HAERMEYER (Minister for Police and Emergency Services) — The issue is a decision for the Chief Commissioner of Police, and I fully support his operational autonomy in making that decision.

Davis Cup

Mr HOLDING (Springvale) — In view of Australia's superb Davis Cup win last weekend in France, and Melbourne's place as the tennis capital of Australia, will the Premier advise the house what action the government will take to celebrate this achievement?

Mr BRACKS (Premier) — All honourable members will join with me in expressing congratulations to the Australian Davis Cup champion team. The victory watched by Australians in the early hours of Monday morning is unprecedented. It was the first time an Australian team has won a Davis Cup final on the European mainland. In front of a large, hysterical and parochial French crowd the Australian team triumphed against all odds. The house should acknowledge the efforts of the team which comprised Mark Philippoussis, Lleyton Hewitt, Todd Woodbridge, Mark Woodforde and, of course, the Davis Cup captain, John Newcombe. It is the first Australian victory in the Davis Cup since 1986 when Australia defeated Sweden at Kooyong in Melbourne.

As the Leader of the Opposition said to me, Victorians applaud the performance of the Victorian Mark Philippoussis, who has had his share of difficulties recently, but there can be no greater success in tennis than to play the way he did and win for his country. Mark is a proud Victorian and I am very proud to be the member for Williamstown and to have a player of his stature coming from Williamstown.

I advise the house that on behalf of the Victorian Parliament I have offered a state reception for the Australian Davis Cup team in Queen's Hall. That invitation has been transmitted to the team and I am hopeful that we will have an acceptance in the new year because I am sure many members would like to attend the reception. In addition, we will discuss the role of Melbourne as host for a Davis Cup round next year. The last time the Davis Cup competition was played in Victoria was in a preliminary round when Australia played Zimbabwe in Mildura. I know the honourable member for Mildura would like to see the event played in Mildura next year, but while I support regional sporting events, it is time to have the event in Melbourne.

Melbourne is the home of Australian tennis. Former Premier Cain saw the need to entrench Australian tennis in this city and his vision was pursued by the former government. There is no better way to celebrate an outstanding moment in Australian sporting history than for Melbourne to host the next round of the Davis Cup in Melbourne at our wonderful facilities.

I look forward to hosting the reception on behalf of the Parliament and the Victorian people. I am sure all honourable members would wish to join me in celebrating one of the best wins Australia has had since 1986.

ALP: fundraising dinner

Dr NAPTHINE (Leader of the Opposition) — I endorse the comments of the Premier in relation to the congratulations extended to the Australian Davis Cup team. I particularly congratulate Mark Philippoussis as a Victorian member of that team.

Mr Seitz interjected.

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

Dr NAPTHINE — Will the Premier advise the house whether the attendees to the Labor Party's meals-for-deals fundraiser from the Southern Health Care Network, the Women's and Children's Health Care Network and the Royal Melbourne Hospital purchased their tickets with taxpayers' funds allocated to those hospitals for the treatment of patients, or were they guests of private companies who have commercial connections with the hospital and networks?

Mr Seitz — On a point of order, Mr Speaker, the question asked by the Leader of the Opposition does not fall within the Premier's jurisdiction. The function was organised by and was the responsibility of the secretary of the Australian Labor Party. The question should therefore be inadmissible.

Dr NAPTHINE — On the point of order, Mr Speaker, the question related to the possible misuse of taxpayers' funds and a possible conflict of interest with regard to private companies purchasing tickets on behalf of people employed in the public sector in health care networks and health services. It therefore clearly belongs within the responsibility of the government and the Premier.

Mr Bracks — On the point of order, Mr Speaker, the honourable member for Keilor raises a legitimate question. Nevertheless, I am keen to answer the question.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Keilor. As the Chair understands the question it relates to government accountability. I ask the Premier to answer that part of the question that refers to government accountability and government administration.

Mr BRACKS (Premier) — I thank you for that ruling, Mr Speaker. I will answer the question on that basis.

I refer to a comment made by the Leader of the Opposition when he was interviewed on radio 3SR in Shepparton in which he made the same point. I quote:

> Some public servants went apparently paid for by private companies. This calls into question the relationship between public servants and the private companies …

I think that is the point that the Leader of the Opposition is making in his question. The comment further states, referring to me:

> He must address what amounts to gift acceptance by public servants.

Each of the functions was paid for by private companies, which was the substance of the question that you, Mr Speaker, directed me not to answer. I am happy to answer it anyway.

On the wider point of the potential for conflict of interest, I also inform the house and the Leader of the Opposition that in making sure it has the highest standards possible the government will introduce guidelines on these sorts of fundraisers in the future.

I further inform the house that when the previous government was in power a senior Treasury official attended a Liberal Party fundraiser as a guest of a large merchant bank. On this related point, I also inform the house that officials from the Docklands Authority previously attended a $1000-a-head Liberal Party fundraiser at the Melbourne Convention Centre which was paid for by a private company — and that company was the property agent for the entire redevelopment project.

The question is absolute and total hypocrisy on the part of the Leader of the Opposition. He was part of a cabinet that attended those lunches — he was at the table at those functions and was part of the same arrangements. There is no conflict of interest in this; there is no special arrangement. It is a ridiculous question from the Leader of the Opposition.

HIV: blood contamination

Ms BEATTIE (Tullamarine) — Will the Minister for Health inform the house of the government's response to the report by Professor Smallwood in relation to the transmission of HIV to a child by blood transfusion?

Mr THWAITES (Minister for Health) — All honourable members would be aware of the tragic case revealed earlier this year where a child received a blood donation as part of an ordinary procedure and subsequently contracted HIV. The circumstances of the case are that the donor in question had had heterosexual sex with a person from Africa and at the time the donation was made was unaware of any possible HIV risk.

The previous government set up an inquiry headed by one of the most distinguished medical practitioners in Australia, Professor Smallwood, who has reported on what can be done to minimise the risk of transmission of HIV in blood transfusion cases. The government thanks Professor Smallwood for his report and congratulates him on it. It is committed to implementing all of the report's recommendations. Professor Smallwood found that Victoria has one of the safest blood supply systems in the world. He urged people to have confidence in the system and to continue to donate blood. However, there are some areas where improvements can be made and the government is acting to implement those improvements immediately.

The first recommendation is that the option of direct donations to their children be made available to parents. The government will fund the costs of training for that initiative commencing on 17 January next year. In appropriate cases parents will be able to directly donate blood to their children.

The second recommendation is for the establishment of a national haemovigilance system to ensure that any cases of risks or errors associated with blood transfusion are recorded.

The third recommendation is that the blood donation statement and the questionnaire completed by donors at the time of donation be amended to specifically include a question asking whether the person has had sex with someone who is from overseas. Tragically that question was to appear on the form a short time after the donation in question was given. Had that question been on the form it is unlikely the case in question would have occurred. The question now appears on the questionnaire, and a system is in place for regular monitoring of the form. Sir Ninian Stephen is currently conducting a national review to ensure that the forms pick up any new risk factors.

One of the reasons there has been less risk in the past is that there has not been a great deal of migration from high-risk areas. As migration from those areas increases there is cause for concern. People should be aware that AIDS is not a disease that affects only the gay community and that HIV can also be transmitted through heterosexual sexual activity.

In addition, a locked bag system will be introduced for clinical HIV notifications to the Department of Human Services to ensure that none of the notifications are lost. Further, clinicians will be encouraged to ask a person who is newly diagnosed with HIV whether he or she is a blood donor. In many cases that did not happen in the past because clinicians were not aware of the problems. As a result of the inquiry clinicians will be requested to ask that question. It will be on the HIV recall form so that there will be immediate notice.

New laboratory testing facilities for the nucleic acid testing process will be introduced from the middle of next year. That reduces the window period during which HIV antibodies cannot be tested for from 22 days down to 11 days. There will still be a window period — it is not possible to completely eliminate the risk — but with those measures it should be possible to reduce the risk to the lowest possible level.

Housing: ALP commitment

Mr CLARK (Box Hill) — I refer the Minister for Housing to Labor's election promise, which states that Labor will guarantee that all public housing and community assets will be retained for public housing. Will the minister advise the house whether the Labor government will honour this promise?

Ms PIKE (Minister for Housing) — The Bracks Labor government is committed to ensuring not just the expansion and growth of public and community housing but also that all of the state's current stock is rejuvenated and kept in excellent condition.

I can guarantee to the house that the promises that were made in Labor's pre-election statements will be upheld. The government recognises that people who live in public and community housing are among the most disadvantaged members of the community. Those people experience enormous difficulties accessing rental in the private sector and do not find it easy to achieve home ownership.

The government is committed to caring for people and providing appropriate accommodation for people on low incomes or who have particular needs. That commitment is underpinned by our strong commitment to equity in the community. I am happy to give that affirmation and assurance.

Youth: residential placements

Mr LIM (Clayton) — What is the Minister for Community Services doing to avoid a crisis in residential care for troubled young people?

Ms CAMPBELL (Minister for Community Services) — Troubled young people who have suffered abuse or neglect are placed in government-funded residential placements and require high-quality care and support to speed their recovery. On any one day approximately 600 children in Victoria are placed in residential care services and a further 3100 young people occupy foster care placements.

The area of residential services for children and young people has been grossly neglected. I have inherited responsibility for that area, which is another social black hole that the Bracks Labor government will address.

Dedicated child welfare agencies saw their placement funding base progressively eroded by the previous government. In 1998 the Kennett government directed the outsourcing of $13.8 million of government-managed placement and support services. While that led to an overall increase of 75 home-based placements, it also resulted in an overall reduction of 42 placements for young people in residential care where the most troubled young people are usually placed.

A couple of well-known agencies and peak bodies have prepared reports on the crisis in residential care. One report was prepared by Harrison Community Services. That document incurred the wrath of the former Minister for Youth and Community Services. It was treated like an under-the-counter publication in a newsagency by the former minister, so damning was its content. Should the opposition wish me to table the report, I have already made a copy in anticipation of that request so opposition members and the shadow Minister for Community Services can be informed of its contents.

The Children's Welfare Association of Victoria also alerted the previous government to the fact that residential care was grossly underfunded. Since taking office I have been inundated with representations from child welfare agencies and their care staff about the neglected state of our residential care. For example, just two days ago I received a deputation from one of the city's largest welfare agencies. Representatives outlined that they were subsidising places by tens of thousands of dollars and that their churches were also subsidising the care of children. They said they could not retain staff because of the low rates of pay in the past, and that the care of children was suffering as a result because staff would not stay and children did not have continuity of care.

There is a crisis in residential care in this state. I am pleased to inform the house that today I have approved the immediate release of $3 million to agencies delivering adolescent placement services throughout Victoria, including rural agencies. My department is prepared to have a far more transparent and consistent approach to this area. I want to ensure that in future a partnership approach will be taken, that agencies that tell the truth about what is happening in residential care have their concerns addressed and that the department and welfare agencies work together to improve the care of young people placed in the care of our agencies.

ALP: fundraising dinner

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to his personal explanation to the house on Tuesday. He said some of the public servants who attended Labor's meals-for-deals fundraiser were there as guests of private companies that had purchased the $1000-a-head tickets. I also refer the Premier to the 1995 Code of Conduct for the Victorian Public Sector, which states that public servants should not accept favours or gifts and that any public servant who is offered a gift should immediately notify his or her chief executive. Can the Premier assure the house that none of the public servants who attended Labor's meals-for-deals dinner have breached those guidelines?

Mr BRACKS (Premier) — As I have mentioned on numerous occasions, in the past seven years the Liberal Party has held $7000-a-head dinners. The honourable member for Hawthorn was president of the Liberal Party between 1992 and 1997 — I can understand fully why the Leader of the Opposition wants to besmirch the reputation of the honourable member for Hawthorn. The reality is that we are issuing — —

Dr Napthine — On a point of order, Mr Speaker, the Premier is debating the question. I ask you to bring him back to order.

The SPEAKER — Order! I uphold the point of order and ask the Premier to come back to the question.

Mr BRACKS — On the matter of the guidelines under the — —

Dr Napthine interjected.

Mr BRACKS — You have asked a question — —

The SPEAKER — Order! I have upheld the point of order of the Leader of the Opposition. He shall cease interjecting so the Premier might answer the question.

Mr BRACKS — On the matter of guidelines for the participation of public servants at such fundraisers, my department is reviewing the matter currently and I will be happy to report to the house in the near future.

Nursing homes: commonwealth certification

Mrs MADDIGAN (Essendon) — Can the Minister for Housing inform the house what the government is doing to ensure state-owned nursing homes will be able to meet commonwealth certification standards?

Ms PIKE (Minister for Housing) — I am pleased to inform the house that I have reviewed the list of nursing homes that have failed to meet the certification standards set by the commonwealth government. I reaffirm the government's commitment to a comprehensive reform and redevelopment of residential aged care services across the state.

The Victorian government is committed to spending an extra $47.5 million on the urgent upgrading of state nursing homes to ensure they meet appropriate standards of comfort and care within the time lines set by the commonwealth. That $47.5 million is in addition to the $18.6 million allocated in the 1998–99 budget. The Bracks government has earmarked those funds to address seven years of neglect by the former Kennett government and to fix the mess left behind.

Victorian elderly citizens are aware that under the Kennett government nursing homes were run into the ground. Sadly the problems now faced by nursing homes that have not achieved certification have been caused solely by the neglect of the previous government, which had many years to fix them.

