

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

16 December 1999

(extract from Book 6)

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

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Family and Community Development Committee — (*Council*): The Honourables G. D. Romanes and E. J. Powell. (*Assembly*): Mr Hardman, Mr Lim, Mr Nardella, Mrs Peulich and Mr Wilson.

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

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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

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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

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

The Hon. D. V. NAPHTHINE

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

The Hon. LOUISE ASHER

Leader of the Parliamentary National Party:

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, Alistair 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
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Gillett, Ms Mary Jane	Werribee	ALP	Richardson, John Ingles	Forest Hill	LP
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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	Warmambool	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

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Thursday, 16 December 1999

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

PETITIONS

The Clerk — The following petitions of certain citizens have been lodged for presentation to the Parliament:

Monash: open space

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that there is a lack of open access public space in the south-west of the City of Monash.

Your petitioners therefore pray that the Victorian state government grant to the people of Monash that portion of the grounds of the Oakleigh Secondary College Farm Road campus which has been earmarked for sale to be used to establish an open access public park for the joint use of the local community and the Oakleigh South Primary School.

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

By Mr LIM (Clayton) (801 signatures)

Williamstown North Primary School

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

The humble petition of we, the undersigned, being a group of parents using the out-of-school-hours child care at Williamstown North Primary School and being citizens of the state of Victoria sheweth that the Department of Education as the authority responsible for the rebuilding of the school in the emergency created by the condemning of the old school buildings in 1998 by the previous Kennett government and the council of the City of Hobsons Bay as the authority responsible for the management of the out of school hours service at Williamstown North Primary School, have failed to act and communicate with parents using the said service in a timely and effective manner regarding the continued provision, the location and the health, safety and security of children accessing this service.

Your petitioners therefore pray that as a matter of urgency the Minister for Education and the Minister for Local Government act to provide for suitable on-site accommodation by either specific demountables being allocated to the after care program or instruction to the school principal to make available the use of school rooms at the main school site on Melbourne Road (or if this is not possible the Department of Education be responsible for the safe delivery of all children using the service to the location of such service) so that this existing out-of-school-hours service can continue in 2000, during the second stage of the building of Williamstown North Primary School and further that

provision for after care be made in the new school building at its completion.

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

By Mr MILDENHALL (Footscray) (26 signatures)

Waverley Park

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that, despite its growing popularity and accessibility to many Victorians, the long-term future of Waverley Park football ground is uncertain.

Your petitioners therefore request that the Parliament do all in its powers to ensure the long-term viability of Waverley Park as an AFL venue. Your petitioners call upon the Parliament to work with the AFL to improve car and bus access to Waverley Park and assist in upgrading amenities at the ground.

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

By Mr HOLDING (Springvale) (8699 signatures)

Laid on table.

HEALTH SERVICES COMMISSIONER

Annual report

Mr THWAITES (Minister for Health) presented report for 1998–99.

Laid on table.

SUPREME COURT JUDGES

Annual report

Mr HULLS (Attorney-General) presented, by command of His Excellency the Governor, report for 1998.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Financial Management Act 1994:

Reports from the Minister for Environment and Conservation that she had received the reports for the period 30 April 1998 to 31 October 1998 for the:

Mt Buller Alpine Resort Management Board

Mt Hotham Alpine Resort Management Board

Report from the Minister for Environment and Conservation that she had received the report for the year 1998–99 of the Yarra Bend Park Trust

Reports from the Minister for Health that he had received the reports for the year 1998–99 of the:

- Advanced Dental Technicians Qualifications Board
- Dental Technicians Licensing Committee
- Optometrists Registration Board
- The Queen Elizabeth Centre

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act for the year 1998–99

Intellectually Disabled Persons' Services Act 1986 — Report of the Community Visitors for the year 1998–99

Melbourne City Link Act 1995 — Order pursuant to s 8(4) increasing the Project Area (two papers)

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns — November 1999 and Summary of Variations Notified between 1 October 1999 and 15 December 1999 — Ordered to be printed

Mental Health Act 1986 — Report of the Community Visitors for the year 1998–99

Met Train 1 (Bayside trains) — Report for the year 1998–99

Met Tram 1 (Swanston trams) — Report for the year 1998–99

Met Tram 2 (Yarra trams) — Report for the year 1998–99

Municipal Association of Victoria Mutual Liability Insurance Scheme (Civic Mutual Plus) — Report for the year 1998–99

Tattersall's — Financial Statement for the year 1998–99, together with an explanation for the delay in tabling

Transport Accident Commission — Report for the year 1998–99

V/Line Freight — Report for the year 1998–99

V/Line Passenger Corporation — Report for the year 1998–99

Victorian Arts Centre Trust — Report for the year 1998–99.

JOINT SITTING OF PARLIAMENT

Victorian Health Promotion Foundation

The SPEAKER — Order! I have to report that this house met with the Legislative Council on Wednesday, 15 December, for the purpose of sitting and voting together to elect two members of Parliament to the Victorian Health Promotion Foundation and that the Honourable Ronald Alexander Best, MLC, and Ms Jennifer Margaret Lindell, MP, were elected.

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Transport) — I move:

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

Motion agreed to.

MEMBERS STATEMENTS

Robert Lamb

Mr KILGOUR (Shepparton) — I wish to report to the house that the dumping of Mr Robert Lamb, the Department of Education regional manager of north-eastern Victoria, is a great loss to education in that region. It was a disgraceful first act of the Labor government.

Robert Lamb has been an exemplary regional manager — the best regional manager north-eastern Victoria has ever had. He brought together an effective and cohesive team, and he got on well with his principals, the staff of the regional office and the members of Parliament who represent the area. He has been a great boon to education in north-eastern Victoria, and I am extremely sorry to see him go.

One wonders why the Labor Party would do that, given that for the past five years the area has had the best operator it could ever have. It will be a great loss to education. It is interesting that no-one from the Labor Party has bothered to tell the community why it was done. We are extremely disappointed and disgusted by that act of the Labor government.

Melbourne–Geelong road: accident

Mr TREZISE (Geelong) — The house is aware of the tragedy that occurred on the Geelong road last Tuesday. I do not wish to dwell on the accident because tragedies such as that are above party politics.

However, a constituent of Geelong, Mr Robert McMahon, who witnessed the accident and lent assistance, has asked me to read a note in Parliament in recognition of the people who gave assistance. His letter states:

To the people and Parliament of Victoria ...

I would like to thank the brave and courageous people who on Tuesday, 7 December 1999, attended the horrific accident on the Geelong road.

To the lady who ran to this scene of devastation without a thought for herself and her own safety to try and help, I thank you.

To the man who placed a blanket over one of the small victims with care and dignity, I thank you.

As I watched you and others trying to render assistance where none could be given, I felt proud to be part of a community that still has love and care for others in times of need. May God bless you all.

I write this note so that some good may come from this tragedy and implore the Parliament to act so this scene is never repeated.

Police: Croydon station

Mrs ELLIOTT (Mooroolbark) — Before the last election the current Minister for Police and Emergency Services visited the Croydon police station and promised the people of Croydon a fully staffed 24-hour police station. He also promised that after some time a new \$2 million police facility would be built.

Last week a drug-related incident in Croydon considerably distressed one of the local business owners. I rang the Croydon police to inquire about police patrols in Main Street and was told that the police do not have a 24-hour station and that they have not heard from the minister since his much-heralded visit to Croydon before the election. Instead, the minister has suggested to the people of Croydon that they should perform vigilante patrols of the streets to counter crime. The people of Croydon treat that suggestion with the contempt it deserves.

I ask the Minister for Policy and Emergency Services to fulfil his promise to provide Croydon with a 24-hour, fully manned, \$2 million police station.

Judy Hindle

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I wish to acknowledge the work of Mrs Judy Hindle of my electorate. She recently won the Keep Australia Beautiful City Pride award for the most environmentally conscious individual.

Judy was very proud to receive the award, and the people of Altona were proud of her. Judy has been a fantastic advocate for the environment in Altona. She has not only acted as an advocate but has also been very proactive. A few years ago she was concerned about the dumping of cars in and the misuse by motorcyclists of

the Truganina Swamp in Altona, so she arranged a public meeting. Today the area is being revegetated. She has done an amazing job in organising the entire community to look at revegetation.

In addition, Mrs Hindle worked with the community consultative group in Altona that deals with the use of chemicals within the area. She has done a fantastic job and is a terrific advocate. I acknowledge her contribution to the people of Altona today and pass on my regards.

Frank Alessi

Dr NAPHTHINE (Leader of the Opposition) — On behalf of the Parliament and the people of Victoria, I congratulate Mr Frank Alessi, the managing director of F & T Industries Pty Ltd who was recently awarded a Cavalierato del Lavarò by the President of Italy. That high honour has been awarded only twice to an Australian, and Mr Alessi is the second of those recipients. He won the award for his work in promoting economic trade and development between Italy and Australia.

On Sunday night the Honourable Carlo Furletti, an honourable member for Templestowe Province in the other place, and I attended a dinner to celebrate the award in the presence of the Italian ambassador and the consul-general. It is an extremely high honour, and I acknowledge that Mr Alessi has made an enormous contribution to Australian industry, Australian-Italian trade and in bringing together the two countries.

Like many migrants, Mr Alessi came to Australia in the 1950s and has been extremely successful in business. Mr Alessi can be extremely proud of the honour, which I understand is the equivalent of a knighthood, in recognition of his economic achievements and the work he has done for Australia and Italy. On behalf of the community of Victoria, I congratulate Mr Alessi and his family.

Monash: open space

Mr LIM (Clayton) — I tabled today a petition signed by over 800 residents of the City of Monash in my electorate. They are pleading for the government to grant them the portion of the grounds of the South Oakleigh Secondary College, Farm Road campus, which has been earmarked for sale, to establish an open-access public park for the joint use of the local community and the Oakleigh South Primary School. The petition is important because the residents have been extremely disappointed that they have tried but

failed to secure the assistance of the conservative Monash council.

More significantly, before and during the state election campaign, the residents regarded the struggle to keep this piece of land as a fight against the Kennett government's slash-and-burn policy of selling state property. It has become a passionate local issue and has received extensive local media coverage. I have never seen such vigorous and tenacious representations. The community felt the Kennett government had taken it for granted.

The residents believe that any development of the land will attack their quality of life and their neighbourhood and cause disastrous social and environmental dislocation. The community is expecting a more positive and visionary response from the Bracks Labor government.

I would be negligent in my duty if I failed to bring the seriousness of this matter to the attention of the house and the government.

Coalition: achievements

Mr WILSON (Bennettswood) — Since the election on 18 September, the Bracks minority government has attempted to rewrite political history in Victoria. One would be forgiven for believing the resurrection of the Victorian economy is due to the new Labor government. Nothing could be further from the truth. In the brief time available to me this morning, I wish to place on the record a number of facts testifying to the successes of the Kennett government.

History will show that in the all-important area of employment, this indicator reached its highest level in Victorian history in 1999 when there were almost 300 000 more jobs than when Labor left office in 1992. In 1999 unemployment fell to a record low of 6.8 per cent — well below the national average of 7.1 per cent. That reflects a fall from over 11 per cent since the disastrous days of the Labor government in 1992.

In the area of economic growth, in 1998–99 Victoria was Australia's fastest growing state. In the area of manufacturing and export, as the Kennett government left office Victoria's manufacturing was at a record level and outpaced New South Wales. In addition, the value of state exports doubled between 1992 and 1999. In the area of building and construction, the value of new building approvals in Victoria in 1999 was double the 1992 level. Finally, in the area of consumer confidence, the Kennett government left office with a record level of retail turnover and motor vehicle registration. That is a clear reflection of the business

and go-ahead environment created by the Kennett government.

Pines community art project

Mr VINEY (Frankston East) — I advise the house of a great community arts effort recently completed at the Pines in my electorate. The project was called 'Our Place — Our Time'. The community was supported by Frankston City Council, particularly the cultural development coordinator, Alan McGregor, and community artist, Kerry Oldfield.

A series of totems was erected and they were all completed by local community groups, including Frankston North Senior Citizens Centre, Afghani Women's Group, Spanish Speaking Women's Group, Multicultural Women's Group, Monterey Secondary College year 11 students, Pines Forest Primary School, Monterey Primary School, St Anthony's Coptic Orthodox College, and a wall mural was completed by Monterey Secondary College. It was a great community effort from a community deserving of much more support given its loss of services over the past seven years. The project showcased the natural talent and community spirit that exists in the Pines, and I congratulate all those involved.

Seniors parliament

Mrs PEULICH (Bentleigh) — The International Year of Older Persons is fast coming to an end. I represent an electorate with the third highest number of over 65s in the state and it is disappointing that the minority Bracks government has allowed the International Year of Older Persons to fizzle out without any significant announcement or initiative to mark the conclusion of this significant year.

Two days ago a group of seniors from the Derry Street Senior Citizens Centre in East Bentleigh visited me at Parliament House. I was astounded that many of them had not visited this place before and many of them regretted not having had the opportunity. After spending some time here, they suggested I put to the Victorian Parliament the need to establish a seniors parliament, much like the Students Parliament and the Youth Parliament, as an ongoing initiative of the International Year of Older Persons. In that way older Victorians will ensure that their voices continue to be heard. I urge all honourable members to support the establishment of a seniors parliament, perhaps to be conducted in conjunction with Seniors Week and at the earliest possible opportunity.

Murrumbeena House

Ms BARKER (Oakleigh) — Last Sunday, 12 December, I was pleased to attend the opening of Murrumbeena House, a new facility for child care in the City of Glen Eira. Murrumbeena House combines a beautifully restored Edwardian house, which is part of the history of Murrumbeena, and an extension which is a state-of-the-art child-care centre. The new child-care centre will see the amalgamation of Glen Eira child-care services into a beautiful new building. The Murrumbeena and Ormond Children's Centre, Murrumbeena Maternal and Child Health, Murrumbeena Occasional Care, and a weekly playgroup run by Family Day Care now operate from this upgraded facility.

At the official opening, the mayor of Glen Eira, Cr Norman Kennedy, outlined how they came to the new facility. It was recognised that the previous Murrumbeena and Ormond child-care centres had served their communities well but the buildings were no longer suitable for the provision of child care and their size had become uneconomic. Council determined it would replace the services with a larger and more modern facility that would be a focus for families. It has developed a multiservice facility enabling families to come to a one-stop shop, a place where staff can work together to further the already excellent service delivery in both child care and maternal and child health, and a place that will offer an excellent resource for use by other groups in the community.

I place on record my congratulations to the City of Glen Eira for its commitment to this important service. The council contributed \$700 000 to the project with the remaining cost of \$300 000 contributed by the federal government. While the council acknowledged the contribution by the federal government — —

The SPEAKER — Order! The honourable member's time has expired. The honourable member for Wimmera has 1 minute.

International Volunteers Day

Mr DELAHUNTY (Wimmera) — Last week we in the Wimmera celebrated International Volunteers Day. I congratulate the Wimmera Volunteers for arranging this great celebration. It was a chance to acknowledge many contributions by a large number of volunteers, such as Meals on Wheels, particularly at this time of the year, the Country Fire Authority, and many other community groups. Members of the community do not say thank you enough. A good community is recognised as one that looks after those who need help

or assistance. We receive help by giving. In Australia about 2.6 million volunteers contribute about 440 million hours of voluntary work. I say again, we must thank those people. Volunteers build community spirit and add value to the services available in the Wimmera community. Again, thank you.

The SPEAKER — Order! The Minister for Community Services has 13 seconds.

Banks: closures

Ms CAMPBELL (Minister for Community Services) — I call on the Commonwealth Bank to keep open its branch at West Street, Hadfield. It is important that the residents of Hadfield have access to acceptable and full banking services within walking distance of their homes.

The SPEAKER — Order! The time for members statements has expired.

JURIES BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Honourable members will recall that earlier this year the former Attorney-General, Mrs Jan Wade, introduced a Juries Bill into this house. The bill implemented many of the recommendations made by the Law Reform Committee in its 1996 report on jury service in Victoria. That report focused on the long-recognised need for juries to be more representative of the community. I thank the members of the committee for their efforts in producing that report.

It is now my pleasure to introduce a new bill to reform the jury system. This bill incorporates many of the features of the bill introduced earlier this year. However, as a result of consultation on that bill conducted by this government, a number of significant changes have been incorporated into this bill.

Before outlining the contents of the bill and the changes made by this government, it is important to reflect on the importance of the jury system in a democratic society. I note that the former Attorney-General, Mrs Jan Wade, also accepted the importance of these principles. It is fundamental in this state that the question of whether a person is guilty of a serious criminal offence is determined by a jury of his or her peers. Trial by jury is essential if the criminal justice

system is to remain comprehensible and accountable to the community it exists to serve. Jury service allows citizens to directly participate in our system of criminal justice. It is also important that parties bringing civil actions in the County and Supreme courts should have the opportunity to have the issues determined by a jury.

Juries should be more representative of the community

A jury must be representative of the community if a person is to be tried by his or her peers. This bill makes significant changes to address this need, effectively by widening the pool of persons available for jury service.