The plan of members on the opposite side of the house was to wash their hands of responsibility by selling of many nursing homes to the private sector. It is most disappointing that opposition members are now suggesting that many nursing homes will be forced to close. They are apparently trying to cover up their shameless neglect, putting fear into the hearts of people who live in nursing homes and their families by engaging in a shameless scare campaign that is absolutely unnecessary.

Today I have endorsed a strategy to ensure that nursing homes are upgraded to meet the commonwealth certification standards. Work has already commenced on eight facilities, and a further nine facilities that have failed certification because of the policies of the previous government are in the process of having feasibility studies and design work completed so that the government can ascertain what needs to be done in the short and longer terms. The nine homes are: the Anne Caudle Centre at Bendigo, Caulfield hospital, Casterton hospital nursing home — that answers a question asked by the Leader of the Opposition — Dimboola hospital nursing home, Natimuk hospital nursing home, Hopetoun hospital nursing home, Echuca hospital nursing home, Manangatang hospital nursing home and the Central Gippsland Evelyn Wilson nursing home at Sale.

The future of residents in state-run nursing homes is now secure under this government. Government members deplore the scare tactics being used by the opposition of placing misinformation in many regional newspapers. The opposition is needlessly worrying Victoria's frail, elderly nursing home residents and their families.

Dairy industry: deregulation

Mr McNAMARA (Leader of the National Party) — My question is for the Minister for Agriculture, whom I note is the first Victorian minister to allow interstate citizens to vote in a Victorian election. Will the minister confirm he has invalidated the dairy deregulation vote by sending ballot papers to New South Wales and South Australian dairy farmers who are not part of the Victorian market milk pool so they can now vote in the Victorian dairy deregulation plebiscite?

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. The honourable member for Mornington should cease interjecting.

Mr HAMILTON (Minister for Agriculture) — I thank the honourable Leader of the National Party, who will soon be causing a ballot of his own. He should worry more about that ballot because of the intention of others to compete in it as well.

The opposition never ever believed in democracy and has certainly been opposed to the dairy deregulation ballot.

Mr McNamara — What about the New Zealand one?

The SPEAKER — Order! The Leader of the National Party has asked his question. The house should afford the minister the opportunity to answer it.

Mr HAMILTON — Thank you, Mr Speaker. Obviously the Leader of the National Party does not want to hear the answer. During the election campaign the government committed to having a dairy industry ballot, and that has upset people. Members of the former government are now in opposition because they demonstrated clearly they did not want to listen to country Victoria.

Honourable members interjecting.

The SPEAKER — Order! I have already asked the honourable member for Mornington to cease interjecting.

Mr HAMILTON — The government is committed to giving people who live in country Victoria a say and to listening very carefully to what they have to say. I should have thought the Leader of the National Party would have demonstrated a far better understanding of the structure of the dairy industry in this state. After all, he was the minister responsible for agriculture for some three and a half years. I would have thought he would have understood exactly how the industry is structured.

There are 9262 voters on the roll. The Leader of the National Party should understand the urgency in conducting the ballot prior to Christmas. The government will take this ballot and other factors into account when determining its position — —

Mr McNamara — On a point of order, Mr Speaker, on the question of relevance, I ask you to bring the minister back to the question. I asked whether farmers who are not part of the Victorian milk market pool are eligible to vote. If the minister would like the house to adjourn for 10 minutes while he gets further advice on the issue, I am sure we would all be happy to agree to that.

The SPEAKER — Order! There is no point of order. The question asked by the Leader of the National Party related to the plebiscite and the election. The minister was providing information in regard to that election. The minister has been relevant to this point. However, I ask him to complete his answer quickly.

Mr HAMILTON — As I was saying, there was some urgency to have the ballot conducted prior to Christmas so that the government could determine its position on dairy deregulation, which is an extremely important part of determining the future of the dairy industry in this state. The department asked the processors and the manufacturers to supply in confidence their list of voters and the people who were paid cheques by Victorian processors. That information was supplied in confidence by the manufacturers and the processors. Having received the information, to its credit the department honoured the confidence in which it had been given and once it had been passed to the Victorian Electoral Commission for the formulation of the roll destroyed it to protect the confidentiality of the manufacturers.

Opposition members interjecting.

The SPEAKER — Order! There are too many interjections from the opposition benches. I ask members of the opposition to cease interjecting to allow the minister to complete his answer.

Mr HAMILTON — Obviously the opposition members do not want to hear the answer. The former Minister for Agriculture, with his supposedly intimate knowledge of the dairy industry, should know that some dairy farms in Victoria are owned by overseas companies. The implication of the question is that those people in the Victorian pool should not be given the vote. He is also — —

Mr Cooper interjected.

The SPEAKER — Order! I warn the honourable member for Mornington. On at least three occasions he has been asked by the Chair to cease interjecting. He is now on a warning and with one more interjection he will find himself outside the house under sessional order 10.

Mr HAMILTON — The government was determined to have the poll completed as fairly and as inclusively as possible. Despite the urgency and the short time available to prepare the voters roll, the best possible job was done in the interests of getting an indication from the dairy industry, especially the farmers, of the view on deregulation. The important part of the exercise was the opportunity to give dairy farmers a say in their own future. The government does not resile from the fact that — —

Honourable members interjecting.

The SPEAKER — Order! The Chair is growing increasingly intolerant of the behaviour of the house. I warn the Leader of the National Party.

Mr HAMILTON — Obviously the opposition has not learnt from the election result on 18 September. It does not believe in democracy or in giving people a say in their future. It wants to stormtroop through like the Prussian army — —

The SPEAKER — Order! I am now of the opinion the Minister for Agriculture is debating the question. The minister will conclude his answer.

Mr HAMILTON — The government is confident the result of the ballot will give a clear indication of the feelings of Victorian dairy farmers about their acceptance of deregulation with a package. The government emphasises the reluctance of the opposition to listen to dairy farmers in country Victoria. I do not back away from the fact that the government has been democratic and inclusive in determining the ballot.

Great Western races

Mr NARDELLA (Melton) — I direct my question to the Minister for Racing. Will the minister detail to the house whether alternative horseracing breeds will be showcased in an exciting new race day in Victoria?

Mr HULLS (Minister for Racing) — In this job you get to do some great things, and this morning I had the pleasure of riding Cheeky, and it was good! Cheeky is an Arabian horse.

The SPEAKER — Order! I can see the house is in a good mood. However, question time must be concluded at some point. The Minister for Racing will be heard in silence.

Mr HULLS — This morning I announced that on 22 January Arabian and quarter horse racing will be held at the Great Western race meeting. The great Australian thoroughbreds will be racing on the same program. It will be the first time in Victoria, and possibly in Australia, that Arabian horses, quarter horses, and the great Australian thoroughbreds will be racing on the same program. It is a boost to country racing.

The former government was approached about the matter some time ago but refused to take the bit between its teeth, and rode country racing into the ground. The government will give it a kick along. The event will be great for country racing and a huge crowd is expected at the Great Western meeting. It will be trialled on a one-off basis at this stage. It is part of the government's policy to reinvigorate country racing and it represents the culmination of decades of attempts by the Arabian and quarter horse owners and trainers to get an official permit to race in Victoria.

The permit has now been issued and all roads will lead to Great Western on 22 January 2000. I will be there. Cheeky will be there and we can renew our acquaintance. I hope all members of the house will also be there. The huge amount of money to be invested in this type of racing will be a benefit to Victorian racing. Bookmakers will be on the track. I hope all members of the house will join Cheeky and me at Great Western on 22 January.

The SPEAKER — Order! The time for asking questions without notice has expired. A minimum number of questions has been asked and answered.

REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL

Council's amendments

Debate resumed.

The SPEAKER — Order! The honourable member for Ripon, concluding his remarks.

Mr HELPER (Ripon) — I was in the process of concluding my remarks before question time. I will now quickly do so.

Before question time I posed the question of whether the Liberal component of the opposition wanted to be known for moving the amendment for reasons of malice or for reasons of incompetence. The performance of Liberal members during question time probably answers that question: it was for reasons of incompetence. That does not, however, necessarily let their National Party counterparts off the hook in regional areas.

I conclude by saying that I strongly oppose the amendment to the Regional Infrastructure Development Fund Bill. I look forward to the pain National Party members will suffer in regional areas as a result of their procrastination and their placing of hurdles in the way of this vital bill. Although their suffering might give me some degree of pleasure, I will still resent their holding up the bill and the impediments put in its way by the opposition. I will certainly let my constituents know who is holding up the process.

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

Debate adjourned until later this day.

PERSONAL EXPLANATION

Mr BRUMBY (Minister for State and Regional Development) — It has come to my attention that in the adjournment debate last night I inadvertently referred to the central thoroughbred racing event in Warrnambool as the Grand National. That was clearly incorrect, and I

apologise to the house. The renowned event to which I referred and which I last attended in 1988 is the Grand Annual Steeplechase — a fantastic spectacle! I seek to correct the record.

MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL

Second reading

Debate resumed from 25 November; motion of Mr PANDAZOPOULOS (Minister for Major Projects and Tourism).

Mr CLARK (Box Hill) — The bill is the first piece of legislation brought into the house by the Minister for Major Projects and Tourism. I express at the outset my regret and concern at the government's handling of the government business program. The business brought on for debate under that program today has allowed barely 67 minutes for this bill to be debated, even though a considerable number of speakers on this side of the house wish to contribute. The shortness of allotted time is a result of the government's bringing on another item for the purpose of grandstanding and it demonstrates its preparedness to squeeze out items previously provided for in the government business program.

The question is whether this first bill of the Minister for Major Projects and Tourism will be his last. Will he prove to be a true minister responsible for major projects or will he turn out to be merely the minister for completing Kennett government projects?

The Melbourne Sports and Aquatic Centre and the State Netball and Hockey Centre are two of the many highly successful major projects initiated by the former Kennett government, and each is an important element of the previous government's vision for the development of the sporting, artistic and cultural strengths of our state. They line up with other successful Kennett government projects including the Melbourne Exhibition Centre, the Old Customs House restoration, the Melbourne Museum, the State Library redevelopment, the National Gallery of Victoria redevelopment, Federation Square and Riverside Park, the Jolimont residential development, major upgrades to the infrastructure around the Melbourne Cricket Ground, Melbourne Park and Olympic Park sports and entertainment precincts, the Victorian Arts Centre and YMCA redevelopment, and the multipurpose venue for the Melbourne and Olympic Parks Trust.

The Melbourne Sports and Aquatic Centre has attracted more than 3 million visitors in its first two years of operation, including about 4000 patrons a day. The last budget of the former Kennett government, delivered in May this year, provided a further $11 million for the expansion of the Melbourne Sports and Aquatic Centre.

The second centre the bill deals with specifically is the State Netball and Hockey Centre, a $27 million project funded by the Community Support Fund. It will include two hockey pitches with grandstands for 1000 spectators, and the netball centre will have five indoor courts comprising a 3000-seat show court and four outdoor courts. The existing dilapidated netball centre is being removed and the area returned to parkland.

Early in his term of office the minister tried to do a knife job on the funding of the many successful projects of the previous government and on the competence with which they were being conducted. I suspect he did that only on the instructions of the Premier and that his heart was not really in it. I say that because I know the minister knows the costings he presented were not completely accurate. I have had the benefit of a briefing on those costings in my capacity as the shadow minister, so I am fully aware that the true figures are the same as the figures known to the minister.

It is useful to compare factors affecting cost estimates for the Melbourne Sports and Aquatic Centre and for Federation Square. Prior to the inclusion of the Museum of Australian Art and the SBS building, the Federation Square project had an initial costing of $128 million, then the additional buildings brought the cost estimate up to about $220 million. That July 1998 figure, when updated and enlarged to account for other revisions, increased again to about $240 million, and the original figure was also adjusted downwards to allow for differential funding for furniture and fit-out. The base figure for the project after expansion became $235 million.

Since then the cost has increased to $262 million, and the reasons for that increase are illustrative and significant because they could equally influence other major projects likely to be undertaken around town by the present government, and particularly the extension of the Melbourne Sports and Aquatic Centre.

The $262 million cost estimate is as high as it is mainly due to union militancy. The site has been targeted by unions, so tender prices have exceeded expectations and have added an estimated $14 million to the cost of the project. A further cost of $9 million resulted from the slowdown over seven months resulting from serious and ongoing industrial disputes. The Treasury added a further $4 million for contingencies.

The total of those extra costs is $27.6 million, and that is why the overall project cost referred to by the minister in his remarks soon after assuming office is $262 million. The vast majority of the cost — indeed, all but $4 million of it — is directly or indirectly due to the actions of the trade union movement and the growing militancy of the construction unions.

Mr Mildenhall — On a point of order, Mr Speaker, as desperate as the honourable member for Box Hill is to weave into the debate an attack on the unions, the projects he is referring to bear no relation to the bill. Federation Square is not covered anywhere in the bill. I ask you to draw him back to discussion of the Melbourne Sports and Aquatic Centre or the State Netball and Hockey Centre.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Footscray. The tradition of this house is that a lead speaker may make passing reference to other matters as part of his contribution to debate on a bill. I will, however, warn the honourable member for Box Hill not to stray too far from the bill.

Mr CLARK — Thank you for your ruling, Mr Speaker.

The conclusion I was about to draw about the cost increases is that similar pressures are likely to face the Melbourne Sports and Aquatic Centre Trust, which will be renamed the State Sport Centres Trust. The bill is relevant to both the further works that may be done to the State Netball and Hockey Centre and the proposed extensions to the Melbourne Sports and Aquatic Centre.

I also refer to the stark contrast between the remarks made by the minister in his second-reading speech and the remarks he made earlier. As I suggested, the remarks he made in his second-reading speech cast doubt on the conviction of his earlier comments. In his second-reading speech he paid tribute to the work of the trust, in particular to the way the Melbourne Sports and Aquatic Centre was completed. He referred to the fact that the construction of the facility had been on time and within budget.

Although the Melbourne Sports and Aquatic Centre Trust is the client of this project, the Office of Major Projects was given responsibility for the execution of the project — the same office appointed by the previous government to execute most of the other major projects undertaken by it. That office did a great job in managing the construction of the Melbourne Sports and Aquatic Centre, just as it has done a first-class job in managing all the other major projects. That has been reinforced by the remarks of the minister in his second-reading speech, which were complimentary to the Office of Major Projects and contradicted all the derogatory remarks he made soon after taking office.

I have every confidence that the Office of Major Projects will continue to deliver good outcomes for whatever major projects the government undertakes, whether they are simply the completion of projects inherited from the previous government or whether they are new major projects the government chooses to undertake. That will be the case provided the Office of Major Projects does not fall victim to the government's foolhardy policy of disposing of 116 of its best, most senior, most capable and most diligent public servants; provided it is not overwhelmed by the outbreak of militancy in the construction industry that was unleashed by the election of the present government and further encouraged by the actions of the Minister for Industrial Relations when she phoned union campaigners to wish them well; and provided the Office of Major Projects is not subject to a level of ministerial intervention or direction that will cut across the professional management of its tasks, particularly interventions designed to favour the union movement.

The issues we face on this bill are as much about what the bill does not provide for as they are about what the bill does provide for. The house is entitled to know the new government's vision for major projects. What will happen when the State Netball and Hockey Centre is completed? Where does the government stand in relation to the showgrounds, to which the previous government gave a commitment for $50 million for a major — —

Mr Pandazopoulos — On a point of order, Mr Speaker, the traditions of this house allow the lead speaker of the opposition some leeway in the scope of his or her contribution, but for the whole of his contribution the honourable member for Box Hill has talked about everything except the bill. The bill is about the trust and the management of the netball and hockey facilities and the relationship between the trust and the users of Royal Park. It is not about all major projects, such as the showgrounds.

I understand the honourable member for Box Hill is the new shadow minister for major projects, but the bill concerns Sport and Recreation Victoria. The debate on the bill should not concern the next generation of major projects. I am happy to assist the honourable member for Box Hill on those issues in the future, but it would certainly be beneficial to the house, given that we are approaching 4.00 p.m. and that other members wish to

speak in the debate, if he spoke about what the bill will do rather than what it is not intended to do.

Mr CLARK — On the point of order, Mr Speaker, paragraph (b) of clause 1 of the bill, which is the purposes clause, extends the powers of the trust to enable it to manage sports, recreation and entertainment facilities and services in addition to managing the State Netball and Hockey Centre. I submit that I am entitled to canvass the possible scope of the trust in the management of sports, recreation and entertainment facilities and services, and I intend to contrast the issues about the showgrounds and the other projects I referred to earlier with the issue of the extension of the Melbourne Sports and Aquatic Centre and the other provisions for sport and recreation facilities for the Commonwealth Games.

The SPEAKER — Order! I do not uphold the point of order. It is similar to the point of order raised by the honourable member for Footscray earlier. The tradition of this place is that lead speakers are allowed in passing to canvass some issues beyond those pertaining to the bill. However, I warn the honourable member for Box Hill that he must not stray too far from the content of the bill.

Mr CLARK — Thank you, Mr Speaker.

The next major project I wish to refer to is the next stage of the Melbourne Sports and Aquatic Centre, which presumably will be the responsibility of what has been known as the Melbourne Sports and Aquatic Centre Trust but will now be known as the State Sport Centres Trust. We all know the Commonwealth Games will be held in Victoria in 2006, which raises the question of what provision will be made for facilities to cope with the games.

As the minister said in his second-reading speech, the Melbourne Sports and Aquatic Centre has been highly successful since its opening. It has exceeded its operational targets and attendance projections for major sporting events. However, its current seating capacity is around 4000 to 5000 people, which is below the 12 000 seating capacity, or thereabouts, needed to accommodate the Commonwealth Games. The house and the public are entitled to be told by the government how the games will be managed.

Will the current facility be extended? There has been some talk about a temporary Olympic pool at Melbourne Park, and according to a recent article there has also been talk about the possible construction of a new pool at the Highpoint shopping centre. I understand feasibility studies are currently being analysed. I hope the minister will inform the house of those matters when closing the debate on the bill so that the many Victorians who are interested, including sports lovers and the local residents who may be affected, will have a better idea of what is happening.

As I said, and as the minister said in his second-reading speech, the Melbourne Sports and Aquatic Centre has been enormously successful despite the seeds of criticism, doubt and confusion the previous opposition tried to sow in 1994 when the bill to establish the Melbourne Sports and Aquatic Centre Trust was debated. The honourable member for Footscray was one of the lead speakers in that debate, as was the present Premier, Mr Bracks, who was then the shadow minister.

At that time they made a number of disparaging remarks about the centre and its potential for the future. I think it is important to contrast the remarks they made at that time with what has proved to be the case, because it highlights the fact that their totally unfounded criticisms amounted to merely unsubstantiated scaremongering, as did so many of the criticisms made by the present government when in opposition.

I refer to remarks made by the then honourable member for Williamstown, now the Premier, who is reported at page 2333 of *Hansard* of 6 December 1994 as saying:

> I appreciate the minister's willingness to move on the issue of building a proper aquatic centre for Melbourne to a significant standard. It is one the opposition is pleased to support.
>
> However, it is questionable whether it will achieve the minister's and the government's aims.

At page 2335 he is reported as having said:

> Although the opposition welcomes the bill and congratulates the minister for bringing it forward, it has raised serious questions about the government's capacity to deliver the funding required and cater adequately for all sports, particularly basketball, about which there is a legitimate complaint.

Those were the complaints being raised by the opposition in 1994 and, as often is the case, they proved to be totally unfounded. The previous government has delivered a project which even the Labor Party, now in government, is prepared to support.

The honourable member for Footscray was even more critical of the project when the bill was debated. On reading his contribution to the debate, one would find it difficult to believe the then opposition was supporting the bill. The honourable member is reported at

page 2327 of *Hansard* of 6 December 1994 as having said:

> This will be the state's sports centre, and it should be comparable with the best in Australia. It should be able to compete with other states and conduct international events. However, the indicators are that we may be starting behind the eight ball.

At page 2328 he is reported as saying:

> In comparison with other centres in Australia, especially those I have described where the average seating facilities will be at least 3000 if not 4000, the Albert Park centre will be small. It may also be underfunded.

At that stage the honourable member called for a capacity of 3000 or 4000 seats. As I understand it, that is the seating capacity that has been delivered. It makes one wonder about his remarks. The honourable member is also reported at page 2329 as having said:

> It appears that the result could well be a substandard sports centre because the financial requirements for the standards of competition to which we would aspire are only now starting to emerge …

That criticism is now being contradicted by the remarks of the minister in the second-reading speech in which he has been extremely complimentary of the Melbourne Sports and Aquatic Centre Trust.

A significant issue to be addressed is the matter of consultation with the public. The then opposition was vigorous in making remarks on such matters. I refer to the remarks made during the course of debate this year on the Royal Park Land Bill. The Minister for Environment and Conservation and the Minister for Planning made strident remarks about the need for consultation with local community groups. On 27 May the Minister for Environment and Conservation is reported at page 1336 of *Hansard* to have said:

> Who is involved in this issue? Who would like to have their opinions heard? Who would like to talk to the opposition and to all members of Parliament about it? First among them would be the local residents …
>
> … members of the Royal Park Protection Group have been out their sitting in front of bulldozers. Will they be consulted? Will they have time to look at the bill, digest what is in it and come back to the minister, the shadow minister and local members of Parliament to say what they think?

At page 1338 she is reported to have said:

> What respect does the government have for democracy when it will not allow consultation to take place and does not want to hear people's opinions?

That was supported by the current Minister for Planning who is reported at page 1342 in the same debate to have said:

> Given that none of those groups has been consulted on the legislation the opposition is asking for only the normal amount of time for consultation, not an extended period.

That remark was made by the minister, who has not yet provided me as shadow Minister for Planning with a briefing on his portfolio, which proves the extent to which he is committed to consultation and openness. That is in contrast with the Minister for Major Projects and Tourism who promptly organised for me to be briefed.

Those things were being said by the government when in opposition. How does that compare with the conduct in relation to the bill? I was contacted by Julianne Bell on behalf of the Royal Park Protection Group who expressed concern about the bill because she had not been consulted by the government. She only found out about it because I had been in touch with the Save Albert Park group, which had not been consulted by the government about the bill, and members of that group brought it to her attention.

Members of the Royal Park Protection Group have a number of concerns about the bill, particularly about whether long-term leases of the facilities will be granted to private sector operators, which could further affect other matters they hold dear. I suspect their concern about that will be laid to rest, but they are entitled to have an input and be consulted by a government that made such a fuss about openness, democracy and accountability when in opposition, and pledged great promises to the public that when in government it would be different from the then government.

It is all very well to preach in opposition — when it comes to putting it into practice they singularly failed.

Mr Pandazopoulos interjected.

Mr CLARK — The minister interjects that this is a bill of the previous government. The bill was only in preparation under the previous government and was brought to completion and taken into the public arena by the present government, which is in no position to seek to excuse itself, after having taken office, from consulting with either the Royal Park Protection Group or the Save Albert Park group. It is the government's duty to consult with the public.

The impact of the current government on community groups can be strikingly seen when one examines the literature issued by the Save Albert Park group. Their October 1999 newsletter headed 'A victory for a civil society', includes the following statement:

> Save Albert Park is heartened by the restoration of a balance of power in Victorian politics, and the commitment of the ALP and the group of Independents to a more open and community-minded government.

However, the December newsletter has the headline 'The Labor government disgraced', under which the following appears:

> Last week the Premier, Mr Bracks, gave a disgraceful exhibition of toadying to big motor racing business in which he 'out liberaled' the Liberals.

The main point I make about the newsletter is an article on page 2 headed 'John Thwaites' responsibilities', which states:

> John Thwaites, the MLA for Albert Park, is now in a totally different position from where he was between 1993 and September 1999, when he was part of a state opposition which lacked numbers in the Parliament and faced a politically dominant Kennett government.
>
> Members of Save Albert Park, local residents and business people should now expect to be strongly represented by a local member who is also the Deputy Premier.

They want the Deputy Premier to consult with them on a wide range of matters relating to Albert Park. The Minister for Planning failed the test as the local member because the Save Albert Park group were not aware of the bill until I contacted them about it.

The government has also failed the test on consultation. Certainly one would expect that both the Minister for Environment and Conservation and the Minister for Planning would be embarrassed about the contrast between what they said when in opposition and what they have actually delivered at the first opportunity that has arisen.

The proposed legislation is based on the bill that was in preparation under the previous government by the then Minister for Sport, Tom Reynolds, but with two additions made to it by the current government. The first is the choice of the name. The State Sport Centres Trust is not particularly inspiring, but it is an adequate name.

A second feature that has been inserted by the new government is the consultative committee. The provisions relating to the State Netball and Hockey Centre Advisory Committee are set out in proposed section 26D. I shall make several observations about the committee. The first is that residents of Albert Park have not been given a statutory committee in the way that residents of Royal Park have. That is also in clear contrast to what the honourable member for Albert Park, the current Minister for Health, said in 1994 when the house was debating the principal act:

> Given that the ratepayers of Port Phillip are contributing to the cost of the pool it seems only fair and appropriate that they should have some representation in its management.

The residents of Albert Park have obtained a say in its management through the good work of the Melbourne Sports and Aquatic Centre Trust, which, as I understand it, has established two committees with which the trust consults on the management of the Melbourne Sports and Aquatic Centre — one a committee for users and the other a committee for affected interest groups such as local residents, the council and so on. That is fine so far as it goes, and I understand the two consultative committees have worked well.

However, the government goes one step further in this bill. It has established a statutory advisory committee for the State Netball and Hockey Centre. The question that needs to be asked is: if it is established for the Royal Park facility — that is, the State Netball and Hockey Centre — why is such a committee not now being established in statute for the Melbourne Sports and Aquatic Centre? Why are the residents of Albert Park being left out, having to rely simply on the goodwill of the Melbourne Sports and Aquatic Centre Trust for its committee, whereas the Royal Park residents will have the benefit of a committee guaranteed by statute?

The second series of questions I raise about the advisory committee relate to its composition, appointment and dismissal. As I understand the situation, although only limited provisions are set out in proposed section 26D for appointments, removals, resignations and so on, a number of rules relating to those issues are supplied by the Interpretation of Legislation Act, and particularly section 41, which sets out various powers that are conferred on appointers of persons to office. They fill in a number of gaps that are left in the bill, and no doubt the draftspersons had that in mind when they prepared proposed section 26D. However, the provisions of the Interpretation of Legislation Act, particularly section 41AA, deal with the determination of the remuneration and allowances for people who serve on the committee. They also provide that the appointer — in this case the minister — can terminate the appointment at any time.

It would be helpful for the house and for the community if, in closing the second-reading debate, the minister would explain to the house, firstly, whether it is intended that remuneration be paid to the people who serve on the committee and, secondly and perhaps more importantly, what arrangements he has in mind regarding their terms of office — whether he will appoint them for fixed terms, or whether he will appoint them at his pleasure, with the potential to

remove them from the committee should they transgress in some way or offend against what he expects of committee members. In other words, I ask him to give some reassurance to the house that the persons who agree to serve on the advisory committee will be able to exercise their functions of providing advice independently and without any fear that they might be removed from office.