All persons on the electoral roll over the age of 18 may now be included on the jury roll unless they are disqualified or ineligible. However, those living over 50 kilometres from Melbourne or over 60 kilometres from the court in the country may seek excusal. Under the 1967 act any person who lived more than 32 kilometres from the court could be excluded from the jury roll by the Electoral Commissioner. This change will be particularly important in increasing the participation of regional Victorians in the jury system.

The bill abolishes the right of many classes of persons to be automatically excluded from jury service. Some of those persons will remain ineligible for jury service. However, the majority must now seek excusal for good reason in their individual case — for example on the basis that jury service will cause substantial financial or other hardship, or inconvenience to the public. The bill also provides for a person's jury service to be deferred to a more convenient time where necessary.

These initiatives will spread the obligation of jury service more equitably amongst the community.

New and improved procedures

The bill overhauls the procedures relating to the administration of the jury system and the conduct of jury trials. These changes will enable the administration of the jury system and the conducting of jury trials to be flexible and efficient.

Various procedures have been streamlined to enable the timely adoption of new technology — for example, the electronic service of documents, and computerised selection processes.

Currently the jury system is administered by a Deputy Sheriff of the Supreme Court. Under the bill this will now be the role of the Juries Commissioner. His or her responsibilities will include the summoning of jurors and the provision of juries to both the Supreme and

County courts. The creation of this office will result in a number of improvements to jury administration, including a more uniform approach across the state, and improved services for jurors and courts at the country courts.

The bill clarifies the powers of the courts relating to juries, for instance the powers to:

- grant an exemption from further jury service where a person has served on a jury;

- excuse persons from jury service;

- discharge a single juror in certain circumstances;

- order that two extra jurors be empanelled in a civil trial where necessary;

- and order that jurors be referred to by number rather than name during the selection process and thereafter where necessary for security or other good reason.

In 1998 the Department of Justice conducted a review of the jury system. It emerged that although the vast majority of jurors found their jury service to be a rewarding experience, they also believed that counselling should be available following jury service where a trial has been distressing. The bill therefore enables jurors confronted with disturbing facts and circumstances to receive counselling or treatment from a medical practitioner or psychologist.

As I indicated earlier, this bill contains a number of significant changes from the bill introduced by the previous government.

Jury vetting by the prosecution in a criminal trial and the disqualification of persons with criminal convictions from jury service

The Juries Act 1967 disqualifies certain people from jury service if they have been convicted of certain offences or received certain sentences. Only very minor amendments have been made to those provisions since 1967. The Chief Commissioner of Police would provide information to the Deputy Sheriff to remove from jury panels persons with prior convictions which disqualified them from jury service. However, the provisions were inadequate and did not reflect community concerns and expectations about who should be disqualified from jury service. It was sought to address the inadequacies of that situation by a practice known as jury vetting.

To vet a jury, the Chief Commissioner of Police provided the prosecution in a criminal trial with details

of potential jurors' prior criminal convictions. These prior convictions could be for any offence, no matter how minor. The prosecution then used this information in deciding whether or not to have a person excluded from the jury. This practice ceased on 30 September 1999 when the High Court, in the case of *Katsumo v. R*, held that the Juries Act did not provide the chief commissioner with the necessary powers to enable him to provide the prosecution with details of potential jurors' prior criminal convictions.

The practice of jury vetting is open to significant criticism, for instance:

that it is unfair, in that the Crown has the advantage of information not available to the defence;

there is a perception that it may be abused;

that it decreases the representativeness of juries;

that it offends against the principle of random selection of juries; and

that it involves assumptions about how people will behave on juries and does not accord with the concept of rehabilitation.

Accordingly, the bill does not provide for the reinstatement of this practice. This is in no way a criticism of the chief commissioner or the Director of Public Prosecutions. As I indicated earlier, the practice of jury vetting sought to address the inadequacies of the provisions of the Juries Act 1967.

It is preferable that persons should only be excluded from their right and obligation to sit on a jury pursuant to clear legislative criteria. The bill therefore contains a regime for the disqualification from jury service of persons with prior convictions which is significantly more rigorous than that contained in the 1967 act. The disqualification will be temporary or permanent depending on the seriousness of the criminal conduct. This new regime addresses community concerns about persons who have committed criminal offences sitting on juries. It reflects the approach adopted in New South Wales, Queensland, South Australia and the Australian Capital Territory, where jury vetting by the prosecution on the basis of information received from the police does not occur.

Majority verdicts

The bill maintains the current situation whereby majority verdicts are available in trials for all Victorian indictable offences other than murder and treason. It is important that a verdict in a trial for murder or treason

be unanimous because these are the most serious offences, for which an offender may be imprisoned for life.

The Crown's right of stand aside

In 1993, the previous government abolished the longstanding distinction between the right of the accused in a criminal trial to challenge persons during the selection of the jury, and the prosecution's power to stand aside persons where necessary in the interests of justice. Those amendments meant that both prosecution and defence were exercising what was to be known as a right of peremptory challenge. This created the misleading impression that the prosecution has the same right as the accused to have persons excluded from the jury. It is important that the role of the prosecution during the jury selection process — namely to seek the exclusion of persons only where necessary in the interests of justice — be clearly distinguished. Accordingly, the bill re-instates the Crown right of stand aside, but limits the number of stand-asides allowed to the same number of peremptory challenges available to the accused.

Protecting the integrity of the jury system

The bill re-enacts the existing offences relating to the jury system but increases some of the penalty levels to reflect adequately the nature of the offence.

The bill also contains several new offences including:

intentionally making a false statement at any stage of the selection process;

failing to inform the Juries Commissioner if disqualified or ineligible for jury service; and

offences directed at employers who terminate or threaten to terminate or otherwise prejudice the employment of an employee because of their absence from jury service; in these circumstances the courts will now have the power to order that an employee be re-instated or, in circumstances where that is impracticable, to award damages.

Conclusion

The justice system will be improved by this bill because it promotes the participation of all Victorians in it. Greater participation of the community will engender greater confidence in the justice system. Jury service is an important right and obligation. People have many demands on their time and the new powers, procedures and flexibility introduced by this bill will enable more Victorians to effectively participate in the justice

system. Just as this government is delivering a more open and accountable government, this bill will deliver a more open and accountable jury system in Victoria.

I commend the bill to the house.

Debate adjourned on motion of Mr RYAN (Gippsland South).

Debate adjourned until Thursday, 30 December.

COURTS AND TRIBUNALS LEGISLATION (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The purposes of this bill are to:

repeal certain provisions of the Sentencing Act 1991 giving the Court of Appeal a discretion to order that up to three months of time spent in custody pending the determination of an application for leave to appeal against sentence not be reckoned as time served; and

provide that the employment-related expenses of judges, masters and magistrates are paid from the consolidated fund;

give the Judicial Remuneration Tribunal jurisdiction over acting magistrates;

allow members of the Victorian Civil and Administrative Tribunal (VCAT) to be appointed to higher office for the balance of their term of appointment.

Repeal of amendments to section 18 of the Sentencing Act 1991

Section 18 of the Sentencing Act 1991 allows a court to recognise the period of time an offender has been held in custody prior to sentence and enables this prior jail time to be taken into account in determining the sentence.

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

appeal was frivolous, vexatious or brought without there being any reasonably arguable grounds.

Not surprisingly, this change caused considerable controversy when the legal profession and general public became aware of it. The provision erodes fundamental appeal rights by exposing appellants to the risk of extra time in prison for opting for a review of their sentence. There is potential for unfairness towards unrepresented appellants, who may not have had the benefit of legal advice about the merits of their appeal. By its very nature, the power also only applies where an appellant is in jail, and therefore discriminates against prisoners who lodge appeals, because no equivalent discretion arises where the convicted person has received a non-custodial sentence.

This government remains of the view that the power is controversial and impossible to justify. Appeal rights are fundamental to our system of justice and are part of the checks and balances which ensure that the system operates fairly. The danger that appellants with good grounds for appeal will be dissuaded from appealing because of the threat of extra jail time cannot be discounted and should not be tolerated.

Accordingly, clause 8 of the bill repeals the previous government's amendments to section 18 of the Sentencing Act 1991.

Employment-related expenses of judges, masters and magistrates

The impartial administration of justice is fundamental to the rule of law in a democratic society. Impartiality requires the judicial arm of government to be independent of the legislative and executive arms of government. This independence preserves the separateness and integrity of the judiciary and provides a guarantee against unwarranted intrusion by the legislature and the executive.

To be independent, judges need certain guarantees regarding their conditions of service. One of these guarantees is that they receive secure and adequate remuneration. An important and longstanding constitutional convention related to this guarantee is that judges' salaries are paid from the consolidated fund rather than from departmental budgets. This convention was introduced by the Act of Settlement in 1701 and has been observed in Victoria for well over 150 years. At present salaries and pensions of all Victorian judges are paid from the consolidated fund.

The bill extends this ancient constitutional principle to provide that the employment-related expenses of judges and masters of the Supreme and County Courts and of

magistrates are also paid from the consolidated fund. By so doing, the bill enhances judicial independence.

Employment-related expenses include such things as payroll tax, Workcover, fringe benefits tax and, in the case of magistrates, employer superannuation contributions. Expenses of this type are integral to modern employment practice, but could never have been envisaged either by the English Parliament 300 years ago or by the founders of responsible government in this state.

Remuneration of acting magistrates

The bill amends the Judicial Remuneration Tribunal Act 1995 to give the Judicial Remuneration Tribunal jurisdiction to inquire into and report to the Attorney-General on the question of whether any adjustments are desirable in the salary of acting magistrates. The tribunal was established to ensure that the salary and allowances of judicial officers are determined at arm's length from government.

Acting magistrates are required to act impartially in the same way as other judicial officers. It follows that they should have their salary determined in the same way.

Internal promotion of VCAT members

The bill will allow the Governor in Council on the recommendation of the president of VCAT to appoint current VCAT members and senior members to higher office for the balance of their term. At present any changes in a member's appointment requires a further five-year term. This arrangement will provide VCAT with greater administrative flexibility, as well as providing an opportunity to recognise superior performance among VCAT members.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 30 December.

MELBOURNE CITY LINK (AMENDMENT) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

The former government bound the state to contracts that enable Transurban and its associated companies to

collect tolls from the users of the City Link and the Exhibition Street extension. This government will honour those contracts. The government will also enforce those contracts and the law in the interests of motorists and the general public.

The government's election platform contained a number of commitments designed to protect City Link users, including the imposition of fines on toll company abuses. This bill implements those commitments. The amendments are designed to strike a better balance between the rights of toll road companies and the rights of the users of toll roads.

In his address to Transurban's annual general meeting on 23 November, Transurban's chairman stated that Transurban is comfortable with the government's intention to 'rigorously enforce privacy obligations and the accuracy of billing'.

A fundamental difference between the position of City Link customers and most other consumers is that record-keeping errors on the part of City Link operators could result in unwarranted prosecution as a toll evader. Under the Melbourne City Link Act, users of City Link must register their vehicles with Transurban for tolling purposes. Driving on City Link without such registration is treated as toll evasion. Transurban has the power to report alleged evaders to the Police Traffic Camera Office, which can issue an infringement notice penalty of \$100 at Transurban's request. These provisions were intended to protect Transurban against loss of revenue through toll evasion.

In the government's view, it is just as important that City Link users be protected from billing errors and from unwarranted allegations of toll evasion and penalties.

The act as passed in 1995 enabled prosecution of Transurban for failure to keep proper tolling records, with a maximum fine of \$10 000. The bill will strengthen the existing legislation by spelling out these record-keeping requirements. Specifically, Transurban must keep accurate records of tolling registrations and exemptions so that it can be determined, with certainty, whether or not evasion has occurred.

The bill will also enable infringement notices to be issued against toll companies in respect of three classes of toll administration offences. These offences are unauthorised use or disclosure of private tolling information, failure to keep accurate tolling records and preventing authorised inspections of relevant records.

Currently, the only enforcement option available is prosecution in open court, with a maximum fine of

\$10 000. That option is retained and will be the appropriate choice in some circumstances. The bill will enable police officers and authorised enforcement officers to issue an infringement notice carrying a penalty of \$2000. Of course, not every error will result in an infringement notice being issued. Enforcement action would only be taken on the independent discretion of a properly trained person. But where enforcement action is considered appropriate in the circumstances, infringement notices provide a more efficient alternative to prosecution in open court.

The bill also facilitates the introduction of cheaper tolls for country and occasional users of City Link. Currently, tolling registration entitles use of the entire City Link, and day passes are priced accordingly. The amendments will enable Transurban to limit registration to particular parts of the City Link.

The government considers that these amendments are consistent with the existing arrangements between Transurban and the state. The intention is to strengthen and clarify these arrangements.

I commend the bill to the house.

Debate adjourned on motion of Mr RYAN (Gippsland South).

Debate adjourned until Thursday, 30 December.

POLICE REGULATION (AMENDMENT) BILL

Second reading

Debate resumed from 2 December; motion of Mr HAERMAYER (Minister for Police and Emergency Services).

Mr RYAN (Gippsland South) — It is my pleasure to join the debate on the bill. Before turning to its specifics I shall make general observations about police and policing in Victoria. In my view, and I am sure it would be an opinion supported by all honourable members, Victoria has the finest police force in Australia; the officers are a fine body of people in every sense. They are wonderful men and women who serve Victorians in an outstanding fashion. It is one of the great commentaries upon them that Victorians demonstrably have enormous faith in their police force.

They are well led by the Chief Commissioner of Police, he is a gentleman in whom the opposition parties have faith for the fulfilment of his role. I was pleased to hear similar sentiments by the minister recently when I posed that question to him. It is reassuring to the

community at large that there is bipartisan support for the Chief Commissioner of Police.

Serving police officers do a magnificent job. In my time in the law I worked in the court system and had a professional association with the police, generally from the other end of the bar table. I find it amazing that when I go to the Sale police station — only to visit, of course! — the police officers seem to have become younger over the years. Not long ago I made a similar comment to a senior sergeant at Sale, he and I having started in our respective professions, he in the force and I in the practice of the law, at about the same time only a few years ago. Yet he is now in a command position, as are others with whom I worked. The police officers at Sale police station who have arrived there over the years continue the magnificent service the force has historically provided. That fact should not be taken lightly.

For the purposes of gleaning some material for today's debate I looked at the 1998–99 annual report of the Victoria Police. It referred to the fact that on 16 August 1998 Sergeant Gary Silk and Senior Constable Rod Miller lost their lives when attacked in a cowardly manner by people who are yet to be apprehended. At this time of the year I am sure the hearts and minds of all honourable members go out to the families of those officers. Their deaths were a timely reminder that policing at times is a dangerous activity. We should all have due regard to the wonderful efforts our police officers make to ensure community safety.

Among the material that I examined before my contribution was information regarding issues of ethics and standards within the police force and the work over the years that has gone into the maintenance of those important aspects of policing. I know that on occasions, as is the wont in any organisation, those issues have drawn public comment, sometimes for the wrong reasons, but in the main the vast majority of police officers discharge their onerous tasks by the highest ethical standards. That is measured in the response our community makes to the way the police service it.

The statistical crime rates on a per capita basis are the lowest in Australia. One need only refer to the annual report to realise the various ways in which that is reflected. It is a tribute to the way policing is conducted in Victoria.

In the report the performance review is divided into six areas of activity of the force: crime prevention community support programs; incidents and event management; crime investigations; road safety and road

trauma reduction; supporting the judicial process; and information and regulatory services. It makes interesting and valuable reading and helps us to understand the way in which, within the ambit of those various activities, the force conducts its affairs in the interests of all Victorians.

There must be extensive reporting on the work of the police and policing. The Ombudsman's report is required under part 4A of the Police Regulation Act. I also have the Police Review Commission and the Police Board of Victoria annual reports, although it must be said that the latter two reports are unlikely to appear again because of the provisions of the bill.

The opposition parties do not oppose the legislation, although the opposition has a modicum of concern about an element of it. I will reflect on that shortly. In the main, the intent behind the legislation is supported by the opposition parties.

Some interesting figures are contained in the 1999 annual report of the Ombudsman. At page 47, under the appendix that deals with police complaint statistics, it states that the number of complaints last year was 1943, down from more than 2000 in the previous year; if you trace back through the figures to 1988–89, you see the figure was 1983. Over that 10-year period, albeit on occasions the figures have waxed and waned, the number of complaints has been similar to those I have mentioned.

Outstanding investigations are down to 290 compared with last year's figure of 408, and figures of that order over preceding years. That is the lowest number of outstanding cases at the end of any given year. It reflects how successfully police complaints have been dealt with and the way in which the commander and his serving officers have gone about limiting the environments in which complaints may arise in the first place.

I refer to *The Ombudsman Victoria* report and the commentary at page 24 on ethics and integrity. The need for a code of ethics for police operations is highlighted. The government should reflect on that and act in concert with police command within whose purview those issues ultimately rest. Ethics and ethical standards are important because people place much emphasis on them. With the passage of time we will see the maintenance of those important standards in the police force.

Ethical standards are relevant to the conduct of honourable members in this place. This morning I gave notice of a motion about the constant accusations

throughout the debate in this place and the general commentary of the Minister for State and Regional Development that the opposition parties opposed the important Regional Infrastructure Development Fund Bill. The opposition did not oppose the legislation. I have written to the minister to that effect. He is fully aware of that, yet he is happy to say that the opposition parties opposed the bill. That reflects, in passing, on the issue of ethics and ethical standards.

People form opinions about the way police and parliamentarians conduct themselves and those opinions are based on similar criteria. People should be transparent, honest and open in the way they deal with the public, both from the police and parliamentary perspectives. It is disappointing in the extreme to see such conduct in this place.

The purpose of the bill as set out in clause 1 is:

- (a) to establish the Police Appeals Board;
- (b) to abolish the Police Board and the Police Review Commission;
- (c) to protect members of the police force from civil action arising from the performance of their duties;
- (d) to amend the Juries Act 1967 and the Ombudsman Act 1973.

Clause 5 refers to the abolition of the Police Board. The board was established in 1992 as an initiative of the former government. It performs its functions as set out in the act. Essentially its role has been to advise the minister and the Chief Commissioner of Police on ways in which the administration of Victoria Police may be improved, to institute mechanisms for providing that advice, and to inquire into the general structure, organisation and management policies of the force. From time to time a number of references were sent to the Police Board.

Following amendments made by the former government in May this year the board took on an expanded role. It was given the capacity to become involved with police confidence provisions under section 68 of the act. The board will now cease to exist and its functions will be taken over by the department, with a saving of approximately \$1 million.

The board's annual report no. 7 of 30 June this year refers to the outcomes of some of the references. Page 5, reference 3, deals with the review of the Police Regulations Act and principles for the development of modern policing services. I am certain that the minister is aware of the content of the recommendations and the

issues that are reflected in the report. I commend it to him.

I shall deal with a passing concern I have. The board had specific tasks allocated to it and was performing an able job. I appreciate that different points of view are held about that in different places. However, the important issue is to ensure that its role in determining the future conduct of the police force should be picked up. Real benefits can be gained by ensuring that those issues are attended to in due course. I pay tribute to the members of the board, Mr Peter Kirby, Commodore Jim Dickson and Ms Merran Kelsall who performed their functions admirably. On behalf of the opposition parties and, dare I say, on behalf of the government, I thank them for the contributions they made over the years.

Clause 7 deals with consultation with the Director of Public Prosecutions (DPP). I refer to a drafting issue, and apologise to the minister because I had intended to raise the matter earlier. I am not sure whether the bill as it is currently drafted deals with subsection 2 of section 71 of the act. Unless it has been repealed in one of the other general provisions, it seems that it is not repealed.

The idea behind the bill is to make the public confident that when a police officer is under investigation for a criminal offence a reference will be given, firstly, to the DPP to see if charges will be laid before the matter progresses any further, and secondly, to assure the public that the police will not be treated differently from the public at large. To that end I commend the provision.

During the briefing the opposition asked the minister about the use of the word 'offence' as opposed to 'criminal offence'. There was some discussion about whether the word 'criminal' should be inserted. The minister responded to me by letter on 13 December indicating that after departmental consultation with Parliamentary Counsel and given the way that expression is used in other aspects of legislation throughout the state it was considered unnecessary to insert the word 'criminal' and that the word 'offence' is appropriate. The expression 'criminal offence' appears in clause 7 of the explanatory memorandum but the letter reflects the fact that there is no need for the amendment. It is a contradiction in terms. For the sake of consistency, it is better to have the expression used or not used as the case may be. It may be simply used in the explanatory memorandum in the broader context of having people understand that 'offence' means 'criminal offence'.

Nevertheless I have the response from the minister, and I understand the matter to have been resolved in the way he has outlined.

The next issue I want to address is the question of the indemnity provision in clause 16. As I understand it, in practical terms the clause gives effect to a situation that applies now anyway. Be that as it may, I am certain the provision is welcomed by members of the police force because it offers indemnity to a member who acts in good faith in the course of his or her duty. I support the notion that if a police officer conducts himself or herself in that way and if things go awry for any one of the huge variety of reasons that may arise, as when I was practising the law I so often saw, police have that indemnity in legislative form. That is to be applauded.

I trust that the indemnity that is referred to within the provision — detailed in proposed section 123(2) as 'Any liability resulting from an act or omission' — extends to the issue of any court judgment and the issue of costs. I presume that to be so. Again I welcome the insertion of that provision in the bill.

That brings me to the major clause in the bill, clause 10, which relates to the establishment of the Police Appeals Board. The board will have a number of functions. They are broadly set out in the second-reading speech. In essence the board will have an overriding role as a point of last call, subject only to appeals to the Supreme Court on any matter to do with inappropriate application of the provisions or anything to do with natural justice issues.

The new Police Appeals Board will usurp many of the functions the Police Review Commission once enjoyed and which also rested with the Chief Commissioner of Police. The board will be able to affirm any original decision made during the course of the various investigatory activities taken under the provisions of the legislation, be that discipline, transfer or any of the other roles set out in divisions 4 and 5.

The board will be able to set aside the original decision and substitute any other decision available to the original decision maker. It will be able to set aside the original decision and refer it back to the chief commissioner for determination in accordance with its recommendations or directions. In cases involving determination or dismissal the board will be able to order reinstatement of the member or, where it considers reinstatement to be impractical, to order a compensation of up to one year's remuneration in lieu of reinstatement. That touches upon the issue to which I referred.

The opposition parties have an element of concern about the legislation. Through the amendments introducing police confidence provisions, the Chief Commissioner of Police in effect had a broad-ranging capacity to have the final say without going into the whole matter. That provision is to be removed. The confidence provisions are being retained, and I commend the government on that because they are good provisions.

As I understand it, as yet no-one has been subjected to those provisions. It was said at the time of their introduction that they would be used sparingly. Not using them at all has to be as close as possible to using them sparingly. It is wise to keep them.

When the amendment was moved there was an argument — I was talking about those issues also with the Police Association recently — about the application of the fitness provisions. They might have been able to be used to perform the function given over to the confidence provisions. I do not think that is so. I will resist the temptation to regenerate the whole debate on that matter. Suffice to say the provisions have their place in things and now they are to be within the domain of the board in their entirety. I commend the government on retaining those provisions because they have much to offer in ensuring ethical standards and confidence in the community and in assisting the police force in fulfilling its important tasks.

I want to touch on a couple of other minor issues. Rather than going through a clause-by-clause analysis of the bill and the introduction of the Police Appeals Board, I have summarised the essence of the opposition position in what I have just put to the house. The structure of the board is clearly set out. The issue the opposition raises with the minister regarding the membership of the board is, with due respect to all concerned, the requirement that the chair of the board have a qualification of five years in the law. By definition the role will require someone of seniority to properly discharge those important duties. The opposition hopes the government has regard to that aspect for the purpose of making the relevant appointment.

I direct the minister's attention to a couple of other minor drafting points. Clause 6(2)(c) repeals subsections (2) and (4) of section 68C of the principal act. I am not quite sure why those subsections have been removed.

Section 68C talks about the procedure on review and falls under the police confidence provisions. Subsection (2) talks about events that should occur in

conducting a review, specifying that the board must proceed with as little formality and technicality and as much speed as possible. Subsection (4) says that without limiting the matters to which it is otherwise required to have regard in making its decisions, the board must have regard to public interests and the interests of the applicant. It may be that the government would say those provisions are replicated in further provisions that establish the board, but it seems to me that to repeal them even if they are also in other parts of the legislation might bear review.

Apart from those matters, the opposition parties do not oppose the bill. We wish it speedy passage. That may well and truly be the case by the end of this day. Those forms of legislation and anything else that can be introduced for the purposes of assisting Victoria Police in the discharge of its proud history of service to Victorians will always be supported on this side.

Mr HARDMAN (Seymour) — It is a great pleasure to support the Police Regulation (Amendment) Bill. Improving democracy, fairness and decency were key policy commitments in the election campaign of the Bracks government. The improvement of the appeal system for Victorian police was one aspect of Labor's platform and policy commitments in the election campaign. That commitment, along with Labor's recognition that more police need to be put on the streets and vacancies need to be filled to improve community feelings of safety, saw a huge turnaround of what I believe to be a police vote at the last election.

Most police officers I know are fairly conservative. Nevertheless, watching the polling booths at the last election, I noted that officers in uniform walked straight past Liberal Party people handing out how-to-vote cards, took a card from the Labor people and walked into the polling place to record their votes — obviously our way.

The protest was loud because the police commissioner has powers well in excess of the powers of police commissioners in other states and of other employers generally — even in the armed forces. Victoria's Chief Commissioner of Police has powers that far outweigh the powers of any other employer in Australia, and that is unfair.

The standards of the International Labour Organisation will be met by the provisions in this bill, so that the police in Victoria will enjoy the basic rights enjoyed by all workers in all decent countries such as Australia.

Legislation introduced by the previous state government undermined standards of decency because

they gave the police commissioner too much power. Placing too much responsibility and power in the hands of one person is dangerous, no matter how much integrity the person may possess. The bill will, in accord with Labor Party policy, build confidence within the Victoria Police and within the community.

The abolition of the Police Review Commission and the Police Board will provide annual savings of \$1 million and make way for the establishment of the new Police Appeals Board. The \$1 million saving will go some way to allowing the implementation of the Labor Party's policy commitments to particular expenditures in this term of government.

Police officers in the Seymour electorate and in the rest of the state will be happy with the legislation. They will feel more confidence in the carrying out of their duties in good faith. The bill achieves that by providing police officers with immunity from personal liability in civil litigation relating to actions undertaken in good faith while on duty.

The bill requires the Chief Commissioner of Police to consult with the Director of Public Prosecutions prior to laying any disciplinary charges where the investigation reveals that a criminal offence may have been committed. In doing so the bill offers an assurance to the community that police officers will be treated equally with all other citizens.

The key reform expressed by the bill is the establishment of the new appeals board. That board will have a binding and determinative power of review over any police disciplinary decisions. That is in stark contrast to the current powers of the Police Review Commission, which can only make a recommendation to the final decision-maker — namely, the Chief Commissioner of Police.

To sum up, Mr Acting Speaker, the community expects its police officers to lay life and limb on the line. We need and expect confidence in our police, and police officers expect to be given reason to have confidence in the processes and systems they are subject to in carrying out their duties in good faith and without fear or favour. The bill will provide such a setting. I commend the bill to the house.

Mr SMITH (Glen Waverley) — As the honourable member for Gippsland South has said, the parties of the opposition partnership support the bill.

I raise the matter of the identity of one of the three proposed members of the board, one of the two who will be deputy chairmen. The bill provides that the person will be a lawyer of five years' standing. I will be

recommending to the government that the person in that role be a retired judge. There are a number of retired judges around, and the task would not be onerous because I do not imagine there will be many appeals before the board.

It would be advantageous to all concerned if we could secure the services of a retired judge. A person who is used to sitting in court and listening to lengthy evidence has vastly more experience than a person simply coming in from the profession on a day-to-day basis. A retired judge would be more experienced, and that experience would be valuable to everyone. If the minister can secure someone like that, the appeals mechanism will have more credibility. I said that yesterday in connection with the appointment of a royal commissioner for the Intergraph investigation, because in that case also it is important that justice not only is done but appears to be done. Retired judges have a certain panache.

I am also curious about the identities of the other two appointees to the appeals board. I imagine one would be someone in the police hierarchy, but I did not find an answer to that question in the bill. If I am right, I endorse the idea. Membership of the appeals board will be a serious task, and the confidence provisions, to use the words of the honourable member for Gippsland South, are important and worth while.

We argued vociferously in May when the previous bill, now part of the current act, was being debated, because we were all conscious that confidence was vital. It was said at the time that the community would need to be confident that a person appearing before the board would be heard fairly, especially in the climate of an increased involvement of police officers in the community.

I do not know whether the chief commissioner is satisfied with the new provisions. I have not spoken to him, and I would do so only through the minister. I imagine he would be slightly disappointed, but he has rarely used the confidence provisions anyway. When the previous government first brought in the confidence provisions it said they would be used sparingly. The fact that the provisions have not been used since May speaks volumes for the way the chief commissioner has used his discretion. The provisions are to be used only in serious cases — we are all aware of the case they were initially used for. From time to time there are cases in which it is necessary to exercise the confidence provisions, and I believe the appeals board will be adequate for that task as an alternative to the chief commissioner. I have no philosophical argument with that.

The provisions for the immunity of members acting in good faith are overdue. The Liberal–National partnership supports those provisions, which are necessary to remove the fears of officers that their actions while on patrol could result in litigation. Police officers will now have greater confidence knowing that the state will bear the responsibility and pick up the tab for future litigation. That will help with morale. It is a good measure that restores confidence to the officer on the beat.

I would like some clarification of the provision that deals with referring offences to the Director of Public Prosecutions. Referring matters to the DPP usually occurs only for serious offences. I believe the original legislation would have contained a schedule setting out the offences that are regarded as serious. The provision in the bill simply states ‘an offence’, but I trust the provision is fair, given its acceptance by the honourable member for Gippsland South in the light of his vast legal knowledge and experience in the courts.

When I first joined the army the old military A4 charge sheet could be proceeded with by the officer who wrote out the charge sheet. However, some years later the legal profession intervened and said all matters must be reviewed by them. It was amazing to see the number of charge sheets that were declared invalid and the charges that did not proceed. The issue with the police will eventually boil down to whether the staff is available in the DPP’s office to examine each charge.

I ask the minister to provide the house with better information on how serious an offence must be before it can be sent to the DPP. Obviously offences involving criminal matters will need to go to the DPP. There would be merit in Crown prosecutors examining charges in the DPP’s office. The army legal system is better than it was when I first joined the force in 1964. It is good for morale for members of paramilitary forces — in this case the Victoria Police — to believe they will be treated fairly by a disciplinary body. Lifting the morale of the Victoria Police can only be a good thing.

I support the bill. The only qualification to my support is removing the discretion of the chief commissioner, but I understand the reasoning behind its being done — to lift the morale of the force. I wish the bill a speedy passage.

Mr MAXFIELD (Narracan) — I commend the Police Regulation (Amendment) Bill to the house. It honours one of the key policy commitments the government made during the election campaign. The Bracks government is committed to honouring the

promises it made during the campaign, and it is keen to implement changes to policing. The bill, which amends the Police Regulation Act, is a reflection of that aim.

The amendments are intended to engender confidence within the Victoria Police. It is important that the community has strong confidence in its police force, and the bill will deliver that. It is also important that our police understand that they have the support of the community and their government so they can act with integrity when providing active policing within the community. They must have the security of knowing they will be backed up if they act in a decent and honest manner.

The reinstatement of binding powers for an external review body is an important reform. The current arrangement under which the chief commissioner has the final decision-making power is unique in Australia and is something that has been of significant concern within Victoria. Police forces throughout Australia are concerned that if Victoria’s Chief Commissioner of Police has enormous powers other police forces will follow suit.

Being able to achieve natural justice is important and goes to the core not only of our police force but to what many police officers believe in. The International Labor Organisation convention on the termination of employment requires that all dismissed workers should be able to appeal to an impartial body. The lack of an impartial appeal body for police is an issue of major concern. Coming from a union background, I am very much aware of the need for an appeal process. Sometimes people who are very close to a dismissal can become emotional and cannot see clearly or they may have other agendas, so it is critical to have an appeal process.

Employees need to know there is a body they can go to with a review process and proper procedures. That gives them the security to competently carry out their jobs without the fear of having to look over their shoulders and be concerned about what could happen if they displease the powers that be. I am acutely aware of the concerns within the police force and the community about the way changes have occurred.

Under the bill the appeals board may affirm the original decision, set aside the original decision and substitute any other decision available to the original decision-maker or set aside the original decision and refer it back to the chief commissioner for determination in accordance with its recommendations or directions. In cases involving termination or dismissal, the appeals board may order the

reinstatement of the member or, where it considers reinstatement to be impractical, order a compensation payment of up to one year's remuneration in lieu of reinstatement.

It should be noted that those remedies will not be available where a member has been dismissed following a criminal offence punishable by imprisonment being found proven against them. I certainly support and understand that provision. I am sure people will realise that if a criminal offence has been committed and imprisonment is ordered that situation must be responded to accordingly.

The bill also abolishes the Police Board of Victoria, whose current functions the government considers are better undertaken within the Victoria Police and the Department of Justice. The new appeals board will assume responsibility for conducting reviews of unsuitability dismissal decisions, which are currently conducted by the Police Board.

Another issue is the immunity of police officers from personal liability for civil actions arising from any act or omissions undertaken in good faith while on duty. That measure will free responsible police members from worry about legal proceedings while performing their duties. Several days ago I was talking to some police officers who indicated that was a concern. Where police officers act in good faith, they should have the security of knowing they have support and backup. The thought that they could potentially lose their houses at any time and have massive costs awarded against them as a result of performing their duties is a fear they should not have to worry about. I feel very strongly about that.

In my previous employment I saw situations where employers tried to impose penalties on staff who were merely carrying out their duties in good faith. They may have made mistakes, but they should not have had to worry about that as they sometimes did.