I have no reason to suspect that the minister intends to do any of that; I have no reason to suspect that he intends to act in anything but a proper way in constituting the committee and varying the appointments of persons to it from time to time. But it would be useful if the minister could give some guidance to the house about what he intends in that regard and confirm that he intends to allow the committee to operate with independence and without fear of removal.

The final issue I raise is the one I referred to in my response to the point of order raised by the minister — that is, the powers of the Melbourne Sports and Aquatic Centre Trust, or the State Sport Centres Trust as it will be renamed — relating to other sport and recreation and entertainment facilities and services. Many significant sporting activities are conducted in Victoria. This is a very sports-minded state, and the house and the public are entitled to be interested in what further facilities might be committed to the new trust.

During the very comprehensive and thorough briefing provided by departmental officers to members of the relevant shadow ministers' committees the opposition was informed that no specific facilities or services are in mind for that clause — that it is simply the government's intention to leave that option open. However, it is surprising that the government did not take advantage of the opportunity provided by the drafting of this bill to make some provision for Waverley Park. As all honourable members are aware, the incoming government made big play of that issue prior to the state election and made some significant commitments in its policy. I refer the house to the Labor Party's policy on Waverley Park:

> Preliminary legal advice indicates that the state government has substantial powers to save Waverley Park from closure …
>
> Labor will do what Premier Kennett has failed to do and demand that the ground be kept open.

It concludes:

> Labor will use the powers available to state government to help keep AFL park Waverley as an AFL venue and we will work with local government, football clubs and business to enhance the site as a community, sporting and recreational precinct.

That was followed up with great enthusiasm by the Minister for Gaming soon after the change of government. An article in the Waverley *Gazette* of 26 October states:

> New Labor Premier Steve Bracks has kept his election pledge to try to save Waverley Park at Mulgrave.
>
> A spokesman said Mr Bracks had put the football park high on the state priority list and would take 'every measure negotiable to keep Waverley as a family football venue' …
>
> Meanwhile, new major projects minister and Dandenong MP John Pandazopoulos has vowed to stand by Labor's election promise to try to retain Waverley Park as an AFL venue.
>
> 'We had a cabinet meeting … and it was one of the first issues raised. Steve Bracks, Justin Madden and myself have discussed ways to handle it', Mr Pandazopoulos has said. 'We will use the full authority of government — there are all sorts of ways in which the government can put pressure on the AFL'.
>
> Mr Pandazopoulos said that a Land Acquisition and Compensation Act, which allowed the government to forcibly purchase privately owned land, was just one of the mechanisms that could be used. Under the act, Waverley Park would be valued according to its use as a sporting venue. The park is worth up to twice as much as residential land.

Clearly, the government's public pledge shows a great deal of commitment to act vigorously to save Waverley Park. One would think the bill would be the ideal vehicle for that purpose. Measures could be included in the bill to trigger compulsory acquisition provisions; specific clauses could relate to the possible taking over of Waverley Park by the State Sport Centres Trust. However, none of that is covered in the bill. The house and the public are entitled to take that fact as yet another justification for questioning the extent of the new government's commitment to retain Waverley Park as a venue for both the AFL and sport and recreation generally. Thus the bill raises a number of issues for consideration, as does the government's handling of the bill's introduction to the house.

The opposition supports the bill. Subject only to the query I raised about the advisory committee, it is a good bill as far as it goes, but despite all the things it said when in opposition the government has failed to consult in bringing the bill to the house. In the bill the government is also treating the citizens of Albert Park less favourably than it treats the residents of Parkville and other areas near Royal Park, which once again shows the divergence between what Labor in opposition said it would do and its conduct in government. Opposition members certainly hope the

new government will take substantial steps to pull its socks up in future.

Mr LANGUILLER (Sunshine) — I am pleased to speak in support of the bill because it is of particular interest to me.

The purpose of the bill is to amend the Melbourne Sports and Aquatic Centre Act 1994, to rename the Melbourne Sports and Aquatic Centre Trust and to extend the functions of the trust to enable it to manage the State Netball and Hockey Centre and potentially other sporting, recreational and entertainment facilities.

Both the public and the industry recognise that the trust has managed the centre successfully and efficiently. It ought to be placed on record that since its foundation the trust and management concurrently have always been on track and very much on budget. One could say that is why the government intends to extend the functions and powers of the trust to the management of other facilities run by the centre.

The trust has considerable management experience which the government believes can be utilised in other centres, particularly in the areas of netball and hockey. Since the beginning the trust has consulted and worked constructively with the community, and in particular with the municipality of Port Phillip. That ought to be commended. I particularly place on record the success of the management activities of the centre because it is one of the leading centres in the Southern Hemisphere in the provision of services to sport and leisure activities.

The bill expands the responsibilities of the Melbourne Sports and Aquatic Centre Trust and amends its name to the State Sport Centres Trust with power to manage the State Netball and Hockey Centre.

The successful operation of the centre draws up to 4000 patrons per day, who access a range of sports and leisure activities to the benefit of not only the users but the whole community as well. The centre offers a diverse range of services and activities to encourage the participation of the broader community. They include basketball, badminton, table tennis, squash, swimming, diving and a range of gymnasium activities.

The centre has also hosted a number of international events such as the Fox Sport Diving Challenge between Australia and Russia in September 1998; the world junior badminton championships in October 1998; the Australia versus Hungary water polo competition in December 1998, and the Australian synchronised swimming Olympic team selection trials in January 1999.

The centre's original budget expectations have been exceeded and it is to be commended for achieving a total revenue of $7 106 173. Some 1.4 million visitors have attended and used the centre since it began and it is estimated that 2.9 million visits will take place towards the end of the year.

The centre's annual report states that its mission is to provide challenging and creative programs and services which are customer focused for both elite and community participants and that the programs will be conducted in a safe and hygienic environment.

I also wish to put on record the history of the centre's funding. The centre was built on time and within budget at a total cost of $65 million: $60.5 million came from the Community Support Fund; the City of Port Phillip contributed $4 million towards the leisure pool area, and Sport and Recreation Victoria contributed $500 000. The centre is expected to operate independently of further public funding for operations, maintenance and refurbishment. The centre was financed from gambling and poker machine revenue.

Although the centre practices access and equity, to the best of my knowledge it has no written policy or strategy that can be used as a guideline. It is therefore necessary for the centre, given its very successful operating record, to embark on the development of an access and equity policy that recognises crucial issues such as gender. It is important to note that research conducted by the Department of Human Movement at the Victoria University of Technology has revealed that only 40 per cent of Victorians participate in sport and leisure activities.

In absolute terms of the order of 60 per cent of the Victorian population is inactive. However, according to Australian Bureau of Statistics figures the number of women who are inactive or do not have direct involvement in sports and leisure activities is unfortunately greater than 60 per cent. The management could deal with such issues by developing measures to encourage a greater number of women to participate at the centre.

The other important factors I wish to raise that I believe should be included in an access and equity policy relate to age, disability and ethnicity. Significant benefits are associated with being involved in sports and recreation activities in our society. Consequently, centres of this kind, given that they are successful, have the capacity to develop an access and equity policy. They should take into account that within the 60 per cent of the Victorian population who are inactive are people with low formal levels of education and people low incomes.

It includes women, people with disabilities and people from non-English-speaking-background communities — people who have even less access to sports and leisure activities. I look forward to the centre's developing an access and equity strategy to encourage the groups in society to which I have referred so they will have an opportunity for greater participation in sports and leisure activities.

I refer particularly to a successful arrangement that to my knowledge is still used today at the Brunswick swimming centre. From memory the swimming centre introduced a scheme under which the facilities are available for use by women only one day a month — or it might be one day a fortnight. I believe MSAC could seriously contemplate an arrangement under which its facilities could be used by women only — women from the broader community — one day a month.

In addition, there are people in other sections of the community, mostly women, who do not engage in social or leisure activities unless very special provisions are made for them. I will refer to anecdotal evidence. I note that a survey and study are currently being conducted by Victoria University of Technology at the sports and aquatic centre. There are enormous benefits for people with multiple sclerosis in the use of such facilities. The current research indicates that individuals benefit significantly from their experiences at the centre. They become friendlier and more inclusive, and have a greater capacity to overcome states of mind such as depression and anxiety.

I commend the bill to the house. I commend the extension of powers with respect to the management of the centre and other centres in Victoria. I reiterate my belief that the centre is most successful and that its operations should be commended. I look forward to the centre's developing of strategies, policies and specific guidelines with respect to access and equity to ensure that a broader cross-section of the community can have access to and use its facilities. If that happens MSAC could be lead by example and influence other centres around Australia to introduce similar practices. I am sure that will be the case. I commend the bill to the house.

Mr BAILLIEU (Hawthorn) — I am absolutely delighted to support the bill. I have spent far too much of my life at both Albert Park and Royal Park to not take the opportunity to speak on the bill. Over the past 30 years barely a week has gone by in which I have not run, kicked a ball or had my face crushed into the dirt at Albert Park; or swum, played basketball or trained at those facilities. I have also been a prolific user of the facilities at the Melbourne Sports and Aquatic Centre, or MSAC as it is known, as a swimmer, as someone with young children and as someone who has played basketball at Albert Park every week for the past 20 years.

As a Friend of the Zoo I am conscious of the role the zoo plays at Royal Park. I am not unfamiliar with the Royal Park master plan, as it was originally proposed — and I know its proponents well. I know both facilities and both parks well.

I put it on the record that MSAC has been a triumph, despite the fears expressed by the then opposition at the time of its institution. That triumph warrants the congratulations of the house being extended to the architects, to the builders, to the previous government, to the previous minister, Tom Reynolds, and the members of the trust. I note that in the second-reading speech the minister stated that the MSAC facility has been capably managed; that the construction and commissioning of the project were completed on time and within budget; and that operational targets and attendance projections have been exceeded. Those comments are a tribute to the operation of the MSAC trust. All that has been accomplished despite the fears that were expressed about the project at the time of its institution by those on the other side.

The honourable member for Box Hill referred to the honourable member for Footscray, who participated in those debates. On examining the report of the debates I noted that the honourable member for Footscray anticipated a second-class facility — a 'second-best facility', to quote him. That is definitely not the case. The MSAC facility is a triumph. However, it is not perfect; there are things that need to be attended to. Speaking from personal experience I can say that the showers in the basketball centre reach only my tummy and the tops of the mirrors are only at 5 feet 6 inches from the floor — they are a little low and make things difficult for basketballers.

Mr Pandazopoulos interjected.

Mr BAILLIEU — I have not looked in the mirror to see. I note that the MSAC trust has sensibly responded to problems as they have arisen in this evolutionary and great project. They responded when basketball pricing and other issues were raised. In the original debate the honourable member for Footscray quoted the thoughts and opinions of Lindsay Gaze and the Gaze family, who had administered the old Albert Park basketball centre with such aplomb, character and love for so long. The response by the trust to the basketball pricing issue was both appropriate and timely. It also responded to issues concerning

refreshment facilities, car parking and security with timeliness, care and attention. More recently it has responded to issues regarding flooring.

The MSAC is now a feature on the Victorian sports centre scene for almost, as I think I heard someone say, a million Victorians. In the famous movie *The Swimmer*, Burt Lancaster swims across the pools of his local town, which happened to be Hollywood. I can imagine the movie being remade in Melbourne and the MSAC swimming pool being one of Burt Lancaster's destinations.

When the centre was first established the honourable member for Footscray expressed fears that the members of the board would not have sporting backgrounds or the appropriate qualities to administer the trust. Nothing could be further from the truth. The members of the trust have the experience, qualities and interest to do a top job, and they have done it. I pay tribute to Brian Lowrie, Peter Bartlett, Des Bethke, Jane Hansen, Penelope McEniry, Denis Roche and Max Walker.

The trust members, who come from a variety of backgrounds, have done an extraordinary job. They have been involved in and have interests in sport. The results are a tribute to them. I look forward to the new State Sport Centres Trust assuming the responsibilities of the Melbourne Sports and Aquatic Centre Trust and the additional responsibilities of managing both parks and the attached facilities and developing them as occurred at Albert Park, and to learning from the evolutionary experiences involved in managing such facilities. It has been a learning experience with many sports at MSAC and has required much consultation and empathy with the participants and users. It has been a matter of not only learning about but responding to the issues that arise. Many issues arise in those circumstances and the consultation process will be an important feature of the trust's new responsibilities.

In addition, the extension of the business plans and the requirement to operate them independently for the various facilities is an important feature. There will need to be consultation on fees, parking, hours, night operations and the use of lighting. They are important issues that involve the local community and the users. It is good that the government is so supportive of MSAC and the job the trust has done. That was not always so.

MSAC and its surrounding facilities were long the target of the present government. The government had many pre-election targets that are now its post-election babies! It targeted City Link, the grand prix, Melbourne University Private and MSAC, but appears now to have adopted those projects. A degree of hypocrisy is attached. The honourable member for Box Hill referred to a number of those incidents. However, long fights have occurred on the government benches over a few issues.

In recent years I have paid close attention to elections that have caused the Australian Labor Party a great deal of difficulty in the City of Melbourne, no more so than in and around the council wards where Royal Park and the hockey centre are located, at Melbourne University Private and at the State Netball and Hockey Centre's great facilities.

The hockey centre will be easily accessed by participants from all over Victoria, and the netball centre will be upgraded. I have not played hockey but I have played netball, because it has become a mixed sport. I recall playing a mixed game some years ago and being stood up by an opponent who was not as tall, but she was very capable. As a netball proponent, I am sure I make a good rugby player!