I am strongly supportive of the police in my electorate. They work enormously hard sometimes in difficult circumstances and show great integrity at all times. There is always the odd hiccup, as is to be expected in any organisation, but it is a fine force. The police stations at Neerim South, Warragul, Trafalgar and Moe have worked enormously hard.

Prior to and during the election campaign the lack of police was frequently raised as an issue in my electorate. Community members expressed numerous concerns about their ability to access police, and the police expressed concern that they are unable to give

the support and assistance to the community that they believe they should give. I very much welcome the Labor government's commitment to supply 800 extra police. It is of crucial importance to my electorate, where major gaps exist in staff numbers.

No matter how one monitors work practices or deals with policing, if there are insufficient police to service the community, the community does not get the service it needs, expects and deserves. Although towns such as Warragul, Trafalgar and Moe have a police presence, it is not what it should be because of insufficient staff. At times people will ring for a police officer and have to try several towns before they get one. Often there is a long lead time. Last Saturday at 9.00 a.m. a constituent in Trafalgar rang me and reported that the night before his letter box had been vandalised, rubbish bins had been thrown down the street, and there were significant problems with broken windows.

Vandalism is a consistent occurrence in that town. The real problem is not that the police have not been doing a good job, they have. They work enormously hard. However, there are no regular patrols, which leads to a culture where young people feel they can do things and not be picked up. It is important for police to have the support they need to deliver services and develop a culture where young people know they cannot get away with vandalism. If that does not happen, the troubles will escalate until they reach crisis point.

Because of the number of complaints received prior to and during the election campaign, the federal member for McMillan, Christian Zahra, organised a public meeting to discuss policing concerns in Moe. I was surprised by the number of people who attended. Most of the election candidates were there, and Paul Mullett from the police association was also in attendance to hear community concerns about policing. The number of people who expressed concerns about policing in that town was surprising.

They were not critical of the police; they understood the difficulties police were working under, but they still expressed concerns about what had happened. In some cases they had gone to the local police station but no assistance was available because all police were out on jobs. Sometimes when they rang for assistance it was necessary to bring a car from another country town, which in country areas can take a while, especially when the car is doing other jobs. In some towns there are no police because they have been dragged out to fill a spot in a larger town nearby, leaving smaller towns with no coverage at all.

One of my more enjoyable tasks during the election campaign was to welcome John Brumby to the campaign to announce that Labor will deliver on its promise to commit \$2 million to the building of a police station in Moe. A new station is desperately needed because the old one is antiquated and totally unacceptable for modern policing practices.

I look forward to discussion with the community and the police force on how best to use the siting of the new police station to work in with the Moe courthouse — a very fine building that has served the community well. The siting of the new police station and court complex is a task everyone welcomes and I look forward to the day when it is opened.

I am proud to be a member of the Bracks Labor government. In the 53 days of this government many commitments have been delivered. There are no non-core promises from the Bracks government; all are core promises and they are being delivered. I look forward to the new police station in Moe. I support the bill. It gives much needed support to the police in my electorate and provides a reasonable balance. The police need and deserve natural justice and the bill delivers those outcomes.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Police Regulation (Amendment) Bill. The Victoria Police is the best police force in the country. It is professional, dedicated and hardworking. It serves the public well. I wish to pay particular tribute to members of the Doncaster police station for their excellent work.

It is important not to politicise the police force, as occurred in the past. All Victorians must have confidence in their police force and understand the changes that are being made. There must be no inference of political interference.

Victorians who have a language background that is other than English are particularly relevant in that regard because of the abuse they have often suffered at the hands of police in their own countries. They must be assured that Victoria's police force is the best in the country.

As you would be aware, Mr Acting Speaker, many refugees or migrants left their homes to come here because of the abuse that I have already mentioned. They have to be convinced that they are safe in this country. I would like to refer to some articles to illustrate what is occurring overseas and to provide an indication of what people have to put up with elsewhere. I refer to an article from the *Age and Sunday*

Age 1998 Quarterly on CD-ROM dated 28 September 1998. It is headed, 'Alliance in pledge to free Anwar', and states:

We have recently seen a most alarming trend in the disregard of the rule of law and the principles of natural justice by the executive ...

The police, instead of upholding the rule of law, have resorted ... to arbitrarily arrest and detain people without trial and have used needless force and brutality in the process.

An article headed 'Torture and rape common in US prisons, says Amnesty' states that there is:

... evidence that police officers regularly beat and shoot suspects who are not resisting arrest, and that there is widespread misuse of batons and chemical sprays ...

The victims are mostly from ethnic or minority backgrounds, and the officers, who are encouraged to be aggressive, nearly always seem to get away without punishment, even when charges are brought against them.

I refer finally to the words of a refugee:

Finally, we come back, but we are now prisoners in our own homes. If we go out, they will beat us or kill us. I came back because they said we would be safe and I brought all my family, but the police took me to a station and from 7 in the morning until 11 every officer there had a turn at beating me'.

It is therefore very important that people who come here as refugees are made to understand that Victoria has the best police force in the country.

I pay tribute to the Police and Community Multicultural Advisory Committee (PACMAC) under Chief Inspector John Winther and Hass Dellal, who have done a fantastic job in reaching out to Victorians from a language background other than English. Their work has been instrumental in educating various communities about the Victoria police force and in encouraging the promotion of cultural diversity in recruitment.

It is important to ensure that there is no perception that complaints will not be dealt with fairly and objectively. In his annual report the police ombudsman, Dr Barry Perry, stated that supervisors need to ensure that breaches by their officers do not develop into major corruption. Dr Perry said:

The turning of a blind eye or a perceived tolerance of minor transgressions invariably leads to more serious transgressions.

Victoria has the best police force in the country, and we must ensure that that situation is maintained.

We need to support PACMAC because it will be able to work with our diverse communities to ensure that they have complete faith in the police force. The

changes introduced by the previous government attempted to instil public confidence and provided the chief commissioner with greater disciplinary powers. Although the chief commissioner was held responsible for the performance of the police force, he had not been able to have a say on discipline. That was largely outside his control.

The previous government passed amendments that effectively gave the Chief Commissioner of Police the right to terminate the employment of a member of the police force if he was satisfied that the member was unsuitable to continue as a member of the force, having regard to the member's integrity and the potential loss of community confidence in the force if the member were to remain in the force. The member could apply to the Police Board for a review of the chief commissioner's decision.

The public understood the changes, and in June of this year showed enormous confidence in the Victoria police force. According to the Australiascan survey, 56 per cent of Victorian respondents said they had a great deal of confidence in the police.

It is important to review legislation to make sure it is appropriate and it is also important to educate the wider community about why changes are introduced. The bill abolishes the Police Board, which was established to maximise the resource-management skills of the Victoria Police and act as an apolitical bridge between the police and the minister. I hope the new Police Appeals Board will be as satisfactory as the board that is being abolished.

Although I do not oppose the bill, I repeat that it is important that the changes are communicated to community members so they can have faith and confidence in the police force. I also repeat that Victoria has the best police force in the country.

Mr SAVAGE (Mildura) — I support the Police Regulation (Amendment) Bill. I have made remarks of this sort in debates on previous bills of this type, but I want to repeat them.

The bill is indicative of the extremely hazardous nature of modern policing in Victoria and elsewhere. Recent events, such as the events that occurred at Bendigo, have shown that members of the police force are regularly shot at and wounded, and on occasions seriously injured. I will not revisit those matters, but I emphasise that society is very dependent on an effective, strong, fair and efficient police force, and I am pleased to say that the Victoria Police is all those

things. The service it provides this state is based on dedication, commitment and enthusiasm.

I recall the debate in May when the earlier amending bill was introduced. I thought some of the changes it made were flawed because under certain circumstances there was no right of appeal from the chief commissioner's decision to terminate an officer's employment.

At the moment, prior to the amendments in the bill coming into effect, a member can appeal to the Police Review Commission for review of a decision of the chief commissioner or his representative concerning promotion, termination, compulsory transfer, certain penalties imposed for breaches of discipline or unsuitability for promotion to senior constable. Unfortunately the recommendations of the commission are not binding on the chief commissioner. The commission can also rehear appeals against non-selection for promotion to ranks above senior constable and below superintendent. The grounds for appeal are limited, and in this case the decision of the commission is binding on the chief commissioner.

The police board hears appeals against decisions by the commissioner to dismiss officers because they are unsuitable to continue as officers of the police force. The board can order the commissioner to reinstate officers or compensate them.

The bill dissolves the Police Review Commission and the Police Board of Victoria and replaces them with a three-member Police Appeals Board. Each member is appointed for three years and is eligible for reappointment, and one must have been a solicitor for at least five years. The powers of the board are set out in clause 12.

Appeals may be heard by a single member or by the chairperson and a deputy chairperson, in which case the chairperson also has a casting vote. The decisions of the board are binding on the chief commissioner, which is most appropriate. Solicitors may not represent appellants. That follows the practice of the Police Review Commission but not the police board.

The bill also requires the chief commissioner to consult the Director of Public Prosecutions before charging members with the commission of a breach of confidence because they have been charged with an offence that has been found proven. Currently the chief commissioner consults the DPP as an administrative practice, but it is not mandatory. Nor is the chief commissioner required to consult the DPP before he charges an officer.

The bill provides immunity to officers for anything reasonably done or omitted to be done in good faith in the course of their duty. It has been the practice of governments to provide such immunity, but on a few occasions there have been government suggestions that it is a discretion they can choose to exercise or choose not to exercise.

I record my admiration for members of the Victoria police force and the work they do. I hope the bridges between the Victoria Police Association and the Chief Commissioner of Police are repaired and the confidence of the membership in the chief commissioner is restored. It is important to maintain appropriate standards in the police force. It does not take many unsuitable people to create a fair degree of concern in the community and for a loss of confidence to occur both within and outside the force. The bill goes a long way towards achieving that end. The confidence provisions are most appropriate, as is the right of appeal. On that basis I commend the bill to the house.

Mr DIXON (Dromana) — I make a brief contribution to the debate, and in doing so I compliment members of the police force in my electorate. Four police stations are located in the Dromana electorate — Sorrento, Dromana, Rye, and a large, 24-hour facility at Rosebud. As the summer season approaches and the population of the electorate triples, obviously the police workload is increased. Due to the flexibility of police command, a number of extra officers come to the peninsula to help with the bigger crowds.

The electorate is a growing area that has problems with crime like any other area, and our police really work hard. Probably one of the best examples of that is not so much police reaction but police proactiveness in working with the community.

It is an excellent force and it has many programs for young people. It has a boat that takes youth groups and children at risk out on the bay to go fishing and water skiing. There is a blue light tennis club, a homework club, a blue light disco and a special blue light disco for the disabled.

Probably one of the largest fundraising functions in my electorate is the annual police charity golf day. Last year the Chief Commissioner of Police dusted off his clubs after 12 months and joined the fun. That event raised more than \$30 000 for local charities. The police, particularly in my electorate, are a wonderful group of people and deserve due recognition as we approach their busy time during our summer holiday period. Because of the nature of police work, the immunity of

members from prosecution introduced by the bill is a first-class provision and one which members of the police force deserve. It will protect them from being personally sued in the event of actions being brought by members of the public.

As all honourable members know, any law action, no matter how innocent a person may be, will cost something in monetary terms and time, and certainly can be a traumatic experience for anybody. Regardless of whether people are innocent or guilty they must go through the trauma. When a member of the police force is carrying out his or her duties in good faith, to the letter of the law, he or she deserves the protection of the law. That protection is important because probably more than in any other occupation police officers are open to various lawsuits being brought against them. It is dangerous and emotional work.

Things can happen in the heat of the moment, whether it be through pressure put on a police force member through a domestic situation or a traffic accident, but a million and one things that confront members of the police force in their everyday work leave them open to legal action more than happens in any other occupation. It is good that they should have that immunity while acting in good faith and doing the right thing. The community will end up with even better police work from members of the force because they now know they will have the protection of this legislation. That is one less thing for them to worry about when they are out there doing their jobs. That should result in even better policing.

Another part of the bill concerns the new Police Appeals Board. A number of aspects of the operations of the board — namely, the emphasis on plain language and a minimum of technicalities — are quite creditable. It is important that a board such as that serves not just bureaucracy but helps and protects members of the police force; the board does that.

The idea of a thorough process is important because cases brought before the board can impinge on the everyday lives of members of the police force. Issues surrounding the confidence of a member of the force that the process will be speedy but careful deserve special attention. The minister has said he wishes to reappoint the current chair of the Police Review Commission as the chair of the new board. That will give confidence to the new board and will provide some continuity to what has been similar work by the present body. The result is that members of the force will have confidence in the process.

I wish the bill a speedy passage and I pay tribute to members of the police force, especially in my electorate. I hope the bill goes some way towards calming relations between all aspects of police work in Victoria and the depoliticisation of the police force. Members of the force or the community do not want to see police work made political. If the bill goes some way towards that end, I support it totally.

Mr RICHARDSON (Forest Hill) — The Police Regulation (Amendment) Bill has a number of objectives. It abolishes the Police Board of Victoria and the Police Review Commission. It establishes the Police Appeals Board and gives members of the police force legislative protection from civil action arising from the performance of their duties. It is designed to ensure that where members are to be charged under disciplinary guidelines, briefs are to be referred to the Director of Public Prosecutions (DPP) before charges are laid.

The background of the bill is that in May 1999 Parliament passed a significant amendment to the Police Regulation Act, which effectively gave the Chief Commissioner of Police the right to terminate the employment of a member of the police force under new confidence powers. The amendment included a new section whereby the chief commissioner could dismiss a member if the chief commissioner was satisfied that the member of the police force involved was unsuitable to continue as a member of the force. The emphasis was to be placed on the member's integrity and potential loss of community confidence in the police force if that member were to remain in the police force.

As I understand it, the Police Association objected strongly to that provision. However, the previous government was concerned that the circumstances were such that it was necessary to provide the Chief Commissioner of Police with the capacity to have the final word on the dismissal of an officer in the repetition of the extraordinary circumstances that had brought the attention of the government to that decision and led to the establishment of the legislative power given to the chief commissioner. In essence, it gave the chief commissioner the final say in the dismissal of a member of the police force with no avenue of appeal.

The Police Association, and some of its membership, was greatly concerned about that. In June the association passed a motion of no confidence in the chief commissioner at an extraordinary meeting at Dallas Brooks Hall. The chief commissioner and the government of the time justified the legislation as necessary due to a specific case of members who had faced coronial or criminal hearings but were never

successfully prosecuted, and whereby the chief commissioner thought they would bring disrepute to the police force, leading to the public no longer having confidence in particular persons. I shall not refer to any individual member of the police force at the centre of an incident which led to those decisions being taken.

The bill establishes the Police Appeals Board to offer members of the police force who are issued with a notice under the provisions referred to, or some other disciplinary matter, the right to appeal to the board. The procedures will understandably be straightforward. The appeals board will regulate its own procedure with as much speed and as little technicality as is possible. The Police Board of Victoria will be abolished and the funds presently held by that board will be returned to the Department of Justice. When a member of the police force faces a charge of a serious breach of discipline, as a matter of course the investigating officer will refer the brief of evidence to the DPP for consideration. The bill includes a new subsection that will make it imperative that the chief commissioner must not charge any member of the police force until the DPP has been consulted.

The bill establishes immunity for members of the police force from legal action taken against them for any action or actions they may have taken in the execution of their duties.

The bill has widespread support from members of the police force and the Victoria Police Association. The Chief Commissioner of Police may have some difficulty with it. However, in its election campaign the Labor Party made its intentions known, and the bill contains provisions that are consistent with government policy as announced before the election. Governments are elected to govern. I support the bill.

Mr HAERMEYER (Minister for Police and Emergency Services) — I thank the honourable members for Gippsland South, Seymour, Glen Waverley, Narracan, Bulleen, Mildura, Dromana and Forest Hill for the constructive way in which they approached the debate.

I thank the honourable member for Gippsland South and the opposition for the way they are facilitating the speedy passage of the bill. The honourable member for Gippsland South made the comment, which was probably endorsed by every speaker in the house, that Victoria has the finest police force in the country, and the honourable member for Bulleen made comparisons with police forces in other countries. Victoria not only has the best police force in the country but I believe it has one of the finest police forces in the world. The

unanimity of that spirit on both sides of the house has certainly been an indication of that.

The honourable member for Gippsland South said that Victoria has the lowest crime rates per capita in the country. That is the case, but I am concerned that it is increasing. The government is determined to bring crime rates down, or at least level them out, at the earliest available opportunity. The honourable member referred to a comment in the Ombudsman's report about the need for a code of ethics to be established within police operations. The Victoria Police Force has a code of ethics but there may be a case to examine whether it should be more clearly spelled out and definitively codified. The government will examine that matter. He also referred to clause 5, which abolishes the Police Board, and some of the board's important functions. The board has been performing important functions, some of which will be taken over by the Department of Justice and some will come under the auspices of the soon-to-be-established crimes agency. Those functions will be carried over into the appropriate agencies.