The Melbourne Commonwealth Games in 2006 will be a terrific attraction for Victoria. The new State Netball and Hockey Centre will be one of its main venues. However, missing to some degree from the bill is an outline of where the additional recreational, sporting and entertainment facilities will be located. As the honourable member for Box Hill said, where is the vision for future projects in this arena?

The bill throws to the new sport centres trust a responsibility for future sports, recreational and entertainment facilities. That is a broad agenda. It would be my wish and hope that a vision will emerge from the government as soon as possible on what facilities will be established or be available. I urge the government, in its consideration of similar matters, to ensure that the facilities to come under the new sport centres trust remain community facilities rather than becoming commercial facilities, and to focus on their recreational aspect because that is where the strength of MSAC and Royal Park facilities has been.

As a user of those facilities for many years I have appreciated the closeness of the management bodies to the users. However, there are other facilities that the state needs and that may come within the purview of the trust. We need additional rectangular pitch facilities for the playing of rugby and soccer. We also need a dedicated basketball centre of a commercial nature.

Mr McNamara interjected.

Mr BAILLIEU — I note rowing has not been suggested for Royal Park!

The potential for Melbourne to focus and develop its sporting facilities on behalf of all Victorians — in fact, all Australians — has been evident for many years. We have further to go. The bill and the acknowledgment in it that formerly MSAC, now the State Sport Centres Trust, is an appropriate vehicle to manage the facilities is a correct judgment of the government and obviously on the part of the previous government, which had anticipated the introduction of the bill. The honourable member for Box Hill referred to the changes that have occurred in the bill since the change of government.

I know other honourable members wish to participate in the debate. I have a history as a user of the centre's facilities rather than having been involved in their regulation, and I value them highly. I have not lived in either area but I have travelled to both to use the facilities. Both are in Labor Party electorates, but that has not stopped the previous government from investing in such important facilities.

Mr Pandazopoulos interjected.

Mr BAILLIEU — Their accessibility is important for all residents of Melbourne. The minister interjects to suggest that we put them in those areas because they were Labor seats. That is not the reason; it was because they were accessible. It is important, as the government goes forward with what we hope will be a visionary agenda for additional sporting facilities for Melbourne, that it makes accessibility to all Victorians the key criterion for that decision making.

In the future, when Victorians want to swim, play basketball or participate in whatever codes of sport they are involved in — whether be it hockey or netball — I trust the community facilities provided by the new State Sport Centres Trust will be managed, developed and refined in a way that all Victorians can be proud of so we can confidently go forward to the Commonwealth Games with facilities of the highest standard.

We can be proud of the job that has been done at MSAC. I again pay tribute to the trustees. It would be remiss of the government not to acknowledge in its further contribution that the trust members have done a magnificent job despite the fears that members of the government have expressed in the past. MSAC has been in a leading position in Victoria in the administration of sports facilities. As a user I have seen many people who have appreciated the facilities and I know thousands of other Victorians have also appreciated them. I now look forward to many more Victorians enjoying facilities of an even more significant nature.

The SPEAKER — Order! The time allotted for the second-reading stage of the bill has expired.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL

Council's amendments

Message from Council relating to amendments further considered.

Debated resumed from earlier this day; motion of Mr BRUMBY (Minister for State and Regional Development):

That amendment 2 be disagreed with.

Council's amendment 2:

2. Insert the following new clause to follow clause 5 —

"**A.** ***Reporting on payments from Fund***

(1) The Minister must ensure that the report of operations and financial statements prepared under section 45 of the **Financial Management Act 1994** include —

(a) accounts and records of each payment out of the Fund for the purposes of section 5(1)(a); and

(b) details of all applications for financial assistance from the Fund received by the Minister whether the application resulted in any payment from the Fund or not; and

(c) an assessment of the relative effectiveness of each payment from the Fund for the purposes of section 5(1)(a).

(2) The Auditor-General must include in a report under section 9 of the **Audit Act 1994** on the audit of the financial statements of the Department administered by the Minister a special report on the matters referred to in sub-section (1)(b) and (c).

(3) Nothing in this section limits the operation of the **Audit Act 1994** or the **Financial Management Act 1994**.".

Mr STEGGALL (Swan Hill) — When the matter was last before the Chair the honourable member for Ripon made some comments that need to be corrected,

because at times honourable members come into the house and make statements that are not accurate.

The honourable member for Ripon said that during the debate the only members of Parliament in the house were National Party members. He was trying to make a rather stupid political point. I point out to the honourable member for Ripon that the honourable members for Bellarine, Bentleigh, Benambra and Box Hill were all present and participating in the debate.

The honourable member for Gippsland South put amendment 2 before Parliament for consideration. It deals with issues raised by the minister, such as the Auditor-General and the Financial Management Act. I have not seen the letter, but as I understand it the Auditor-General has the opportunity to look into and investigate anything he may wish to regarding the financial operations of the government.

The amendment provides that the Auditor-General will take up the obligations. Instead of having a choice as to whether he may or may not, he must report on each matter. The requirements are not onerous.

Few honourable members would remember the Victorian Economic Development Corporation and the many problems it had. I say to honourable members, particularly my Independent friends who are groaning, that the VEDC concept was good. It was something we valued in country Victoria and about which we thought, 'If only this were done properly, it would be good'. Unfortunately through the 1980s it was not done properly, and the lack of accountability of the VEDC caused it to become a political negative to the extent that the coalition was not able to have a VEDC-type operation during its term in government.

The former government did not have such a scheme because of the lack of accountability of the whole operation of that scheme. The Victorian Economic Development Corporation was one of the embarrassments that tipped the Cain–Kirner era on its ear. I will refer to the amendments.

Honourable members interjecting.

Mr STEGGALL — Just relax. For a person who would like to claim, and there are two members of the Independents here who would like to claim purity — —

Ms Davies interjected.

Mr STEGGALL — I must admit it was a bad choice of words. It is one that I will not make again. The Independents are keen to ensure government accountability is at the top of the list. Government members may talk about the issues and about what happened to the former government and what it did in government. One of the beauties of a democracy is that we lost the election.

Honourable members interjecting.

Mr STEGGALL — During the past few months a lot has been said about arrogance and about listening. After only a few weeks of this Parliament the arrogance and the failure to listen have swapped sides. Honourable members should think about it. Amendment 2 states in part:

> The Minister must ensure that the report of operations and financial statements prepared under section 45 of the Financial Management Act 1994 include —
>
> (a) accounts and records of each payment out of the Fund for the purposes of section 5(1)(a).

That is not difficult. With a proper procedure that can be done. The guidelines and procedures that the government will put in place might help, but the government has not presented any guidelines and procedures. I refer to the minister's question about why the bill is being debated this way. As the minister knows, one of the reasons is that it is a political ploy being run by the government. The government will play political games and will be accountable for them. The amendments will help the government to be accountable for its actions in the fund's operation.

I support the amendments. They are not too big a problem for any decent government with guidelines and procedures, particularly if it is not working on a whiteboard for its operation. I hope the minister sees fit to consider the inclusion of the amendments for the scrutiny of the fund.

Mr HARDMAN (Seymour) — I am disappointed and angry that I have to speak again on the Regional Infrastructure Development Fund. I am afraid the opposition may scuttle the legislation by opposing it in the upper house. There is no clear justification for the amendments. Basically, I see them as political games. It is about the upper house flexing its muscles and trying to prevent the government from making decisions.

I am concerned the amendments will create a bureaucratic nightmare for submissions and applications to the Regional Infrastructure Development Fund. I foresee a pile of submissions and applications that have been through lengthy delegation processes by the Minister for State and Regional Development, with lots of work done by local communities, going down to a decision by the

Treasurer, who perhaps will not have the full knowledge of the minister in charge.

There are no such limitations on the Community Support Fund or the Better Roads programs. The purpose of the amendment must be to impose a bureaucratic burden and create unnecessary red tape.

People in the Seymour electorate were looking forward to the establishment of the Regional Infrastructure Development Fund, as were people in all country electorates. Already I have heard of delegations from around country Victoria meeting with the minister to see how businesses in their area can be helped to expand and grow. I do not like to see the fund being held up by this bureaucratic process.

I am angry about the blocking of the bill by the upper house. I wonder whether its members have realised what country Victoria was saying at the last election. Obviously the slight they have delivered will anger country Victorians. However, in the long run the petty political game played by the opposition may assist the government in arguing for the constitutional reform of the Victorian Parliament.

Mr Ian Little, secretary of the Department of Treasury and Finance, confirmed in a letter that:

> … the funds and operations under the Regional Infrastructure Development Fund will be subject to the full audit powers of the Auditor-General.

He said further:

> There are no restrictions on his authority under the Audit Act or any other act in respect of such funds.

He said the Auditor-General may:

> … review and comment on the manner in which accounts have been kept, their transparency and whether funds have been applied in accordance with the initiating statute.

There are no good reasons for the amendment, and the opposition should withdraw it. I would like to see country Victoria on the move again, and the Regional Infrastructure Development Fund will help that happen.

Mr DELAHUNTY (Wimmera) — As I said during the original debate, I support the concept of the bill, as do many people across rural Victoria, because it will build on the work already done by the previous government. However, I believe the proposed amendment will add value to the bill. Honourable members have heard many times in the chamber and out in the public arena that the government is open, transparent and accountable. The amendment proposed by the honourable member for Gippsland South, as the partnership's shadow minister for rural development, will add value to the accountability requirements of the bill.

The main concern of the opposition is that the bill has no guidelines but an enormously wide scope. In some ways that is good, but from the point of view of using taxpayers' money it is important to have accountability. The guidelines must be developed in conjunction with the 47 councils that will have to support the fund, and they must also be linked to locally developed strategies. The accountability requirements are important.

Many people in the Wimmera electorate have raised with me their concerns about a document distributed during the election campaign under the heading 'Labor and Geelong — A New Partnership', which states in part:

> We will ensure that capital expenditure [from this fund] will be spent in proportion to the population.

Already, nearly $100 million has been — —

Ms Davies interjected.

Mr DELAHUNTY — That is correct, but it is very important to us in rural Victoria.

Ms Davies interjected.

Mr DELAHUNTY — No, thank you; I do not need anyone to write my speeches, either. Labor's policy commitment has already accounted for $100 million — before the fund has even started. I believe the fund will commence on 1 July 2000, which leaves about $70 million of funding for the next three years. If there are no guidelines for the fund people may spend a lot of time developing submissions that will only get knocked over.

The amendment refers to reporting on the accounts and records for each payment out of the fund. There can be no problem in asking for that. The amendment also requires details of all applications. There can be no problem with that. There should also be no problem with the required assessment of the relative effectiveness of all taxpayers' money spent by the fund. All applications would have to be viewed by the relevant officers. I do not think it is too much to ask that those additional requirements apply to the process.

Over the past four years the Wimmera electorate has seen some $100 million of exciting new projects covering health, education, roads and waste-water facilities of $1.2 billion across rural and regional Victoria. I highlight the last of those: surely it is not too much to ask that the people of those areas receive

quality waste-water facilities and water of world-health standards?

I am concerned that the bill contains no guidelines; the amendment will strengthen that aspect. Linkages between the building of infrastructure and jobs are important to rural and regional Victoria. Several members spoke about additional costs. I was involved with local government and know that costs were lowered.

The bill is about accountability for spending taxpayers' dollars. All applications should be judged against guidelines. I strongly support the amendments moved by the honourable member for Gippsland South. The team of Liberal and National Party members is different from the coalition team of members of the Labor Party and Independents.

Ms Davies — Ours is out in the open.

Mr DELAHUNTY — The honourable member for Mildura has already admitted the Independents have a contract. I am sure the people of Victoria would wish to know the full details of it.

The amendment is fair and reasonable. It adds value to a bill that is important for the further development of rural and regional Victoria.

House divided on motion:

Ayes, 44

Allan, Ms
Barker, Ms
Batchelor, Mr
Beattie, Ms
Bracks, Mr
Brumby, Mr
Cameron, Mr
Campbell, Ms
Carli, Mr
Davies, Ms
Delahunty, Ms
Duncan, Ms
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hardman, Mr
Helper, Mr
Holding, Mr
Howard, Mr
Hulls, Mr
Ingram, Mr
Kosky, Ms
Langdon, Mr (*Teller*)
Languiller, Mr
Leighton, Mr
Lenders, Mr
Lim, Mr
Lindell, Ms
Loney, Mr
Maddigan, Mrs
Maxfield, Mr
Mildenhall, Mr
Nardella, Mr
Overington, Ms (*Teller*)
Pandazopoulos, Mr
Pike, Ms
Robinson, Mr
Savage, Mr
Seitz, Mr
Thwaites, Mr
Trezise, Mr
Viney, Mr
Wynne, Mr

Noes, 41

Asher, Ms
Ashley, Mr
Baillieu, Mr
Burke, Ms
Maclellan, Mr
McNamara, Mr
Maughan, Mr (*Teller*)
Mulder, Mr
Napthine, Dr
Paterson, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr
Shardey, Mrs
Smith, Mr (*Teller*)
Spry, Mr
Steggall, Mr
Vogels, Mr
Wells, Mr
Wilson, Mr
Clark, Mr
Cooper, Mr
Dean, Dr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Elliott, Mrs
Fyffe, Mrs
Honeywood, Mr
Jasper, Mr
Kilgour, Mr
Kotsiras, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McIntosh, Mr

Motion agreed to.

Ordered to be returned to Council with message intimating decision of house.

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

ADJOURNMENT

Mr BATCHELOR (Minister for Transport) — I move:

That the house do now adjourn.

Swimming pools: community funding

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier in his capacity as minister responsible for the Community Support Fund to an issue concerning the funding of upgrades to swimming pools, particularly in smaller country communities across Victoria. I suggest the Premier allocate $6 million from the fund over three years at the rate of $2 million a year to local councils and swimming pool committees across the state on a fifty-fifty fundraising basis.

Many country towns and communities built swimming pools for the use of their citizens in the 1960s and 1970s. The pools were largely built through the efforts of local communities in fundraising and holding working bees, often with assistance from local government. In many cases local government accepted responsibility for the management of those swimming pool facilities.

The facilities have provided a positive recreational outlet for the citizens of local communities. For the first time in many areas of rural Victoria such facilities provided an opportunity for young people to learn to swim properly in a safe environment — primary and secondary schools had access to appropriate swimming

pools — and the facilities spawned the development of many swimming clubs. Honourable members would recognise that safe and supervised swimming pools have positive beneficial effects on school communities.

However, many of the pools are now 30 or 40 years old and require significant upgrading — to tiled areas, filtration equipment, chlorination plants and other necessary equipment — if a satisfactory level of management is to be maintained. It is often beyond the capacity of smaller rural communities and local government bodies to meet the costs of such upgrades.

At a meeting at Lake Bolac during the former Premier's tour of western Victoria a positive suggestion was made by the Lake Bolac community, in particular Councillor Peter O'Rourke, the local swimming club and the high school community. It was suggested that the Community Support Fund would be a valuable source of funds. A lump sum of, say, $6 million could be provided over a three-year program, with $2 million being allocated each year. Local councils and swimming pool clubs could apply for assistance and perhaps receive $100 000 on a fifty-fifty basis — that is, 50 per cent from the local community and local council and 50 per cent from the Community Support Fund.

Preston integrated health care centre

Mr LEIGHTON (Preston) — I refer the Minister for Health to the commitment of the Bracks Labor government to build a new integrated health care system in Preston. When the previous Kennett government closed the Preston and Northcote Community Hospital in 1996 it gave a commitment that it would build an integrated health care centre on the PANCH site.

However, after selling the former PANCH site to a private developer, the previous government reneged on its commitment, saying times had changed. I am not sure whether they had changed in the two years, but still the former government reneged on that commitment. I was pleased that during the state election campaign members of the ALP could give a commitment that a Labor government would build an integrated health care centre at the cost of $5 million.

The closure of the former PANCH left a huge gap in services in the Northcote and Preston area. That was driven home at a recent briefing at the Northern Hospital when it was said that the previous government underfunded and under-resourced that hospital and its services are stretched to capacity.

I ask the Minister for Health to establish a process to plan and implement services for the Preston integrated care centre. A number of issues need to be considered, particularly which services will be provided and delivery of those services. The ALP election commitment stated that services may include day surgery, a medical clinic, chemotherapy, renal dialysis, dental care, physiotherapy, community health and rehabilitation. As I said, consideration must be given to which services will be provided.

Other matters that need to be considered include a location for the centre, given that the former PANCH site has been sold to a private developer. I would be interested in discovering whether the old car park opposite the hospital is a suitable location. Technical advice will need to be sought from officers of the Department of Human Services. The auspices of other services need to be considered.

In establishing a process I particularly ask the minister to involve the community. The minister should set up a community consultation committee involving local groups such as People for PANCH, who have played a leading role in this proposal; local council; health practitioners; and health service providers. I am keen to get the planning process under way as soon as possible. I would be delighted to hear the minister agree to that and spell out a process.

Labor's promise will be kept after the Kennett government's breaking its commitment, closing my community's hospital and reneging on the promise to provide services, leaving the community without health services. The government looks forward to implementing that commitment.

Beach Road: trucks

Ms ASHER (Brighton) — I raise with the Minister for Transport excessive truck traffic along Beach Road and the Esplanade in Brighton. I have held a series of meetings with representatives of the local Foreshore Residents Association, who are not only concerned that many accidents occur along the road but also want to ensure that residents and others enjoy the foreshore beach.

My request is that truck traffic on that part of Beach Road be reduced. Residents have suggested strategies to assist the minister in his deliberations. As the minister would be aware, a Vicroads regulation imposes a truck curfew on Beach Road. Vicroads has already recognised the need for some controlling mechanism on the volume of truck traffic on Beach Road. No trucks over 4.5 tonnes are permitted on the

road between 8.00 p.m. and 6.00 a.m. on Monday to Saturday, and no trucks over 4.5 tonnes are permitted to travel on the road from 1.00 p.m. Saturday through to 6.00 p.m. Monday.

Residents have monitored trucks travelling along that road. They have stood on the street and videoed those trucks, monitored them and taken extensive registers, which I am happy to provide to the minister. They are firmly of the view that the curfew is being broken. I call on the minister to look at the enforcement of that curfew. I hope he will be able to accommodate my constituents on the issue.

Residents have also suggested that to retain weekend amenity the curfew be extended to cover Saturday morning as well. Again I ask the minister to consider the proposal. If possible, it would be appreciated if he could report back to us on that.

The second issue of enormous concern to residents is speeding trucks. Again they have monitored trucks and are of the view, based on documentation given to me, that trucks are speeding. I hope the enforcement of speed limits can take place. In the longer term residents are keen that more pedestrian lights be installed. I have a map that indicates where residents would like those lights located, and I am happy to provide it to the minister. In the longer term residents are looking for the restriction of truck traffic to delivery vehicles.

A range of strategies could be considered in the short term. Firstly, there could be enforcement of the curfew, which is an existing Vicroads regulation. Secondly, the minister could consider an extension of the curfew. Thirdly, there is the possibility of extended traffic lights to enable pedestrians — not only residents but the many visitors to the beach area — to cross that very busy road in a safe manner. Obviously some long-term strategies need to be looked at by residents and by me. I would appreciate the minister's consideration of the matter.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member's time has expired. Before I call the next speaker, I remind honourable members that they should raise only one issue for the attention of a minister.

Freeza

Ms OVERINGTON (Ballarat West) — I raise with the Minister for Community Services the funding of drug and alcohol-free entertainment, which is so important to the youth of Victoria. I ask the minister for government funding to ensure that drug and alcohol-free entertainment continues for our young people.

The youth council in Ballarat has been hosting a number of very successful concerts. Last Saturday night it hosted a very successful concert that was attended by over 400 local youth. There were four well-known bands that all the kids enjoyed. It was very good entertainment. Drug and alcohol-free entertainment is important because it gives our youth, particularly those under the age of 18 years, an opportunity to experience the bands they enjoy in a non-threatening environment where people are not selling alcohol or dealing in other illicit substances.

In areas where there is not a great deal of choice in entertainment, particularly regional areas, it is extremely important that the young people are given the opportunity to experience that type of entertainment at a reasonable cost, because youth unemployment in those areas is very high. Having to carry the burden of unemployment without having enough money to be able to enjoy any form of entertainment puts further stress on them.

I seek from the minister some secure funding for the future so that drug and alcohol-free entertainment can continue.

Ministers: conflicts of interest

Mr MACLELLAN (Pakenham) — I raise for the attention of the Premier, whom I observed leaving the house during the matter raised by the Leader of the Opposition — —

Mr Batchelor — He'll be back.

Mr MACLELLAN — Good, then I do not need to redirect it to the Minister for Housing.

The matter I raise concerns the issuing of some guidelines in relation to matters where there could be seen to be an apparent conflict of interest, as happened this week when commercial groups that have decisions before the government attended Labor Party fundraising dinners.

The Premier would be aware of the need to issue some guidelines for his government unless the rules of the former government, or indeed of governments over many years, are to continue to apply. It may be that the government sees no need to change the rules at all. It seems unlikely that the government will not see that need, in view of the bluster, reaction and the passion that was shown by the Deputy Premier when given the opportunity to answer a question on a planning issue. He referred to Hudson Conway being the owner of the property and drew up short of misleading the house. I presume he momentarily forgot that the property had

been sold twice since Hudson Conway owned it and that it was now owned by the people who were at one of the tables at the ALP fundraising dinner.

The Minister for Planning was given the opportunity to comment not only on that site but, to broaden the issue because it is a broader one, also on the site of the Esplanade Hotel — the Espy. The owners of that site had a table at the fundraising dinner, as did the leaseholders of the Luna Park Crown land site.

What was going to be done about decision-making in regard to planning issues relevant to those three sites in the minister's electorate? The minister was given the opportunity to comment but chose not to take it; he chose not to say how he would resolve the conflict of interest issues that he had identified. So I ask the Premier whether he will issue guidelines or instructions on behalf of the government on the handling of these matters or whether they will be handled in the way government members have severely criticised in the past.

Housing: Geelong East estate

Mr TREZISE (Geelong) — I direct my question to the Minister for Housing concerning transitional arrangements for the tenants affected by the proposed upgrade of the Thomson housing estate in Geelong East. The estate was established in the 1940s mainly to house soldiers returning from World War II and their families. Given that the housing stock is over 50 years old the residents of the area and I understand that some houses might have to be refurbished and others demolished.

Many of the occupants have lived in the estate for 50 years, and this gives rise to an issue. Homes and gardens were established in the 1940s; children were raised in the 1950s, 1960s and 1970s; and the residents are now looking to relax and enjoy the fruits of their labour. The houses are cherished homes and people have fond memories of them. Over the past couple of weeks about 12 families from the estate have come into my office or I have visited their homes. A number of concerns about the redevelopment project have been raised.

The concerns relate to people having to leave their homes and perhaps their community and move into smaller unit developments. Families are concerned about their future and raise questions such as, 'What is going to happen to me?', or 'What is going to happen to my dog?' — a genuine and loving part of the family. In some instances, genuine concern over the redevelopment project is affecting the mental and physical health of residents, especially elderly people.

I ask the Minister for Housing to develop specific policies and strategies in conjunction with her department and the members of the Thomson estate community to ensure that the personal problems of the elderly residents affected by the redevelopment of the Thomson housing estate are taken into account during the transition.

Central Gippsland Health Service

Mr RYAN (Gippsland South) — I wish to raise a matter with the Minister for Health regarding the Central Gippsland Health Service, which was established as a health service in July this year. It represents an amalgamation between health services previously provided at Sale, Maffra and Heyfield. It also represents the culmination of efforts on the part of the communities of the three townships with a view to providing the best possible standard of health care to the Central Gippsland region in the imminent future and for a long time to come.

The outcome resulted from a process that took about three months and involved representatives of the three communities. A series of recommendations taken to the former minister came out of the process. Various steps were taken to realise the ambition of the three communities to achieve what they now have, a health service for Central Gippsland.

At the change of government there was an existing commitment by the previous minister and the government to significant capital works at the three locations, Sale, Maffra and Heyfield, and the money was to have been spent over the following three financial years. The amount was of the order of $12 million. I readily accept we had not got down to specifics such as the number of square metres or the precise nature of structures to be built, nevertheless an enormous amount of effort had been put in by community groups and the board over 18 months towards charting the overall project.

The second issue I bring to the minister's attention concerns the business plan of the health service, which was under active consideration at the time of the change of government. I ask the minister on behalf of the communities of Sale, Maffra and Heyfield whether he will investigate the position regarding capital funds that were to have been committed to those magnificent planned construction works at the three centres and to outline the current state of the business plan. I ask whether it is ready to be approved by the minister's

department. The plan is essential to the governance and operation of that marvellous health service.

Intellectual Disability Review Panel

Mr MAXFIELD (Narracan) — As a constituent keen as soon as possible to raise a matter with the new president of the Intellectual Disability Review Panel, I ask the Minister for Community Services what she plans to do about the appointment of the new president.

Malvern Central School

Mr DOYLE (Malvern) — I raise a matter for the attention of the Minister for Education. On about 3 November in this house I asked the Minister for Education about the $1.5 million upgrade of Malvern Central School. The entire community supports that project, and community members have been planning for it for three years. The minister said at the time she would look into it and get back to me. She subsequently sent me a letter on 17 November.

Malvern Central School is one of the last two central schools left in Melbourne and urgently needs upgraded facilities, particularly for the secondary component of the school. I believe the project has bipartisan support.

On Wednesday I received a phone call from a baffled school principal, and my electorate office took a similar call. Apparently the school had been contacted by the local *Leader* newspaper asking it for a comment on 'the good news'. The principal had to ask what good news the journalist was talking about, to which the journalist replied that the newspaper had received a media release dated 7 December from the office of the Minister for Education saying that Malvern Central School had been given the go-ahead to plan for a major upgrade of classrooms and facilities estimated to cost $1.5 million.

While the school was understandably delighted at the news, the staff were a little puzzled about why a media release had been sent to a local newspaper without the minister or the department having the courtesy to ring people at the school first to let them know they had got their money.

Mr Batchelor interjected.

Mr DOYLE — No, they won't be sending back the money, but I do want to know whether the cheque will also be sent to the local newspaper office rather than the school. And yes, members of the local community will certainly be grateful for the $1.5 million. I will happily welcome the minister to my electorate for the opening ceremony, and I am sure she will be welcomed by the community.

Nevertheless, I would like the minister to confirm officially with the school that the $1.5 million is going to the school. I do not expect to be notified myself, because I understand there are party political factors involved in that. It is a matter of professionalism that before a media release is issued to newspapers about the granting of money the school should be notified. It may be that all capital works in future will be announced by way of press releases to local papers.

That may be the way the government chooses to operate, but I seriously doubt it. On behalf of Malvern Central School I welcome the $1.5 million. I would be delighted to welcome the minister to my electorate to announce the funding. I ask the minister to be kind enough to confirm to the school that the funding will be forthcoming.