I endorse the comments of the honourable member for Gippsland South in thanking the chairman of the Police Board, Mr Peter Kirby, and the other members, Commodore Jim Dickson and Merran Kelsall. The honourable member also questioned why subsection 2 had not been repealed. It had been taken out by a previous amendment, and he may have been referring to an old copy of the act. It was effectively repealed in August this year.

The honourable member for Gippsland South also asked why the bill refers to an 'offence' rather than a 'criminal offence'. The bill makes it clear that 'offence' is regarded as a criminal offence. The honourable member for Glen Waverley made that point in his contribution. The bill defines 'offence' as a criminal offence and therefore it is not a case of minor or trivial misdemeanours being referred to the Director of Public Prosecutions. I do not believe that is a significant cause for concern.

All honourable members welcome the inclusion of the indemnity provisions in the bill, as has been expressed to me by some police force members over time. As pointed out by the honourable member for Seymour, police members are frequently required to put their personal safety and lives on the line for members of the public and are not provided with indemnity from civil action when acting in good faith in carrying out their duties on our behalf.

Some have said, 'We have to hesitate and think twice about whether we should carry out our functions in a particular set of circumstances because of the fear of civil action'. It is important to indemnify police officers against civil action where they are acting in good faith in carrying out their duties.

The honourable member for Gippsland South referred to liability and the judgment of costs that may be awarded by a court. The answer is yes. He went on to refer to the chief commissioner confidence provisions. As I understood him, the Chief Commissioner of Police has the final say in the carrying out of those provisions. That is not the case. So far as chief commissioner confidence provisions are concerned, the chief commissioner does not have the final say; the Police Board has a binding right of overturning a decision of the chief commissioner under those confidence provisions. That creates a dichotomy between the Police Board on the one hand having that power and on the other the Police Review Commission not having that power to overrule the chief commissioner's ruling on disciplinary matters. The legislation ensures that both normal police disciplinary practice and chief commissioner confidence provisions are dealt with in the same way.

The Labor Party has made it clear, and is strongly supported by the vast majority of serving police officers, that police officers should have the right of a determinative appeal to an external body. The Police Review Commission will now be replaced with the Police Appeals Board, and the determination of that board is binding on the organisation. No other employer group, organisation, police force or even the military currently has the capacity to take serious disciplinary action against a member or employee and not be subject to a final appeal to an independent body.

The only area where that exists in Victoria is in the police force. The honourable member for Narracan rightly made the point that the International Labour Organisation requires that right of appeal to an impartial body. It is important to recognise that no organisation can be a law unto itself. It is a dangerous practice. There must always be that right of appeal to an impartial independent body to maintain some accountability in the way disciplinary practice in a police force or any work force is maintained. That is a fundamental issue of principle that government members have long adhered to.

The honourable members for Gippsland South and Glen Waverley raised the membership of the Police Appeals Board. They referred to the seniority requirement that the person appointed to the position be

a legal practitioner of five years standing. That requirement is carried over from the Police Board. Justice O'Bryan sits on that board. The requirement of the bill is simply for a legal practitioner of five years standing. It is my expectation that someone of the stature of Justice O'Bryan, if not Justice O'Bryan himself, will come on to the Police Appeals Board to perform the function formerly allocated to the Police Board under the provision of the chief commissioner's confidence.

The honourable member for Glen Waverley made a point regarding Mr John Giuliano, who I hope will accept an offer to take on the responsibilities of chair of the Police Appeals Board and carry on the fine work he has done in the Police Review Commission. It is of enormous credit to Mr Giuliano that he has gained universal respect — from the Police Association, police command, the legal profession and members of this house — for the way he has dispatched his duties as head of the Police Review Commission.

The honourable member for Glen Waverley, when he spoke to me after he had made his contribution, made the point that Mr Giuliano does not have any legal qualifications. That is indicative of one important point. Sometimes what is most important in the qualities of the people one appoints to such positions is the judgment and disposition of the person. That is a far more important criterion than the legal or other qualifications of the person. It is important when such appointments are made that the person appointed has the appropriate judgment and level of impartiality to maintain respect across the board. Mr Giuliano has done that.

There was across-the-board support from all speakers for the concept of indemnity for police officers carrying out their function in good faith. It is important to provide protection to police officers when they are expected to carry out their role in dangerous environments. Sometimes they are confronted with circumstances that may surprise them. Often they have to make split-second judgments. Most of the time they make those judgments well. Sometimes in the case of such split-second judgments, police officers will make an error of judgment. It is important that they undertake their function not fearing legal action simply because they have had to make a critical split-second judgment.

I thank the opposition for its support of the bill and its generosity in facilitating its speedy passage.

Mr Doyle interjected.

Mr HAERMEYER — Generous in kind, as the honourable member for Malvern says.

Mr Doyle interjected.

Mr HAERMEYER — Anything for me! I can see myself bringing through a few more bills. I look forward to similar cooperation from the opposition on future legislation.

This important legislation gives effect to fundamental aspects of the Labor Party's policy in the last election campaign. I understand some members opposite have minor misgivings but, notwithstanding, they are facilitating the passage of the bill. For that I thank them and all other contributors to debate on the legislation.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CRIMES AT SEA BILL

Second reading

Debate resumed from 14 December; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — To conclude my speech, commenced last Tuesday night, I emphasise three points. Firstly, the legislation is a shining example of cooperative federalism. It grew out of the hard work and efforts of all state and commonwealth solicitors-general. Secondly, this is template legislation, with legislation in similar terms passed by the commonwealth and passed or about to be passed by the states. Thirdly and most importantly, the legislation simplifies a complex and increasingly more difficult area of the law. The real beneficiaries are not only the people of Victoria but the people of this nation. I commend the bill to the house.

Mr LENDERS (Dandenong North) — It gives me great pleasure to discuss in the chamber a bill of great interest to all honourable members. In one sense I am disappointed that I could not contribute to debate on Tuesday night, when the atmosphere of the chamber was far more charged in the debate of those weighty matters. I am also disappointed in following the honourable member for Kew because he promised he would sing to the chamber the preamble to the act! I feel flat and disappointed that he did not do so. I hope

to follow him in contributing on another bill and hope that on that occasion he will sing the preamble.

I imagine I will be one of the last speakers in debate on the bill, which has bipartisan support. Many community members probably would not have given much thought to the bill. Because I represent the electorate of Dandenong North, which does not have a coastline, honourable members may wonder why I am contributing to the debate. The Crimes at Sea Bill is an important bill, nevertheless, and one to which members of the house should give some attention.

When reading through the bill I found a number of technical terms were new to me as a layperson and I needed to research some of them. Nautical miles are mentioned, as are determinations of the International Hydrographic Conference. As a prudent member looking after the interests of my electorate, I thought I should check the resources on the Internet to find out what some of those terms mean, as well as going through the extensive briefing notes provided in the form of the explanatory memorandum to the bill.

I found out for the first time, sourcing my information from the Internet, that a nautical mile is 1.852 kilometres. That knowledge assisted me in trying to work out the bill. The bill includes an impressive map. In my short term in Parliament, I have never seen a map in a bill. The map marks the zones to which the bill will apply. The relevant commonwealth act stretches almost to the Antarctic.

Mr Baillieu interjected.

Mr LENDERS — I know I should not reply to interjections, Mr Acting Speaker, but I should say that the honourable member for Hawthorn and I spent a lot of time on an electoral boundaries commission several years ago, and that is when we first got acquainted. He had some imaginative ideas about where boundaries should go, so I will be intrigued to hear who he thinks should represent Heard Island and other remote areas. That might be an internal Liberal Party matter, in which case I would not wish to get into it. If the honourable member wishes, however, I would be delighted to suggest, for example, that the southern boundary of Mordialloc stretch to include Heard Island. I think that suggestion would have a lot of bipartisan support in the chamber.

The scope of the jurisdiction of Victorian law outlined by the bill is quite extensive. Two hundred nautical miles is a long way. 'Nautical mile' is not a layman's term, so it needs to be explained that you multiply that number by 1.852 to determine the distance in

kilometres. The map in the schedule shows that the Victorian jurisdiction dodges around to the east and west of Tasmania and stretches an enormously long way in each direction.

The schedule also addresses weights and measures. My peculiar quirk as a person of European immigrant background means that imperial weights and measures never cease to amaze me. They have very little symmetry and present people like me with a steep learning curve. How is a layperson meant to know that a nautical mile is 1852 metres? That baffles me.

Schedule 1(1) of the commonwealth Seas and Submerged Lands Act 1973, as published in the *Commonwealth Gazette*, includes a dissertation on the fact that a nautical mile approximately matches 1 minute of latitude. Riveting stuff! Nevertheless, if honourable members are to give due attention to the bill we should be made aware of such things so that we know how far the jurisdiction of Victoria extends.

The legislation has bipartisan support. I always enjoy following the honourable member for Berwick when he speaks on legal matters, as I do following the honourable member for Kew. The honourable member for Berwick has a passion for the law and thinks a lot about what he is going to say when he addresses the chamber. It was the honourable member for Berwick who introduced the new parliamentary term 'tinker's cuss' and I believe, Mr Acting Speaker, that you were in the Chair at the time and ruled it a permissible expression.

The honourable member for Berwick cares more than a tinker's cuss about this legislation and is very enthusiastic about it, particularly about the fact that it has a preamble. He spoke at length about the significance of the inclusion of a preamble in a bill and how unusual it was. I would be testing your patience, Sir, if I spoke of the preamble put to the people at a referendum recently, but it is pertinent that I mention the importance of preambles generally.

Preambles are important when they can help the layperson understand a bill and the intent of the legislator. The bill before the house is very technical and dry. The layperson would be forgiven for thinking, 'This is all very good and proper, and I think I understand the attractive and unusual map, but beyond that why should I know about this bill and what is in it for me?'. The preamble removes the puzzlement of the dry provisions of the bill such as amendments to section 8D(1)(ii) or whatever. It describes in plain, layperson's English the significance of the Crimes at Sea Bill to the people of Victoria. That is desirable.

As the Westminster tradition evolves in this country and is further adapted to Australian circumstances, we as a Parliament should pay more attention to the idea of a preamble. I hope members of the Scrutiny of Acts and Regulations Committee can consider that matter during their weighty deliberations. I notice that the chairperson of the Scrutiny of Acts and Regulations Committee has entered the house. She, like most honourable members, is acutely aware of the importance of issues like this. I am sure that, in the deliberations of the committee when it meets, a lot of attention will be paid to the idea of including preambles in legislation to make them more relevant and readable for residents of the electorates of Dandenong North and Werribee. I am sure that as the chair of the committee the honourable member will give the matter due consideration.

It is heartening that the honourable member for Berwick has chosen to wax eloquent on this bill. His enthusiasm for the preamble was great, but his keenness waned when it came to a promise he had made earlier. Perhaps it was not a core promise, but it was a commitment in any case: he promised he would sing the preamble to us. I look forward to the honourable members for Berwick and Kew singing to the chamber at some time in the future.

The honourable member for Berwick reflected for some considerable time on the concept of new federalism, as he called it. He also called it 'cooperative federalism' and 'interactive federalism'. He is spot on when he says cooperative federalism is one of the good things about the bill. It should be considered far more often by parliaments and intergovernmental committees. There is a Standing Committee of Attorneys-General, which we can call SCAG, and a Standing Committee of Solicitors-General, the acronym of which is unpronounceable. Such bodies present matters that often become good new legislation.

The honourable member for Richmond, in characteristic fashion, gave a detailed and thorough presentation on the bill and took the house through what it will mean for people today, and he did so in no uncertain terms. It is true that the bill contains a raft of measures. The legal system, as we know, has been slightly adrift, and — to stretch the pun a little further — the schedule is awash with detail.

For the benefit of honourable members in this jam-packed chamber who may not have been here for the debate on Tuesday night, the policy basis of the bill should be outlined. The current legislation relating to crimes at sea was developed in the late 1970s, as we are all aware, and it generated many problems through the scheme known as dysfunctional federalism, as the

honourable member for Berwick explained. The commonwealth, the states and the Northern Territory all took different approaches to the scheme and enacted legislation that left many gaps and had many inconsistencies. Incidentally, I am surprised that the Australian Capital Territory was not included in the scheme because it has coastline along the Jervis Bay enclave.

At present it is the destination of a ship and where it is registered that largely determines the criminal law that applies to an offence. Those provisions are unnecessarily complex and difficult to understand and apply, and they can give rise to overlapping laws. Even when the criminal law is clear, it may be difficult to determine which jurisdiction is responsible for enforcing the law and the procedural rules that will apply to investigations.

We need easy access to the law. Access to the law for some constituents of my electorate and a lot of other places often involves a jurisdictional dispute going all the way to the High Court. The bill simplifies the procedure by defining the jurisdiction by where the offence occurred rather than where the ship is registered, what port it came from or where it is going to. That is an improvement to the law.

Once a law is put in place the results are not always desirable. For example, in some situations Victorian police investigate offences that have occurred in Victorian waters, but they have to follow New South Wales investigative procedures. I will describe how that situation has been brought about by recalling my days at law school. I refer to a High Court case, the name of which escapes me, that involved a murder being committed on the banks of the Murray River.

Murder trials are gruesome, but they are necessary for justice to be done. The issue in that case involved from which point on the bank of the Murray River the weapon had been fired because the bullet travelled from one jurisdiction to another. A felony was committed and a person died. A dispute arose about jurisdiction, which makes the case relevant to this bill — although the Murray River is not the sea. The uncertainty about jurisdiction meant that instead of the person being brought speedily to trial the issue went through every level of the courts until the High Court of Australia defined where the border between Victoria and New South Wales lies.

As all good students of history know, the boundary was originally set when New South Wales ceded what was then known as the Port Phillip District to become an independent colony at the southern bank of the Murray

River. The southern bank of the Murray River is obvious to a layperson — it is where the water stops. When people swim across the Murray River, which can be a hazard at times given the various substances in it, and reach the south bank they believe they are in the state of Victoria.

However, the High Court in its wisdom spent much time deciding exactly what the southern bank of the Murray River is. The discussion about that concerned whether the boundary was affected by minor channels and major channels. The High Court decided that the boundary should follow a major channel. The other issue concerned whether a bank was defined by the high-water mark or the low-water mark.

Mr Richardson interjected.

Mr LENDERS — The honourable member for Forest Hill refers to billabongs. Such weighty matters were considered. In the wisdom of the High Court — far be it from me to reflect on a majority decision of the High Court — it was found that the northern boundary of Victoria and the southern boundary of New South Wales was the high-water mark on the Victorian side of the river. As a Victorian I have a grievance about that; I believe it should be down the middle of the river, but that is straying from the bill.

Mr Baillieu — The Crimes at River Bill.

Mr LENDERS — An amendment is being proposed by the honourable member for Hawthorn.

We are faced with those sorts of issues from time to time, and they will continue to arise if sensible and prudent legislation such as the bill is not passed.

In November 1994 a meeting of the Standing Committees of Attorneys-General of Australia agreed to implement a new national scheme for the application of criminal laws to crimes that occur offshore. It was called the cooperative scheme. The cooperation aspect of the scheme received enthusiastic support from the honourable member for Berwick.

The cooperative scheme is based on draft legislation that was developed by the Special Committee of Solicitors-General of Australia. The central aims of the scheme are to put simplicity into the law, to clarify which criminal law applies to crimes committed offshore and to simplify investigation and prosecution procedures. The new scheme will be more efficient and will ensure that crimes do not go unpunished because of legal technicalities. The commonwealth, the states and the Northern Territory have agreed to enact uniform crimes at sea legislation to give effect to the new

scheme and to repeal current legislation, which is what we are now doing in the dying days of this parliamentary session. The bill will enable Victoria to give effect to the new scheme and will repeal the Crimes (Offences at Sea) Act.

Appendix 1 on page 18 of the bill is an indicative map. I believe the honourable member for Springvale will talk at some length about that area of the bill, and I do not wish to steal his thunder so I will refer to it briefly. The map covers two areas. The first is the area 200 nautical miles south-west of Victoria to a point beyond the continental shelf where the jurisdictions of Tasmania and South Australia commence. The second area extends to the south-east towards the west coast of the south island of New Zealand. Those two areas of ocean are part of a major shipping channel, and the bill will apply to the significant number of vessels that travel through them.

It would be remiss of me not to reflect upon the enabling legislation that put in place the definition of 'nautical miles'. The Seas and Submerged Lands Act caused an enormous amount of excitement in the political arena in the late 1970s. It was a riveting piece of legislation because in the end it brought the downfall of John Gorton as Prime Minister. It was on the issue of state rights that the then Premier of Victoria, Sir Henry Bolte — who sat where the Minister for Housing is now sitting — and his New South Wales counterpart, Sir Robin Askin, took extreme offence at the nationalism being expressed at the time by the then Prime Minister John Gorton.

The Seas and Submerged Lands Act dealt with who had access over the continental shelf or the 3-mile limit going out to 12 miles — was it a constitutional shelf — and the jurisdiction of the states. It caused such a degree of excitement at the time in the body politic that the then Prime Minister was ultimately felled by that amazingly potent political figure Sir William McMahon. In the end it brought down 23 years of coalition rule and the advent of the Whitlam government.

This legislation lets Labor members reflect on a bit of our history. I hope the passing of the bill may also trigger a change in the federal government, but I am probably stretching the bow just a little, and have drifted in my comments.