City Link: tunnels

Mr HOLDING (Springvale) — I ask the Minister for Transport to inform the house of the government's attitude to the opening of the Domain Tunnel before the opening of the Burnley Tunnel as part of the City Link project.

Along with the honourable member for Tullamarine and a number of other honourable members, I had the benefit of attending a briefing on City Link held by Transurban. It was a good opportunity to raise a range of concerns about the project and to receive some information about its progress.

There has been recent speculation in the media about when tolling may begin on the western link and whether Transurban will seek to open the Domain Tunnel before Christmas or in January prior to the opening of the Burnley Tunnel. As honourable members would be aware, the City Link project has experienced frequent delays, particularly over the past year, and problems have arisen with e-tags and customer billing accounts.

The project is covered by a complex concession deed and the Melbourne City Link Act, which honourable members would be aware of. That act imposes a range of obligations on the government and the office of the independent reviewer to ensure all aspects of the project are in order before sections of City Link open or before tolling starts. I ask the minister to inform the house of the processes and the government's attitude on the Domain Tunnel opening before the Burnley Tunnel.

Manningham Park Primary School

Mr KOTSIRAS (Bulleen) — I refer the Minister for Education to a matter concerning Manningham Park Primary School, which is located in my electorate.

The school council, the principal and the staff are committed to offering a first-class education to the students, and I was very impressed by their enthusiasm and determination in achieving that aim. The school has a strong emphasis on literacy and numeracy, and its programs include an individual special needs program, computer education for all students and video conferencing with a school in Japan, to name but a few.

The school is located on Manningham Road, which makes it difficult for parents to drop off and collect their children. The Department of Education is in the process of selling a piece of the land that the school community now uses as a car park. That car park provides the only safe and secure access point for parents and students. It is used by the primary school, and its loss will cause many problems for the parents and put student safety at risk.

The school is also used by a number of other community groups, including the Greek Orthodox Community of Melbourne and Victoria. I am sure members of the Greek community will be disappointed if they do not have a venue that is readily accessible.

I ask the minister to look into the matter and give a commitment that the car park will remain at the Manningham Park school and will not be sold. That is in line with the minister's policy statement that 'schools must have the physical facilities' and that 'Labor will stop the sell-offs of our schools'. I hope the minister will honour the government's commitments.

Brimbank: fire stations

Mr LANGUILLER (Sunshine) — I refer the Minister for Police and Emergency Services to an article that appeared in the Brimbank *Messenger* relating to a shortage of funds for the fire stations situated in the municipality of Brimbank, and I ask him to address the issues associated with the funding of fire station services in that municipality.

The City of Brimbank was recently told that as a result of the lack of funding, particularly over the past seven years, the security and safety of the residents has not been adequately addressed. I will quote the Metropolitan Fire and Emergency Services Board corporate relations director, who recently told the council:

> We do have a problem in Brimbank in the north-western part … It's been a lean time … we haven't had an increase in budget for seven years.

He also said that as a result of that the board could not look after the safety and wellbeing of the residents of the municipality.

The people of Sunshine require additional services for the purpose of addressing those basic needs. They are unable to meet the requirements according to the corporate relations person who said that the crews took an average of 8 minutes and 4 seconds to respond to a Brimbank emergency, compared with the district average of 7 minutes.

This is another example of the former government not caring about the western suburbs or about the community and its safety. I am confident that the government will get on with the business of rebuilding the community and will continue to address the fundamental needs of the people in the western suburbs — in particular, safety matters associated with fire stations in the City of Brimbank.

Schools: learning assessment project

Mrs PEULICH (Bentleigh) — I direct the attention of the Minister for Education to the lack of clarity about the second version of the learning assessment project, known as LAP 2 — —

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

Mr Richardson — On a point of order, Madam Acting Speaker, the honourable member for Springvale asked for an expression of the attitude of the government about the Burnley and Domain tunnels. He did not ask for action from the government. I put it to you, Madam Acting Speaker, that, having heard what the honourable member said, you should rule his contribution out of order. The minister should not be invited to respond.

Mr Batchelor — On the point of order, Madam Acting Speaker, the honourable member for Springvale raised with me my attitude to an issue of government administration. If the honourable member for Forest Hill is correct, it is entirely appropriate for that attitude to be displayed and requires action by the government. When I respond I will explain what attitude I will be taking.

The ACTING SPEAKER (Ms Davies) — Order! I listened to the honourable member for Springvale. My understanding is that he was asking for action to be taken by the minister. He was asking the minister to

address the issue of the opening of the Domain Tunnel and when tolling would begin. I do not uphold the point of order.

Responses

Mr Richardson interjected.

Mr BATCHELOR (Minister for Transport) — You want a bit of action, do you? It has been a long time since the honourable member for Forest Hill saw any action — hope springs eternal!

Mr Richardson interjected.

Mr BATCHELOR — You will just have to keep buying those blue pills and you will do all right!

The Deputy Leader of the Opposition raised with me a serious matter about the impact that heavy truck and commercial traffic was having along Beach Road, an important community and arterial road not only in her electorate of Brighton but in adjoining electorates.

It is a longstanding issue. There is a fundamental conflict of interest regarding the use of the road by commercial truck users, other motorists and residents and the adjoining recreational amenity provided by the beach and the foreshore. That fundamental conflict of interest has been acknowledged in the past and is represented by the curfew that applies to trucks of a certain size that are prevented from using Beach Road at certain times from Monday to Friday and on weekends.

Mr Maclellan interjected.

Mr BATCHELOR — The honourable member for Pakenham says by interjection that what may be acceptable in Pakenham may not be acceptable in Brighton. Nevertheless, it is a genuine issue of concern to residents of Brighton, Sandringham, Black Rock and Mordialloc and all the way through to the inner part of Melbourne, and it has been acknowledged by the curfew.

The residents and foreshore committees put forward a number of suggestions, but at their core is the implementation of the curfew requirements. The honourable member also said she would like to see speed monitoring, more pedestrian lights and potentially a restriction to local delivery only. Perhaps she also intimated the need for an extension of the curfew to Saturday mornings. I shall take up those issues with Vicroads and get back to the honourable member, who can take the response back to the committees and other interested residents.

Two areas of concern have been expressed about whether the existing curfew is being effectively enforced. Firstly, although the government cannot issue orders to the Victoria Police about operational matters, it can raise it as an issue of concern. If the police force has adequate resources and makes the effort I am sure it will be able to pay some attention to the curfew. After all, the police are the law of the land. It should be the duty of current law enforcement officers to ensure such curfews are honoured, and they should pay attention to the curfew.

Secondly, the government will also ask Vicroads, through its officers, to pay attention to the matter and do some monitoring. The residents claim they have videotaped and monitored the situation themselves and are convinced that the curfew is being breached regularly. If that is the case, it is not appropriate, and the government will ask Vicroads to examine the matter to see whether it can also assist in enforcement. It might also be the case that, if enforcement is carried out, it be done in a way that demonstrates clearly to other truck drivers who are breaking the curfew that it is being enforced. The government will try to get some publicity for that enforcement action so that residents will know their concerns are being addressed. It is a serious matter and perhaps the question of more enforcement needs to be revisited periodically.

The honourable member for Springvale raised with me the issue of the City Link project and the opening of the Domain Tunnel. He wanted to know what action I will be taking — —

Mr Baillieu interjected.

Mr BATCHELOR — My attitude to the Domain Tunnel? The Domain Tunnel is a short tunnel, and my attitude is that it should not be opened unless it is safe to do so. It should not be opened if it is creating environmental problems. It should not be allowed to open separately from the longer tunnel if those issues have not been fully addressed.

The government believes it is important, before changing any part of the concession deed, to thoroughly examine all issues of safety, tolling, technology and environmental law to ensure there are no problems. That is my attitude.

Mr Baillieu interjected.

Mr BATCHELOR — Well, why did you ask?

Mr Baillieu — I did not ask; he did!

Mr BATCHELOR — My action will be to ensure that will happen. To assist the honourable member for Malvern, I point out to him that the City Link project is covered by a complex concession deed and legislation, the Melbourne City Link Act, which imposes a series of obligations on the government and the office of independent reviewer to ensure that all aspects of the project are in order before any sections of the link may be opened or tolling may commence.

Because of engineering problems on the long tunnel — the Burnley Tunnel — which will delay its completion until at least April next year, Transurban has indicated that it may seek to open the Domain Tunnel and the inbound and outbound lanes of the Monash Freeway ahead of opening the Burnley Tunnel. To do that, amendments to the concession deed will be required and will need to be signed off by me, gazetted and ultimately tabled in the Parliament and accepted by both houses. The honourable member for Pakenham nods in agreement; he knows only too well what is required.

The government wants to make it clear that its attitude to making changes to the concession deed is in stark contrast to that of the previous government and the former Minister for Planning. Transurban will be required to obtain a licence from the EPA to operate the tunnel. The licence can be obtained only if Transurban has completed the amended works approval issued by the EPA.

I also advise the honourable member for Springvale also that the office of the independent reviewer must sign off on all safety and technical aspects of the Domain Tunnel and the Monash Freeway. In addition to that, Vicroads must approve a traffic management plan for the project, and finally the government is required to issue a road declaration for those sections of the City Link project.

Let me assure the house that the government will allow new sections of the link to open or tolling to start only after it is completely satisfied that Transurban has met all the safety, environmental and technical requirements.

Those processes will be conducted by the office of the independent reviewer and the Environment Protection Authority, with the complete independence of the EPA, and all issues will be considered on their merits. The government will not allow the Domain Tunnel to open or tolling to start unless Transurban has demonstrated absolutely rigorous compliance with each and every aspect of the processes. The government will insist that compliance takes place before the opening of either tunnel.

Ms CAMPBELL (Minister for Community Services) — I wish first to address the matter of Freeza funding raised by the honourable member for Ballarat West. I was pleased to hear that last Saturday 400 young people enjoyed the music of four bands that provided the Freeza activity in Ballarat.

It is important that drug-and-alcohol-free experiences be available to young people. Currently Victoria has 45 such providers. They are predominantly local government youth agencies that have developed 55 youth committees to implement approximately 400 events a year. The events take place in approximately 110 locations across rural and regional Victoria, and 100 000 young people are expected to enjoy the Freeza experience this financial year.

As the honourable member stated, it is important to have committees that are based in the local area running such programs. No doubt the young people in her electorate recognise she was a catalyst for the establishment of the Ballarat youth committee, which mirrors the work of the Ballarat council in much of what it does. I place on the record my recognition of the wonderful work done by the honourable member for Ballarat West in ensuring the formation of the committee.

Tonight the honourable member can return to her community with some good news — that is, the government has allocated some $16 000 to the City of Ballarat for its Freeza program. The strength of Freeza will continue in the future because it is flexible and has the ability to meet the needs of young people.

The honourable member for Narracan raised the wish of a constituent to address a concern to the new president of the Intellectual Disability Review Panel. I have much pleasure in informing the honourable member that I have just signed up Sue Tait as the new president of the panel. Ms Tait has appropriate experience and an excellent commitment to people with intellectual disabilities, and she has contributed widely to policy development in the field. Over the past four years she has worked with people with intellectual disabilities and has advocated for them strongly. I believe her experience will assist her greatly in her new role. Her excellent combination of people skills and practical experience will be greatly acknowledged in the wider community.

I also place on the record my appreciation of the work of both the previous president of the panel, Silvana

Scibilia, and its current acting president, Loula Rodopoulos.

Mr THWAITES (Minister for Health) — The honourable member for Preston raised with me the establishment of a process for planning and implementing a new Preston integrated care centre. I am pleased to be able to advise the honourable member that I propose to set up such a process. The previous government initially promised an integrated care centre in Preston but then reneged on the promise. This government is committed to establishing such a centre.

The government proposes to set up a steering committee to oversee the project that will comprise representatives from the department, the region and the community. In addition the government will set up a community consultation committee, which will have a key role in representing the diverse range of health interests in the area. Those interests include general practice, community health, People for PANCH, local government and local health service providers. There is a need to work through a range of issues, including the specific services to be provided, the appropriate location of the centre and the appropriate auspicing bodies. It is important that the services to be provided be properly integrated with other services in the region.

A detailed planning process will need to be conducted to achieve that aim. I look forward to the committee being established in January next so we can get on with the job of implementing that election commitment.

The honourable member for Gippsland South raised with me the issue of the Central Gippsland Health Service. The government is committed to ensuring that accessible and high-quality aged and community health services are available to the people of Sale, Maffra, Rosedale, Heyfield and surrounding districts. I have visited the Central Gippsland Health Service and was impressed with many of the services provided. I was particularly impressed with the integration between the acute and community health services that the community has been able to agree on. The quality of services is extremely high.

The former Central Wellington Health Service has arrived at an agreement to work and amalgamate with the Maffra and Heyfield hospitals. In the future that will provide better services for people in the region. The previous government issued statements about capital redevelopment of the health service. The former Minister for Health sent a letter dated 20 August to the president of the board of management in which he states:

> … the government will fund the capital redevelopment of the health service during the term of the next Parliament.

Upon assuming responsibility for the health portfolio I discovered that that promise made by the previous government was not costed or funded. When I inquired into the matter I was informed that no departmental capital works management processes had been undertaken for next year's budget estimates. That means a promise was made and the people in the region have been expecting a service, but no money was made available for it, nor was a capital works management process undertaken.

However, I am committed to services in the region. Accordingly, I have asked the department to urgently undertake the development of a strategic service plan in conjunction with the Central Gippsland Health Service. I hope that process will place the government in a position to do what is necessary to provide the services. Work on a strategic services plan should be undertaken in the next few months so we can get an indication of the real needs of the health service.