Mr Baillieu interjected.

Mr LENDERS — The honourable member for Hawthorn gives me a life boat; I am delighted by that — we are at sea.

I am disappointed that the honourable members for Berwick and Kew did not enact their parts of Gilbert and Sullivan during the debate. I look forward to that in future debates. I could go on to a rock and a hard place, Mr Acting Speaker — a rock and a hard place being ships and bits of maritime law, but I will have to save that for another debate.

I am delighted this bill has bipartisan support and that it is being debated at 12.20 p.m. I am delighted we have managed to keep this issue alive for this length of time, because it is important and will add to the good governance of this state and country. It is a good part of cooperative federalism which will enhance the administration of the criminal law and make it more accessible to my constituents in Dandenong North.

Mr HOLDING (Springvale) — It gives me great pleasure to contribute to the debate on the Crimes at Sea Bill. I wish to talk about cooperative federalism because this bill is an example of the failure of cooperative federalism in relation to the previous arrangements for the prosecution of crimes at sea. It is hoped the new measures are an example of the resolution of some of those problems.

One of the great problems the founding fathers faced when they originally drafted the Australian constitution was deciding exactly which powers should be vested with the new commonwealth, which were to remain exclusively with the states and which were to be shared between the two. They were required to come to a conclusion on those issues in the latter part of the 19th century while faced with the mindset of that period. They did not have the opportunity of looking into the future and predicting where the world would go, what technological advances would take place and what changes would occur in the needs and pressures faced by a modern Australia. I think they did a pretty good job at the time in the context of the latter part of the 19th century, but the arrangements put in place are not necessarily relevant and appropriate today.

The second pressure the founding fathers were under was that there was no real agreement between the then colonies as to which powers should be vested in the commonwealth and which should remain with the colonies. The founding fathers debated it and came up with the best compromise, and that is what our constitution is — it is not a document embodying any greater principles than that of political compromise. Unfortunately for Australia, that compromise is reflected in language which is almost impossible for the Australian people to change.

That is so because of the mechanisms contained within section 128 of the constitution, which requires that a majority of voters in a majority of states must agree to any constitutional proposal for change. It must be passed by both houses of Parliament, or in some cases at least one house of Parliament, and then signed by the Governor-General before it can be submitted to the Australian people. That has resulted in relatively few proposals for constitutional change, and where those proposals have been presented relatively few have successfully satisfied both the requirement for a majority of states and a majority of voters to agree.

It has, therefore, been left to two other devices to attempt to change a document the Australian people have been unwilling to change: firstly, the High Court through its judgments and through the common law to ensure the constitution continues to evolve and remains a modern and relevant document; and secondly, the commonwealth Parliament, working in cooperation with the states and territories to ensure that where possible schemes are adopted which, to put it bluntly, get around the aspects of the constitution where the language has been unchanging but where priorities have required modernisation.

I will deal with both issues simultaneously. If one goes through the history of Australian federalism it can be seen that initially the High Court interpreted the Australian constitution very much in favour of the states. Where there was not a specific mandate in the constitution to vest power with the commonwealth, it was always the approach of the High Court to assume that the founding fathers intended those powers to remain with the states. However, in 1920 in the celebrated engineers case the High Court considerably expanded the scope and reach of commonwealth legislative power. That continued through various cases, the most important of which were the uniform taxation cases which for the first time recognised the power of the commonwealth to impose uniform income taxation for the purposes of raising finances to fund Australia's contribution to the Second World War. Those cases were confirmed and reiterated in cases after the Second World War, which ensured that a system of progressive uniform taxation continued throughout Australia. They were a very significant set of judgments by the High Court.

Commonwealth powers were further expanded during the Menzies government. People forget that Menzies was not a fierce advocate of states rights, as was the tradition of the Liberal Party he founded. Rather, Menzies had a very substantial vision for the expansion of federal government responsibility. To give some examples: Menzies significantly expanded funding for

secondary schooling by the commonwealth which had previously been regarded as exclusively the responsibility of the states. It commenced with science buildings and then expanded into other areas.

Federal government responsibility also expanded into the area of matrimonial laws, which were substantially rewritten by the then Attorney-General, Sir Garfield Barwick, and into the area of restrictive trade practices. In about 1906 Australia introduced an industrial assistance act, and following on from that act for the first time in Australian history the reach of the commonwealth in respect of restrictive trade practices was expanded by Sir Garfield Barwick. They are examples of important moves in the expansion of commonwealth power and the assertion of a greater role and responsibility for the commonwealth in the management of Australia's economy and its resources.

In the latter part of the sixties — the honourable member for Dandenong North dealt extensively with this in his contribution — there was a period of some tension in commonwealth–state relations. It is particularly relevant to the Crimes at Sea Bill because the Seas and Submerged Lands Act was the cause of the tension between the then state Liberal premiers, state Liberal parties, some senators, including some coalition senators, and the then Prime Minister, John Gorton, who had a very nationalistic and robust view of the appropriate role of the commonwealth.

Mr Lenders interjected.

Mr HOLDING — He was a patriot, as the honourable member for Dandenong North interjects. While I do not agree with everything Sir John Gorton did — and in many respects his period of administration was a very troubled time for Australia and state–federal relations — nevertheless, some of the issues before the house today are a product of the problems and challenges faced during that era.

For the first time there were significant disagreements between the state and federal governments, even though the governments were essentially of the same political hue, and then the Whitlam government came to power. No government in Australian history had as strong a view about asserting the rights of the commonwealth in participating in Australian national affairs and its economic and social life as the Whitlam government. Equally, few governments in Australian history were involved in as much conflict between state premiers and the commonwealth government as was the case during 1972–75.

The conflict was not just over such issues as Medicare and regional development; it was about the appropriate role of the Senate, the rights of the territories to be represented in the Senate, the appropriate role of state governors, the power of the Senate to block supply and interfere in the legislative program of a democratically elected government and the rights of state premiers to appoint Senate replacements.

Honourable members will recall the celebrated cases associated with the death of Bert Milliner and his replacement by the Queensland government with Albert Patrick Field, even though he was not the nominee of the Labor Party, and the resignation of Lionel Murphy as a New South Wales senator for his appointment to the High Court and his replacement by the then mayor of Albury. Both cases caused incredible tensions in federal–state relations.

I have dealt extensively with the history of federal–state relations in Australia because as a consequence of the failure of the High Court to provide modern interpretations of the Australian constitution in many instances and the failure of federal governments to assert in a legislative sense the appropriate role for the commonwealth, it has been left to state and federal governments to enter into cooperative arrangements to try to correct the deficiencies in the constitution that cannot be corrected through High Court judgements or the referendum process.

Even where cooperative schemes, such as the one this bill supplants — it is the replacement of a failed cooperative scheme with an improved and more successful one — were reached between states, territories and the commonwealth, it is still open for the High Court to undermine those schemes. Last week, honourable members dealt with an example of where the commonwealth and the states had reached agreement in relation to cross-vesting legislation.

Nevertheless, in the *Wakim* decision the High Court held that the cooperative agreements that had been entered into under a system of parallel legislation were unconstitutional. The High Court struck it down because it found that it offended chapter III of the Australian Constitution. Although I disagree profoundly with the basis of that decision and I support instead the judgment of Justice Kirby, who had a far more expansive sense of the reach of commonwealth power, nevertheless the world has to be dealt with the way it is, and the High Court did strike the cooperative scheme down.

Clause 9 repeals the Crimes (Offences at Sea) Act and replaces it with a new Crimes at Sea Act. I will deal

seriatim with some of the provisions of the bill. Firstly it has an interesting legislative technique or characteristic — it uses a preamble that provides an opportunity to provide some background to and rationale for the commonwealth and states' agreement on crimes at sea. The preamble also defines what the reach of the criminal law of each state will be. The preamble states:

Under the scheme, the criminal law of each state is to apply in the area adjacent to the state —

- (a) for a distance of 12 nautical miles from the baseline for the state — by force of the law of the state;

In other words, it clarifies or asserts the existing position, and:

- (b) beyond 12 nautical miles up to a distance of 200 nautical miles from the baseline for the state or the outer limit of the continental shelf (whichever is the greater distance) — by force of the law of the commonwealth.

It therefore clearly explains the reach of the legislation and its coverage in terms of applying state criminal law.

The Crimes at Sea Bill will have no effect on the Crimes (Aviation) Act because the cooperative scheme is not intended to affect the arrangements for the commission of crimes above the land, if that is the right way to describe it, or above the sea.

Schedule 1 of the bill also contains the cooperative scheme itself. I direct the attention of honourable members to various aspects of the cooperative scheme, in particular — this is always an interesting legislative technique — those sections of the scheme that show some of the instances when the cooperative scheme is not to apply. I direct honourable members to part 2 of the schedule, which is headed 'Application of State Criminal Law to Adjacent Area'. Section 2(3) states:

However, this clause does not —

- (a) apply to a substantive criminal law that is incapable of applying in an adjacent area or is limited by its express terms to a place within the area of the State; or ...

In other words, it is not the intention of the cooperative scheme to apply state criminal law to potential crimes at sea when it would never have been envisaged that state criminal law could have been applied. The schedule gives the example of criminal law applying to speeding motorists. Of course, it would never be intended to apply to crimes at sea state criminal law sanctions as they apply to speeding motorists.

Secondly, the subsection does not:

- (b) give a legal effect to a provision of a substantive criminal law that the provision does not have within the area of the State.

Once again, that is to ensure it is not possible for the cooperative scheme to effectively apply an invalid criminal law to the crimes at sea regime simply as a consequence of its being part of that cooperative scheme. It gives the example of a criminal law matter relating to a state that would be limited under section 109 of the Australian Constitution within the area of that state, and it is the intention of the cooperative scheme to similarly limit that in the areas covered by the crimes at sea scheme.

In the time remaining I will provide to honourable members a brief outline of the precise way in which the scheme will work. Essentially the criminal law of each state and the Northern Territory will apply to their adjacent areas, which are described in detail in the legislation, the schedule and appendix 1, which is the indicative map to which the honourable member for Dandenong North referred. The respective adjacent areas are outlined on that map.

The criminal law of a state or the Northern Territory will apply by force of its own law out to 12 nautical miles. In addition, the criminal law of the state or the Northern Territory will also apply by force of commonwealth law from 12 nautical miles out to 200 nautical miles or the outer limit of the continental shelf.

That is a new cooperative scheme. It replaces a scheme that had many problems. It is an improvement and an example of the potential for cooperative federalism to address issues that the commonwealth constitution would not have permitted the commonwealth to address exclusively. Parliament will always have to deal with those issues while Australia continues to have a constitution, the language of which was drafted well over 100 years ago. Until the constitution can be modernised substantially we will have to deal with second-best options in relation to schemes such as that.

Mr NARDELLA (Melton) — I also support the important Crimes at Sea Bill, which brings the states and commonwealth together in a cooperative arrangement. During my time in Parliament a number of cooperative school schemes between the states, territories and commonwealth have been developed. They were meant to benefit the commonwealth of Australia and were necessary because of the way the constitution was drafted more than 100 years ago. The national scheme legislation attempts to deal with the constitution in the present age rather than in the age in which it was written.

The legislation comes to grips with and modernises the legislative framework that is now required by the commonwealth of Australia to deal with transgressions. As has been explained, appendix 1 and the map therein demonstrates the various responsibilities of the states, territories and commonwealth and the way the bill affects the enactment of the legislative framework to enable it to do its job.

In my role as a member of the Scrutiny of Acts and Regulations Committee in the previous Parliament I dealt with many pieces of national scheme legislation, not only in the sense of scrutiny but also in the sense of examining how the legislation develops cooperatively to enable all parties to the national scheme legislation to have their say and formulate the best legislation possible.

That development is occurring to a large degree not only with the legislation before the house but with other pieces of legislation that are important to the way modern society operates. At conferences experts have pointed out to members of Parliament that the cooperative approach has been developed over a long time.

Other honourable members have referred to various sections of the constitution that affect the bill, and that certainly needs to be taken into account when developing legislation of this sort. Experts in the area of the scrutiny of acts at both the commonwealth and state levels and parliamentary counsel were fully aware of the need for the legislation to be developed cooperatively, and the bill is the culmination of that cooperation.

The legislation attempts to deal with one of the great problems we face in a global economy, piracy at sea. In recent times there has been an increase in piracy in the South China Sea and South-East Asia. Ships have been hijacked and cargoes stolen. Some 12 months ago in a famous incident an oil tanker was taken over by pirates. The tanker was eventually found and returned to an Asian port. It is important to have a legislative framework in place so issues of that sort can be dealt with if they occur within Australia's territory.

The legislation also deals with piracy of human cargo, which is a disconcerting aspect of modern life. Murders take place and people are abducted at sea. Refugees have been placed in those situations, and the legislation will provide a framework for dealing with such crimes under Australian law in commonwealth and state jurisdictions. That will enable us to deal with these matters in our sphere of influence.

It is important that we have the power to bring the perpetrators of crimes to justice, and resources must also be available to prosecute criminals and to ensure that, for example, we have sufficient patrol boats. Discussions have taken place about whether Australia needs a coastguard to look after coastal regions and protect not only Australian citizens but other citizens within our jurisdiction. This is important legislation that has been developed over a long time.

The legislation is supported by both sides of the house. It recognises the changes in the nature of society in a global context. I support the bill.

Mr HULLS (Attorney-General) — I thank all honourable members who have made substantial contributions to the debate on this important bill, and I am pleased that it has drawn the attention of so many honourable members. It is pleasing to note that honourable members on both sides of the house have an interest in crimes at sea legislation.

Mr McArthur interjected.

Mr HULLS — I note the interjection from the honourable member for Monbulk, who thinks many members on his side of the house are going to sea.

An honourable member interjected.

Mr HULLS — It was either sea or seed. I'm not sure which. However, they certainly have been up the creek without a paddle for a while, I can tell you, Madam Acting Speaker! They are rudderless, they have no captain, they have a broken mast and they are drowning. However, back to the bill.

The crimes at sea scheme was developed in the late 1970s. There were many problems with the operation of that scheme and the commonwealth, the states and the Northern Territory took different approaches to it and enacted legislation fraught with gaps and inconsistencies. Many of the inconsistencies were pointed out by the honourable members who contributed to the debate, including the honourable members for Berwick, Richmond, Kew, Dandenong North, Springvale and Melton.

At present the destination of a ship and where it is registered are the factors that largely determine the criminal law that applies to an offence. The rules are unnecessarily complex and difficult to understand and apply, and they can give rise to overlapping laws. Even when the criminal law is clear, it is often difficult to determine the procedural laws that apply to investigations and who is responsible for enforcing the laws.

In addition, once the law is determined the results are not always desirable. I may have mentioned in my second-reading speech that in some situations Victorian police who may be investigating an offence in Victorian waters but under New South Wales law are bound to follow New South Wales investigative procedures. The honourable member for Dandenong North gave another analogy, although it was not relevant to the bill, when, as I remember it, he spoke about the River Murray. His was a good point and one he could make, in due course, in relation to legislation that affects that river.

Mr Lenders interjected.

Mr HULLS — Yes, still waters run deep. His contribution was appreciated. The history of the bill, as was enunciated by honourable members, dates to the November 1994 meeting of the Standing Committee of Attorneys-General. I digress a little, but I was fortunate enough to attend a SCAG meeting about a month ago.

Ms Kosky interjected.

Mr HULLS — It was a riveting experience for me and for them, I am sure. At the November 1994 meeting of SCAG ministers agreed to initiate what is known as the cooperative scheme, which was based on draft legislation developed by the Special Committee of Solicitors-General; the honourable member for Dandenong North referred to that meeting. In any event the aim of the scheme was to provide far greater simplicity in relation to crimes at sea legislation. A number of states have already introduced legislation on the issue. The commonwealth and Western Australia have introduced complementary bills; bills have passed in New South Wales, Tasmania and South Australia, and I understand a bill will soon be introduced into the Northern Territory Legislative Assembly. None of the legislation is yet in force. A common implementation date will be agreed upon to bring the cooperative scheme into effect uniformly across Australia. As many honourable members have said, that is what a cooperative arrangement between the commonwealth and the states is all about.

When one asks why we are introducing the bill and how frequently crimes occur at sea, I advise the house it is not precisely known how many prosecutions have occurred under the current scheme. Prosecutions for offences against a person and property have been rare. As I understand it, Victoria Police unofficially estimate that fewer than one criminal offence occurs per year. It is likely that the bulk of prosecutions will be launched by authorities such as the Environment Protection Authority for environmental offences. I have been told

that no additional resources should be required across Australia consequent upon the implementation of this bill and legislation in other states.

Mr Ryan interjected.

Mr HULLS — I hear the interjection from the would-be if he could-be, the honourable member for Gippsland South! It will be a pleasure working with him in the future as he is about to take over the mantle of Leader of the National Party. One could say he has small shoes to fill, but I am sure he will do the job well. Long may he be Leader of the National Party in opposition because a person like the honourable member knows where the party went wrong at the last election. He is the sort of person who can get back into his electorate and other National Party electorates throughout Victoria to explain to constituents why, for the past seven years, he did not stand up to the former Premier. There will be many cries of mea culpa when he takes over — —

The SPEAKER — Order! I remind the Attorney-General he is closing debate on the bill.

Mr HULLS — The government will welcome the honourable member for Gippsland South as the new Leader of the National Party.

In conclusion, the central aim of the legislative scheme is to provide greater simplicity for the law in relation to crimes at sea. The scheme will clarify how the criminal law will apply to crimes committed offshore and will simplify investigative and prosecutorial procedures. That is to be welcomed. I thank all honourable members who contributed to the debate. I thank them for their support and I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Sitting suspended 12.57 p.m. until 2.04 p.m.

QUESTIONS WITHOUT NOTICE

Public sector: senior executive service

Dr NAPHTHINE (Leader of the Opposition) — I refer the Premier to the fact that the Labor Party promised to save \$116 million through sackings in the senior executive service. Is it not a fact that that promise is now a farce because: one, as we now know,

the Premier has reduced the number of people to be sacked from 232 to 116; and two, the opposition has found out that in many areas the government is only abolishing — —

Mr Loney — On a point of order, Mr Speaker, at the close of question time yesterday you gave a direction that questions and answers should be direct, factual and succinct. I ask you to remind the Leader of the Opposition of that.

The SPEAKER — Order! There is no point of order. The Chair intends to issue a statement to the house at the appropriate time.

Dr NAPHTHINE — Is it not a fact that that promise is now a farce because: one, as honourable members now know, the Premier has reduced the number of people to be sacked from 232 to 116; two, now the opposition has found that in many areas of government only positions that are already vacant are to be abolished; and three, many of the people the government supposedly sacked have already been re-employed in other senior executive positions?

Mr BRACKS (Premier) — It must be hard finding a question to ask. Opposition members have been searching around and have dragged up a press release from three weeks ago where a change in policy was announced to cut the senior executive service from 232 to 116. I said the government would achieve the remainder of those savings through further cuts to the public sector which would be delivered by department heads. That is currently being undertaken. The only person who is worried about his job and who is on probation is the Leader of the Opposition — he is on two-years probation. He is waiting for the tap on the shoulder for someone else to come forward.

Rail: regional infrastructure

Mr HOWARD (Ballarat East) — Will the Premier inform the house what action the government is taking to fulfil its commitment to upgrade rail infrastructure in regional Victoria?

Mr BRACKS (Premier) — I thank the honourable member for his question because he has been a continual advocate for fast rail services, in his case, between Ballarat and Melbourne. I thank him for his interest not only as a past mayor of the City of Ballarat but also for his activity as the current member for Ballarat East.

As most honourable members would know, in opposition Labor committed to the upgrade of rail links in regional centres, including Ballarat, Bendigo,

Geelong and Traralgon. Only this government made that commitment to upgrade the rail links with \$80 million in new investment. Regional communities, the Committee of Melbourne and others all support what Labor is doing. The only critic to the policy is the opposition, which is against the links and does not support them. The government is determined to deliver on its commitment to make rail links faster and to dramatically increase patronage on those links in the future.

Today I announce the establishment of a set of feasibility studies to provide fast rail links to Ballarat, Bendigo, Traralgon and Geelong. The studies will examine options for reducing travelling times on regional rail services by up to 45 minutes. The studies involving Traralgon, Ballarat and Bendigo are to be completed by March next year, with work to construct the rail links with the necessary infrastructure to begin within two years.

The studies will be conducted in consultation with local councils and transport operators, Freight Victoria and National Express to identify the best means of delivering fast train services to provincial centres.

A separate study into the Geelong project is to be undertaken early in the New Year in consultation with local councils, V/Line Passenger Corporation and National Express.

The house would be aware that the government has already committed \$80 million for rail services to Ballarat, Bendigo, Traralgon and Geelong. Those feasibility studies are the vital first step to delivering that \$80 million package. As we build and add to the private sector train services, rail services will almost triple. Victoria will have great rail services in the future.

Currently travelling from Traralgon to Melbourne can take up to 135 minutes. The government is looking at how that can be cut to just 90 minutes, as well as how to reduce travel times from Bendigo from 125 minutes to 80 minutes and from Ballarat from 104 minutes to just 1 hour.

A reference group, including representatives from the 12 councils, will be established and will help advise local interest groups on the progress of the studies, as well as providing local communities with the necessary input into the investigations. I am pleased to say that members of Parliament who represent those great provincial cities will also be part of the reference group. The honourable members for Ballarat East, Bendigo East, Geelong and Morwell will be involved in the reference group delivering the projects.

The feasibility studies will consider a range of issues, including the anticipated effect on regional economies, the expected demand for fast rail services and the commercial and economic viability of projects. The government of Victoria will be committed to the projects over the next four years. The previous government neglected regional infrastructure and regional Victoria for the past seven years. It had the view that infrastructure development stopped at the tram tracks of Melbourne. This government does not have that view. The government is committed to growing the whole state.

Members on this side of the house can finish the year and the parliamentary session knowing we have started the great task of rebuilding regional Victoria. On a personal note, I look forward at some stage in the next four years to travelling to Ballarat, my home town, within 1 hour. That will be great.

Public sector: senior executive service

Ms BURKE (Pahran) — I note the Labor Party's election promise to seek an increase in women's representation in all areas and levels of government.

Honourable members interjecting.

The SPEAKER — Order! I warn the Minister for Local Government and the Premier.

Ms BURKE — Will the Minister for Community Services inform the house why then she has approved her department's sacking of a disproportionate number of women as part of the government's purge of senior executive service officers?

Mr Cameron interjected.

The SPEAKER — Order! I will not warn the Minister for Local Government again.

Ms CAMPBELL (Minister for Community Services) — It is interesting that an opposition that has only four women on the front bench has decided to take a strong interest in women. The Bracks Labor government has decided to cut the senior executive service in the public sector. My department is taking appropriate action. I have great faith in the departmental secretary doing that in a fair and equitable fashion.

The departmental secretary has the responsibility of ensuring that the department operates effectively.

Ms Asher interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition shall cease interjecting.

Ms CAMPBELL — It is the role of the departmental secretary to ensure the executive officers who go are the ones who are not required for the delivery of the Bracks Labor government community services policy. I have as much faith in my secretary as I do in Mr Speaker. The departmental secretary has assured the ministers whose portfolios fall within the Department of Human Services that the process is fair and equitable.

It is a shame the honourable member has not had a chance to implement her party's platform. You were not elected; we were! The departmental secretary will be ensuring that the department operates properly and that there is a fair and open process for deciding such matters.

County Court complex

Mr CARLI (Coburg) — Will the Attorney-General inform the house of progress on proposals to build a new, high-tech County Court?

Mr HULLS (Attorney-General) — The Bracks government is busy getting on with the job of improving access to justice, unlike the previous government, which was busy taking the axe to justice. I am pleased to inform the Parliament and the people of Victoria that the Bracks government and I, as Attorney-General, have just approved the building of a new \$140 million County Court complex. The project is not just about justice but also about jobs because the project will create at least 1000 new jobs in the construction and transition phases, delivering an economic benefit to Victoria through productivity gains in excess of \$17 million.

As many people would know, the new court building is long overdue. The need for a new County Court is obvious to anybody who has used the existing facility. As well as the building being run down there is an absence of basic services such as disabled services, and the areas for jury reports, witnesses and victims are inadequate.

In addition to building a state-of-the-art court complex, state-of-the-art video conferencing facilities will be included. That will be of huge benefit to courts in regional and rural parts of Victoria. It is a win-win situation. No, it is a win-win-lose situation. It is a win for justice; it is a win for jobs; and it is a loss for you.

The SPEAKER — Order! I ask the house to come to order. I ask the Attorney-General to answer through the Chair and not across the table.

Mr HULLS — It is a loss for them. Members opposite procrastinated. They sat on their hands. For a year they did nothing about this, and now they are whingeing and whining because the Bracks government is getting on with the job. They had seven years to build that court. Labor has been in office for 52 days. The court will be built. I am pleased to say the Chief Judge of the County Court is absolutely thrilled with the decision.

I think he wanted to call me Father Christmas, but I was not prepared to accept the title. The government has delivered not only to the judges of the County Court but to the people of Victoria, including the people in rural and regional parts of the state. It will be a world-class, state-of-the-art court.

The previous government did absolutely nothing about it, but the Bracks government is delivering; it is getting on with the job. Access to justice is a crucial issue.

The Leader of the Opposition sits and wonders when his two years will be up and when he can get rid of the title of Dr Doolittle — —

The SPEAKER — Order! I hope I will not have to remind the Attorney-General again during this session that he must refer to honourable members by their proper titles.

Snowy River

Mr McNAMARA (Leader of the National Party) — I would have liked to ask my question of the Minister for Agriculture, but given the season I will simply wish him a Merry Christmas and, instead, address my question to the Premier.

In view of the specific commitment given by the government about environmental flows down the Snowy, will the Premier confirm that it is still the government's view that an outcome of below 28 per cent is unacceptable?

Mr BRACKS (Premier) — Today is the day on which the Leader of the National Party announces his retirement. Whatever decisions he makes for himself and for the seat of Benalla, I wish him all the best for the future.

Yesterday in Melbourne there were negotiations between the ministers, Mr Della Bosca, the responsible minister from New South Wales, and the Victorian minister responsible for the negotiations, the Minister for Energy and Resources. I dropped in on the discussions for 10 or 15 minutes and outlined the

government's position. The discussions were continuing when I left.

Opposition members interjecting.

Mr BRACKS — I am sure the Leader of the National Party, who is resigning today, is interested in the question, even though the rest of you are not.

I was encouraged and enthused by those discussions. The outcome of the discussions was contained in a joint statement by the ministers that was delivered publicly. The Minister for Energy and Resources told me we had moved New South Wales along a considerable distance. The current Leader of the National Party will appreciate the importance of that because of his knowledge of prior negotiations. Think about where we started from — and the erstwhile Leader of the National Party knows that position — and look at where we have got to! We have brought the New South Wales government to a position where it accepts our aim to have 28 per cent flows restored.

Opposition members interjecting.

The SPEAKER — Order! The honourable member for Berwick!

Mr BRACKS — My direct answer to the question asked by the honourable member for Benalla is that the government does not accept second best. It wants 28 per cent flows in the Snowy. That is the government's policy, that is what the government will deliver, and that is what we are doing in the negotiations with New South Wales.

That is what the government-to-government negotiations are about, and those negotiations are being backed up by proper departmental negotiations between the two states. There is a new era of cooperation between New South Wales and Victoria, an atmosphere that was not there before. I can inform the honourable member for Benalla that I have regular personal contact with the Premier of New South Wales, Mr Bob Carr, on the matter. We have a good working relationship and are working together to achieve our aim. I will stop at nothing to achieve it. It is part of the government's agenda, and I am very pleased with progress to date.

Crime: prevention programs

Ms BARKER (Oakleigh) — I ask the Minister for Police and Emergency Services whether he will inform the house of actions being taken by the government to secure the future of crime prevention programs and to reduce crime.

Mr HAERMEYER (Minister for Police and Emergency Services) — The Bracks government was elected on the basis of its commitment to put in place one of the most far-reaching crime prevention programs in the state's history. In the fairly near future the government will set up a crime prevention agency within the Department of Justice having overarching responsibility for coordinating and developing crime prevention activities and programs in Victoria. The government will also provide some support for Crime Stoppers.

Honourable members may be aware that earlier this year there were media reports about Crime Stoppers hitting some difficulties because of lack of support, insufficient police being allocated and a tailing-off of private sponsorship arrangements at the end of the year.

Crime Stoppers is a highly successful program. In February of this year it recorded 70 arrests on over 340 charges. Property to the value of \$50 000 was recovered and \$308 000 worth of drugs were seized — in just one month!

Crime Stoppers is also an internationally acclaimed program. Last year it won eight international crime-prevention awards for its performance. By April of this year, however, the number of arrests under Crime Stoppers had reduced to 27, charges laid had been cut by more than half and drug seizures were down to \$100 000, only a third of the figure two months before.

The previous government was aware of that situation and did absolutely nothing about it. I am proud to announce today that the government will provide a one-off sponsorship of \$120 000 to Crime Stoppers to enable the program to continue throughout the remainder of this year and to set itself up with new sponsors, restructure itself and come back bigger and better than ever. The government will also ensure there are sufficient police available to the chief commissioner so that he can allocate an appropriate number of police officers to Crime Stoppers. Those measures are designed to secure the future of that marvellous and highly successful crime-prevention program.

While I am on the subject of additional police, I point out that under the previous government the number of police was cut by more than 800 over a three-year period.

The previous government had a program of deliberately running down Victoria's police force by attrition. Victoria's wonderful police academy has trained only 467 police officers during the past three years. At the

same time the attrition rate of the police force was more than 1200 officers. It is no wonder police numbers were reduced by more than 800. The parade grounds of that enormous, terrific police academy were empty. The previous government also threatened to close down more than 50 police stations. The crime rate increased year after year.

I am pleased to inform the house that as I speak a graduation ceremony is taking place at the police academy at which some 50 additional police are graduating. Those 50 police officers who are graduating today — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Pakenham will cease interjecting. I remind the Minister for Police and Emergency Services that he must not debate the question. He should provide information to the house in his answer.

Mr HAERMEYER — As I said, the 50 police officers graduating today are the first of more than 2100 police officers who will graduate from the police academy over the next three years. For the first time in five years the parade grounds at the police academy are full. Those additional police officers will lead to a net additional increase of 800 police over the next four years. That is the government's commitment.

Members opposite are cackling, 'Where will they come from?'. If one looks at the previous government's record one sees that only 467 police graduated in three years, which resulted in a net reduction in police numbers of more than 800. The 2100 police officers who will graduate over the next three years is to be compared with the miserable and miserly 467 police who graduated during the past three years. This government is committed to providing adequate numbers of police on the ground to address the crime problem and ensure an effective crime prevention strategy.

Employment and training: ALP commitment

Mr BAILLIEU (Hawthorn) — I refer the Minister for Post Compulsory Education and Training to the Labor Party's promise during the last election campaign to place 70 000 unemployed people into employment and training. Last Friday the minister said only 40 000 people would be assisted. I ask why the government has abandoned its election promise.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I tried to pass on the full details of the answer to that question to the

honourable member for Hawthorn, but I think I turned up at the wrong cafe in Camberwell because Di Rule was not there. I am happy to provide the house with information.

Last Friday I announced 40 000 placements through the community business employment program, but I have not yet announced all the other policies that are clearly outlined in the government's policy document. The additional placements will mean that the government will meet its target.

It is disappointing that the honourable member for Hawthorn does not know the government will be implementing a range of initiatives to address unemployment. The government is committed to a proactive response to getting people into work and off the unemployment list, unlike the previous government, which put money into only the community business employment program. The government will allocate additional resources to those provided by the programs. The announcements I will make early next year will highlight the difference between that side of the house and this side of the house.

Food: regulation

Mr VINEY (Frankston East) — I ask the Minister for Health to inform the house of the action the government is taking to introduce commonsense regulations for food safety and food handling in Victoria.

Mr THWAITES (Minister for Health) — The regulation of food handling is extremely important, because the food industry employs thousands of people in Victoria. Unfortunately, the regulation of the food industry is another area that will involve the Bracks government fixing the bungles of the previous government.

In 1994 the previous government allowed the food regulations to lapse. Following a spate of food poisoning the previous government went the other way and imposed on the food industry the most complex, expensive and cumbersome system of regulation possible. That system of regulation included a new layer of bureaucracy known as private food auditors.

Those private food auditors were going to cost small business up to \$600 or \$700 a year in extra fees and costs. At the same time, new rules were introduced without proper consultation.

Unlike the previous government, this government has consulted with representatives of the restaurant and catering industry, hotels, small business and local

government. As a result of that consultation I am pleased to announce today some commonsense reforms to food regulations. The first thing the government will do is assist small business by extending to April next year the time line for group B1 to comply with the food safety plans. That will allow time for proper consultation.

Opposition members interjecting.

Mr THWAITES — Honourable members opposite ask by interjection whether the government agrees with the program — of course it agrees with food safety, but it does not agree with the non-consultative way the previous government tried to impose its will. Honourable members should hear what the industry says about the previous government — it was driving small business into the ground. I have visited some small businesses who said that the previous government did nothing for them — it did nothing to help them in food safety. This government has acted.

The shadow Minister for Health sits and grins. He is too scared to ask a question. He has not asked one question during the whole session. Obviously the shadow minister has been gagged by the Leader of the Opposition!

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Doncaster! The Minister for Health has canvassed the background to the issue extremely well; I ask him to answer the crux of the question.

Mr THWAITES — I am getting my teeth into it. The government is going further: it will assist small business by developing simple, commonsense templates instead of the complex rules the Liberal government tried to impose. But the government will do more than that. I am also announcing that the government will save small business hundreds of dollars a year by abolishing those expensive private food auditors. Beyond that, the government will put a high priority on food safety regulations.

Mr Doyle interjected.

Mr THWAITES — The shadow Minister for Health is still interjecting, but he will not ask a question. Just carve me up!