Some specific issues will need to be addressed. One proposal was that the Evelyn Wilson Nursing Home be transferred to the Sale Elderly Citizens Village. That proposal will not proceed on that basis because, contrary to previous advice, the Sale Elderly Citizens Village does not have the cash reserves available to fund the building of a new nursing home. However, I am pleased to advise the house that the Minister for Aged Care announced today that the project will proceed. That demonstrates the government's commitment to the development of proper public aged care services in regional Victoria.

The other parts of the proposed development, including the Heyfield campus, the community health facility at Rosedale, the redevelopment of the Maffra campus and the redevelopment work at the Sale campus, which the previous government committed for some time during the term of the next Parliament — that is, during the next four years — will all be dealt with in the context of the plan.

Ms DELAHUNTY (Minister for Education) — The honourable member for Bulleen raised a concern about the possible sale of the Manningham Park Primary School car park. Manningham Road is a very busy road and the only safe exit for students and parents collecting students is along Manningham Road where the car park is located. The honourable member implied that if the car park is sold there will be no safe exit for the students. He suggested that members of the Greek Orthodox community also use the car park.

I have not been given prior warning of the issue, so I will have to ask the department to investigate. I will do that. The government is concerned that students are able safely to attend school and not be skittled on a busy road. However, the government does not appreciate being lectured on adhering to its policy. That is what it is doing. It was not this government that closed 380 schools. The government does not appreciate having no warning about an issue and being expected to fix overnight problems caused by the past government's neglect of education, and then for our troubles being lectured on whether to sell off a car park!

I am happy to make inquiries, but I think there is a spirit in which business can be conducted, and it is certainly not seen in the attitude of the honourable member for Bentleigh.

Speaking of being lectured — my God, Madam Acting Speaker, we saw a very testy honourable member for Malvern in the house a short time ago. The honourable member raised the matter of the $1.5 million upgrade that has been approved for Malvern Central School for a multipurpose room, library redevelopment and staff and administration facilities.

The honourable member raised the issue with me on 3 November, and if he had listened to the answer or had read *Hansard* he would know that I said, 'I will examine the matter'. Well, I have examined the matter and, yes, $1.5 million has been allocated for the Malvern Central School upgrade. The government is delighted to assure the school community that the upgrade will go ahead.

The honourable member for Malvern was peeved that he was not able to dance before the cameras and let his constituents know about the allocation. It is really amusing, isn't it? It is tough when you are not in government. When previously in government the opposition simply made announcements and claimed all the credit. It is tough, isn't it, when you are cut right out of the action? Nobody is interested in you now that you are not in government!

I am delighted to say the Bracks government has examined the question of capital works and building improvements throughout the school system. Many promises were made during the election campaign by a desperate Kennett government. The Bracks government has examined the issues in the context of strict financial discipline, which is the way the government will operate, and within the parameters of an enormous amount of money that will go into schools.

It is with great pleasure that I confirm for the school community of Malvern Central School that thanks to the largesse of the Labor government it will enjoy a $1.5 million upgrade. The honourable member for Malvern had better get used to the fact that we do not have to get his permission. We do not even have to tell you.

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! The minister, without interjection and through the Chair.

Ms DELAHUNTY — Does the honourable member want the money for his school or not? He should be here applauding the fact that we now have what he asked for on 3 November — bipartisan support for this upgrade. You did not listen then, perhaps you might listen now.

Mr Doyle — Thank you, Minister, thank you!

The ACTING SPEAKER (Ms Davies) — Order! I ask the minister to address her remarks through the Chair and conclude her answer, and I ask the opposition to cease interjecting.

Ms DELAHUNTY — I think we have achieved our objective.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Sunshine mentioned an article in one of his local papers during the week which referred to a funding shortage depriving the Taylors Lakes area of a much-needed fire station. I have looked into the matter. The Metropolitan Fire and Emergency Services Board has identified that there is a need for additional fire resources in the area. The MFESB aims to achieve response times of 7.7 minutes at the 90th percentile. In other words, on at least 90 per cent of occasions it aims to arrive at a fire within 7.7 minutes, which is an internationally accepted response time for fire services to contain fires at their origin. The board has identified that there is now a need for an additional fire station in the Taylors Lake area due to rapid urban growth in the western suburbs.

I am pleased to advise the honourable member for Sunshine that the MFESB has purchased land on the corner of McCubbin Drive and Keilor–Melton Road in the Taylors Lakes area. I am also pleased to advise the honourable member that funding for construction of the fire station has now been allocated and construction will commence in the third quarter of the current financial year. That means it will probably begin sometime before the end of June next year. The station

will greatly enhance the capacity of the MFESB to address its response times and to meet the needs of a rapidly growing area.

I congratulate the honourable member for Sunshine. He has been an ardent advocate on behalf of his community on this matter. Notwithstanding the fact that he has been a member for only a short time, he has shown that he will leave no stone unturned to address the needs of his community.

In a similar vein, the Bracks government indicates that unlike the previous government it certainly will not neglect the emergency services. The government will ensure that the fire services are properly resourced. The government will particularly ensure that the needs of the western suburbs are not neglected as they were. The western suburbs were treated with contempt by the previous government. The Bracks government is about putting the western suburbs on the map. People living in the west have the right to receive the same treatment as people in any other part of Melbourne. The government will ensure that the western suburbs get a fair go.

The ACTING SPEAKER (Ms Davies) — Order! I call on the Minister for Housing to address the issues raised by the honourable member for Geelong and the remaining issues raised for the attention of the Premier.

Mr Maclellan — On a point of order, Madam Acting Speaker, the Leader of the House indicated that the Premier would be coming back to answer matters raised for his attention. I wonder whether I might expect an answer from the Premier. Although if I have to put up with something less than an answer from the Premier I will do so, the Leader of the House gave that assurance.

The ACTING SPEAKER (Ms Davies) — Order! I do not uphold the point of order. My understanding is that the minister at the table is responsible for addressing any issues not previously answered by ministers in the house at the time.

Ms PIKE (Minister for Housing) — The honourable member for Geelong raised the matter of transitional arrangements for people living in public housing in the Thomson housing estate in Geelong. I am familiar with that project, having driven to Geelong recently to have a look at it. The project was begun by the previous Minister for Housing, who was also at the time the honourable member for Geelong, and progressed by the honourable member for Bellarine. It is in an advanced stage of development. Having been to the area I concur with the view of the previous minister that there was an urgent need to upgrade many of the homes in the area.

The honourable member for Geelong has raised with me some of the concerns of people living in the area regarding the arrangements during the process of redevelopment. Some of the houses are very old and it is prudent that redevelopment take place; the cost of continually upgrading them far exceeds their value. Some will be demolished and others will be upgraded.

The government is committed to following through with people who live in public housing areas that are to be redeveloped. Families are met with individually, and wherever possible relocated in their local communities for the period of the redevelopment. Following the redevelopment they are given first priority to return to the redeveloped area. I give the honourable member for Geelong an assurance that I will speak to the departmental officers in the region to ensure that those policies and protocols are being followed through with the residents in this case.

The Leader of the Opposition raised the matter of funding country swimming pools from the Community Support Fund. I will refer that matter to the Premier, and he will respond in the appropriate way.

The honourable member for Pakenham raised another matter for the Premier concerning guidelines for attendance at party functions. I will also raise that matter with the Premier for his response.

Motion agreed to.

House adjourned 5.34 p.m. until Tuesday, 14 December.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Assembly.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.

Tuesday, 7 December 1999

Agriculture: egg producers

2. **MR WILSON** — To ask the Honourable the Minister for Agriculture — (a) what will be the cost of assistance provided by the Rural Finance Corporation to egg producers for restructuring or adjustment in 1999–2000, 2000–2001, 2001–2002 and 2002–2003; and (b) how many egg producers are expected to be assisted in each year.

ANSWER:

I am informed that:

Options focussing on the most effective forms of assistance, including costs of providing such assistance and the potential number of producers that may be assisted, are currently being reviewed.

Environment and Conservation: rivers and catchment restoration

4. **MR WILSON** — To ask the Honourable the Minister for Environment and Conservation — (a) what timetable applies for establishment of the Rivers and Catchment Restoration program; (b) what total funding will be provided in 1999–2000, 2000–2001, 2001–2002 and 2002–2003; and (c) what level of funding from within the program each year will be expended on weed eradication.

ANSWER:

I am informed that:

(a) The Government is strongly committed to the River and Catchment Restoration program and will be looking to CMAs to play a key role in implementing this priority program. A plan for implementing the various components of the program is expected to be in place by the beginning of next financial year.

(b) The Government has allocated the following funding for the Rivers and Catchment Restoration Program in addition to current funding through NRE:

1999/2000	$5.35 million
2000/2001	$10.7 million
2001/2002	$10.7 million
2002/2003	$10.7 million

The Premier confirmed to the Parliament on 11 November that additional funding will be made available for catchment management works and that the Government guarantees funds for existing projects.

(c) $7.2m has been allocated in 1999–2000 for the weed eradication program. Funding for future years will be determined through the normal budget process.

Education: school computers

7. **MR WILSON** — To ask the Honourable the Minister for Education — (a) how many computers were available for student education or use in Victorian Government primary schools, Catholic primary schools, other non-Government primary schools, Government secondary colleges, Catholic secondary colleges and other non-Government secondary colleges as at 1 October 1999; (b) what additional funding will be provided for new computers, infrastructure and software support in each school category in 1999–2000, 2000–2001, 2001–2002 and 2002–2003; (c) what additional funding will be provided for appropriate professional development and technical support for teachers in each of these financial years; (d) how many computer technicians did Education Victoria employ as at 1 October 1999 on an in–house and outsourced basis; and (e) will the advertisement for 250 additional staff placed by the previous Government stand and will this initiative continue to be funded.

ANSWER:

I am informed as follows:

a) Figures are not available as at 1 October 1999. However, as at 3 September 1999, the number of computers available for student education or use in Victorian Government primary schools was 57,261 and the number of computers available for student education or use in Victorian Government secondary schools was 48,624, a total of 105,885.

An additional 13,733 computers are being used for administrative purposes in schools and a further 15,100 notebooks have so far been provided through the Notebooks for Teachers program.

The Department of Education, Employment and Training does not collect information concerning the number of computers in non-Government schools.

b) Funding decisions concerning new computers, infrastructure and software support will be determined in the coming months.

c) Funding decisions concerning learning technologies professional development will be determined in the coming months. Funding for technical support in Victorian Government schools will be $11.7 million in 1999–2000, $27 million in 2000–2001, $30 million in 2001–2002 and $30 million in 2002–2003.

d) Currently computer technicians are employed by schools and/or school councils. The Department does not collect information concerning the number of computer technicians employed by schools and/or school councils.

e) A tender for the provision of technical support services in schools will be released shortly. The number of technicians being sought has been increased to 270, with added assistance in country and regional areas.

Housing: people with disabilities

11. **MR WILSON** — To ask the Honourable the Minister for Housing —

1. At 30 September 1999— (a) what percentage of Victorian public housing stock included some modifications for persons with disabilities; and (b) what percentage of Victorian households occupying public housing stock included at least one individual with a disability in receipt of a disability pension.

2. Why will the amount of Victorian public housing stock reserved for people with a disability be reduced to five per cent.

ANSWER:

1(a) As you are aware the Government has a policy of reserving a minimum of 5% of public housing stock for people with a disability. As at September 1999, the Director of Housing owns or leases some 71,600 properties. Of these properties, the Office of Housing has some 13,800 properties with some form of modification which could be suitable for a person with disabilities. Of these:

Over 11,000 properties have minor modifications, such as handrails, grab rails, taps, hand basins, shower seats, and walk in showers. 5,279 of these properties have walk in showers, mainly in purpose built older persons units. The Government endorses building of purpose built older persons units and the provision of hand rails, shower seats etc for those tenants who require that form of assistance, however, these fittings alone do not meet the Government's objective of providing properties suitable for people with a disability.

Some 1,615 or 2.25% of the properties owned or leased by the Director of Housing have been substantially modified[1].

A further 1,142 or 1.5% of the properties owned or leased by the Director of Housing have ramps of various sizes and construction types.

1(b) The percentage of people with disabilities in public housing that the Office of Housing is aware of who are in receipt of a Commonwealth Disability Support Pension is some 17%. This group is highly diverse and made up of people with a wide range of disabilities including people with psychiatric disability, people with sensory impairment and people who have a physical disability but do not require significant housing modifications.

2. The amount of Victorian public housing stock reserved for people with a disability will not be reduced.

The Governments policy is to reserve a minimum of 5% of public housing for people with disabilities. Through this commitment the government is recognising the importance of addressing the specific needs of people with physical disabilities who require significant modifications to standard public rental accommodation. As outlined above, significantly modified housing is currently below 5% of Victorian public housing stock.

The Office of Housing is currently developing Construction Standards for new public housing which incorporate adaptable housing features from Australian Standard AS4299 Adaptable Housing 1995. The new construction standards will ensure that newly-built public housing will be more accessible and flexible in its design and require only modest further modification where tenants with disabilities have particular housing needs. In the small number of cases where more substantial modifications are required, the Office of Housing will make necessary modifications to suitable existing housing properties, or seek to build or acquire properties which meet the needs of the particular clients.

Note: [1]"Substantially modified" properties are those which:
are fully modified for wheelchair access or
have modified kitchens or
have hoists in either the bathroom or bedroom or
have modified bathrooms and/or toilets
are partially modified for wheelchair access.