The SPEAKER — Order! The Minister for Health should ignore interjections and complete his answer.

Mr THWAITES — In addition, the government will introduce food safety regulations in this state based

upon the national regulations — Victoria will be the first state to do that. Next year the government will introduce a regulatory impact statement with regard to the regulations so that we will have safety and commonsense and small business will be saved from unwanted expenditure.

Workcover: premiums

Mr CLARK (Box Hill) — I refer the Minister for Workcover to the previous answers he has given in this house and to the latest actuarial review of the Workcover scheme dated 20 August 1999 which projects that with the current settings and the current premium level Workcover will be fully funded by February 2001. Will the minister now concede there is no need for Workcover premiums to rise?

Mr CAMERON (Minister for Workcover) — This is a lovely Christmas present to finish the year on.

Honourable members interjecting.

The SPEAKER — Order! The honourable Leader of the Opposition will cease interjecting.

Mr CAMERON — The policies of the previous government and its interference in the Workcover system resulted in a situation where every year for the past three years the funding ratio was meant to go up. What happened? Last financial year it went down. It was meant to make a profit. What happened? \$170 million was lost. The year before when the ratio was supposed to go up it went down. The public was consistently told that the funding ratio was going up, but the facts are vastly different.

The government is determined to have that scheme fully funded, to make it fairer and to restore common-law rights. I point out to the honourable member for Box Hill that the government will fix the black hole that he created when he was the parliamentary secretary.

Mr Clark — On a point of order, Mr Speaker, the minister is debating the question. My question related to the actuary's report and the minister is not addressing that issue.

The SPEAKER — Order! I uphold the point of order. I ask the minister to conclude his answer.

Melbourne International Comedy Festival

Ms GILLETT (Werribee) — I ask the Minister for the Arts to inform the house what action the

government is taking to get serious about supporting Victoria's great comedy festival.

The SPEAKER — Order! In allowing the question, I call on the minister to treat it with the seriousness it deserves.

Ms DELAHUNTY (Minister for the Arts) — Thank you, Mr Speaker. I accept with great pleasure the seriousness of the question put to me by the honourable member for Werribee. Today I announce with great pleasure on behalf of the Bracks Labor government that it has decided on a massive funding boost that will secure for the Melbourne International Comedy Festival its place as one of the world's leading international comedy festivals. It will take its place alongside the great comedy festivals of Edinburgh and Montreal.

Mr Leigh — Are you starring in it?

Ms DELAHUNTY — Do not tempt me! It is true that the stage has been a little bleak for members of the opposition in the past couple of months. The Leader of the National Party has exited stage right and the Leader of the Opposition may exit stage left — it might take a little while. The previous Premier left the stage backwards!

Honourable members interjecting.

The SPEAKER — Order! I was hoping the minister would not take that route. I ask the honourable member for Mordialloc to stop interjecting and inviting such transgressions from the minister.

Ms DELAHUNTY — I accept that counsel, Sir. I will not respond to any further interjections. This year, the Bracks Labor government will increase the funding for the Melbourne International Comedy Festival by \$200 000. The increase will bring the total funding for next year to \$500 000.

Mr McNamara — On a point of order, Mr Speaker, my Thespian colleague is clearly reading from a script typed and stapled together. Could I ask my colleague to table the document to enable all honourable members to have copies?

The SPEAKER — Order! Was the minister quoting from a document? Will the minister make the document available to the house?

Ms DELAHUNTY — I should have thought the Leader of the National Party would be happy — —

Government members interjecting.

The SPEAKER — Order! The minister has indicated that she will make the document available to the house.

Honourable members interjecting.

Ms DELAHUNTY — They are totally desperate. I am sure members of the opposition, particularly the Leader of the National Party, would be interested in hearing just how dynamic the growth in the international comedy festival has been since it began in 1987. In 14 years the festival has become one of the jewels in the world of leading comedy festivals. It has attracted 400 000 people. In the past year it generated more than \$3 million at the box office. As I recall, and as I am sure the former parliamentary secretary for the arts will recall, the Melbourne International Festival achieved a little more than \$2 million at the box office, which in contrast shows the degree of support the comedy festival has. I am sure the Leader of the National Party would be very interested to know that the direct economic benefits of the comedy festival to the whole of Victoria amounts to \$16 million — and that is no joke.

The festival was the first Australian cultural festival to tour regional centres across Australia. As part the funding boost, the festival will now be able to extend its tour not only throughout Western Australia, Queensland, South Australia, Tasmania, and New South Wales, but also throughout regional Victoria.

Members on this side of the house all know how members on the other side condemned regional Victoria as the toenails of the state. However, the funding boost of \$200 000, which takes the total funding up to \$500 000, will ensure that the best comics in the world and the best comics in Australia can tour regional Victoria.

A government member interjected.

Ms DELAHUNTY — Well, they will probably go to Benalla. The people of Benalla will need some amusement when they have to go through a by-election.

The festival attracts the best comedians in the world to Australian and to country Victorians in particular. Peter Cook, Phyllis Diller, Dave Allen — some of the world's top comics have been to Australia and more will come. In addition, there is a who's who of Australian comedians who had their first chance at the Melbourne International Comedy Festival, including Wendy Harmer and Rod Quantock, who is now distraught because he made most of his living out of the entertainment provided to Victorians by the former Premier!

I announce today also that in addition to the Melbourne International Comedy Festival — —

An Opposition Member — The audience has gone!

Ms DELAHUNTY — This is the audience we care about; you need the jokes. The comedy festival is not the only festival to receive that largesse; \$1.1 million under Victoria's festival and events program will go to festivals and events throughout Victoria, a few of which might be of interest to honourable members on both sides of the house. They include the Castlemaine state festival, the Melbourne writers festival, the Apollo Bay music festival, the Horsham arts festival, the Mildura–Wentworth arts festival, the Port Fairy folk festival and the Shepparton arts festival, the Dandenong Ranges festival — I will not leave out the honourable member for Dandenong — the Frankston guitar festival and the Momenta arts Geelong 2000. The government is sharing the festivals; it is giving Victorians a good laugh and delivering on its promise to provide arts and arts entertainment at the same time for all Victorians, not just those in the central business district.

RAIL CORPORATIONS AND TRANSPORT ACTS (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 15 December; motion of Mr BATCHELOR (Minister for Transport).

Mr RICHARDSON (Forest Hill) — Last evening while speaking on the legislation I was interrupted by the requirement under sessional orders to close the debate at 10 o'clock. I shall briefly recap the points made in my contribution.

The purpose of the legislation is to abolish the five statutory corporations that previously operated public transport in Victoria and to transfer residual assets or liabilities into the Public Transport Corporation. The legislation gives effect to arrangements made by the former government relating to the privatisation of the heavy and light rail systems. The new government is proceeding with the arrangements that have already been made.

It is interesting to note the background history of the shifting sands of the debate. There are some interesting historical documents. On 17 April the honourable member for Thomastown, then the shadow Minister for Transport, was scathing in his criticism of the privatisation of the public transport system, which he said would lead to higher prices for consumers and less

frequent services. I will point out some of the contradictions in due course.

The media statement issued by the then shadow minister states:

Having different tram, train and bus companies will lead to confusion and uncertainty for passengers. It will be harder to coordinate services and could result in a loss of patronage.

A private system will also be less likely to cater for the needs of the elderly, the young and the geographically isolated as profits are put before passenger services.

It continues:

Mr Batchelor said Victorian taxpayers would still be paying millions of dollars in subsidies for a service they did not own.

I am particularly fascinated by the last remark — ‘subsidies for a service they did not own’. I am reminded that the last time there was a Labor government in Victoria it sold off all the rolling stock owned by the state and leased it back. It then borrowed money to pay the interest on the money already borrowed. When it comes to trains, trams and buses Labor in government does not have a good record.

On 7 August 1998 the then state opposition said:

The Kennett government’s decision to sell off V/Line Freight was the beginning of the end for country rail services in Victoria.

The then shadow minister brought in the US bogey and said that V/Line Freight would inevitably be sold to the United States. The statement continues:

Letting the US control our rail freight service at this time is the equivalent of sleeping with the enemy.

It is fascinating that today the Premier announced with great pride that country rail services will be greatly increased and that there will be fast trains, additional freight facilities, and so on. Just last August doom and gloom was going to descend on Victoria’s rail system.

On 19 August 1997 the then opposition stated:

Breaking up the public transport system will lead to higher fares, reduced services and a drop in patronage.

However, on 7 December 1999, but a few days ago, the current Minister for Transport announced that:

passengers travelling to and from Melbourne’s eastern and north-eastern suburbs will have a choice of an extra 18 train services each week day, including 8 express trains from next week.

So much for the gloom and despair predicted. So much for the reduction in commuter services predicted when the Labor Party was in opposition.

The reality is, as shown in the legislation before the house, that the best thing that could have happened was the privatisation of the public transport network because it has enabled the amount of subsidy provided by the government to be reduced. Because private companies are providing the service they have an interest in increasing patronage, and they are taking business decisions to increase the number of available services.

By way of example, the Belgrave–Lilydale line will have one extra morning service and five extra evening services, including three express services. The Glen Waverley line will have one extra morning express service and two extra evening services, including one express service. The Hurstbridge line will have three extra morning services, including one express, and four extra evening services including one express service. The Epping line will have one extra express service in the morning and one extra evening service stopping at all stations.

The dire predictions of community deprivation and over-subsidisation of privately operated transport companies have not been borne out. Privatisation has resulted not in the destruction of public transport in Victoria but in opening the door to improved and more efficient services. The interest of the companies owning the services is to generate business. They are in the business of providing better services, and they are making money. The community is benefiting from the additional services.

The first example of the benefits of privatising the rail service was the train that went to Warrnambool. The service had been losing money for years. A group of local businessmen got together and decided to restart the service, which had been closed down. They provided clean carriages and neatly dressed staff who were polite to the customers rather than being rude. They provided edible food as distinct from the standard inedible fare provided on government-owned railways. The improved service led to an increase in patronage, and it was a remarkably short time before the new company was running at a profit. The previous service had run at a substantial loss for its entire history.

The predictions by the present Minister for Transport before he became minister have not been realised. The government has endorsed the decisions of the previous government and has even admitted that the abolition of the five statutory corporations and the transition

undertaken by the legislation will, according to the second-reading speech, secure the government cost savings.

So much for the so-called bogy of privatisation! If a service was incapable of turning a profit by better management and attention to the provision of customer service, it would not be attractive to a private corporation. The value of the service that can be provided and the networks that exist has been seen by corporations that are in the business of providing transport services. They made their decisions that the way things were being done under government ownership could be improved upon. Now that the services have been privatised, the corporations are making profits because patronage has increased as a result of the principles applied by new owners being directed to customers, not featherbedding unions or going onto the easy street of knowing there will be a government subsidy from a bottomless pit of money.

The government of the day has accepted the value and the virtue of the privatisation policies of the previous government. The bill is a ringing endorsement of the policies and decisions taken by the previous government and deserves the full support of the house. I commend the speedy passage of the bill to the house.

Mr LONEY (Geelong North) — It surprises me that the honourable member for Forest Hill made his contribution with a straight face! The Rail Corporations and Transport Acts (Miscellaneous Acts) Bill is a rather mechanical one and is designed to tidy up the arrangements entered into by the previous government and subject to contracts let by it prior to the election. Unless the honourable member for Forest Hill was arguing that he wanted the government to rip up and dishonour contracts entered into, he would well understand that what is happening through the bill has little to do with a ringing endorsement of previous government policy.

He would also understand that during the election campaign the present Premier and all Labor Party candidates made it clear that, if elected, Labor would not rip up contracts that were properly awarded and let. The contracts would be honoured. Situations where arrangements had not been entered into would be subject to review.

In this case, as the honourable member for Forest Hill said in part of his contribution, the contracts had been entered into prior to the election. The arrangements were made in August 1999 — not long before the election. One may well suspect that they were rushed into place before the election to achieve the result

whereby they could not be reviewed by an incoming government.

As I said earlier, the bill is essentially mechanical in nature and is necessary to reflect the actions taken by the previous government. It revolves around the use of a shelf company to wind up various boards and corporations established in the transitional phase.

That is not something new but has been used on a number of occasions. Perhaps the most relevant recent example is that of the State Electricity Commission of Victoria, which was wound up after unfortunately being flogged off by a previous government. In some senses the bill is modelled around the use of a shelf body to complete the necessary arrangements after contracts had been entered into through the privatisation process.

The bill cuts across a large number of corporations that were established to progress the privatisations. If I recall correctly, the former Minister for Transport and the former Treasurer were sensitive about calling the process ‘privatisation’ and preferred the term ‘periodic franchising’ of the public transport system. They used that term before hearings of the Public Accounts and Estimates Committee of the last Parliament. Some people argued vociferously that there was a difference between privatisation and what they preferred to call periodic franchising.

Mr Plowman interjected.

Mr LONEY — Or the same lack of benefits, in reply to the interjection of the honourable member for Benambra, who offers a coloured view. Whichever term is used has the same lack of benefit.

However, the underlying message is that this transaction was completed by the previous government as a result of contractual arrangements undertaken by it. It is the view of the Bracks government that even if it did not like them, contracts properly entered into prior to the election would be honoured. The bill honours the contracts and ensures they will continue.

In preparation for the privatisation of public transport the previous government fragmented the operations of the Public Transport Corporation into seven separate statutory bodies. The five major metropolitan bodies were Bayside Trains, Hillside Trains, Swanston Trams, Yarra Trams and Victorian Rail Track (Victrack), with V/Line Passenger and V/Line Freight corporations making up the seven corporations that are, in effect, being wound up through the bill.

A number of those bodies have been sold. The V/Line Freight statutory corporation was abolished earlier this

year through amendments to the Rail Corporations Act and was sold in May. The majority of other assets held by the five transport companies were transferred under the so-called periodic transfer arrangements to private operators on 29 August 1999 — that is, about three weeks prior to the election. That arrangement has left as shells the five statutory corporations that were established to deal with metropolitan transport.

It is important that the corporations be wound up because although only shells remain, they have outgoing costs not the least of which are the salaries paid to the chief executive and a board, as is required by the act; at present each outgoing costs Victorians about \$100 000 a year. The cost of maintaining statutory corporations could be in excess of \$100 000 in the coming months. If the bill had been left until the autumn sittings the amount would have been substantially higher, and given the current state of the industry that would have achieved nothing. The abolition of the statutory entities will reduce the time public officials spend administering their functions. Other on-costs will be saved as a result.

I turn to what fragmentation means in practice. In my electorate a street called Nicholson Crescent has a railway line next to it. Some years ago concern was expressed when the line was upgraded to take standard gauge. The residents of the crescent are about the width of this chamber from the track reserve. Vibration, noise and the hours the trains run are of concern. Large freight trains operate along the line. They are up to half a kilometre long and heavy because they carry large amounts of freight. When they go through the cutting in Nicholson Crescent they create a large amount of noise and vibration as well as inconvenience to many of the residents.

At the time the track was upgraded certain restrictions were agreed upon, such as speed, design and so on. It was thought that trains leaving the North Geelong spur would not be travelling at a significant speed by the time they reached Nicholson Crescent so speed restrictions were not required. The other issue was the number of trains that could operate during any particular day or night.

Over the past few years negotiations have taken place with Australian National Rail, the owner of the freight at the time. However, recently the issue has arisen again. Those issues should be revisited because there are now five different operators, all of whom disclaim responsibility and refer matters to someone else. On top of that, the owner of the track is a separate entity. The operators say those with concerns should speak with the owner of the track because they do not think it is their

train, that we are talking about the wrong company and that it must be someone else's train. Residents of Nicholson Crescent may have to sit with their clipboards 24 hours a day getting train numbers to identify which company they should talk to about the issue.

This is a direct result of fragmentation of the system — when there is a problem, to whom does one go to solve it? The five companies deny it is their particular freight or train movement that is responsible. Much work has been done on the issue. The Environment Protection Authority has become involved but it says that although it can monitor the situation there are no standards regarding noise and vibration associated with train lines and therefore one does not progress far.

When statutory corporations are abolished there should be a single entity to which people can go to solve the problems I have described. The residents of the crescent are concerned that their houses are being damaged and their property values are dropping as a result.

The attitude of the opposition when in government was to privatise everything and then say that it was no longer a government responsibility. That is the way it set up the system. It creates a run-around. It is like musical chairs with five different authorities. It is difficult to find one that says, 'Yes, it is us. We are prepared to talk to you'. Without wishing to labour a pun, one is shunted from train organisation to train organisations, the end result being frustration because people cannot get anywhere. The government is currently seeking to get the representatives from all the companies into one place to address the issues with the residents.

Mr Trezise interjected.

Mr LONEY — As the honourable member for Geelong says, we have no intention of being railroaded on this matter. This mechanical bill simply seeks to put into place arrangements for winding up something that has already progressed. However, it also leaves huge gaps in other areas where people cannot adequately address matters. There is no point in their going to the Ombudsman because residents are no longer dealing with government departments. Where do people go to achieve satisfaction? These matters must be addressed at some time. In other areas matters can be addressed to the Office of the Regulator-General. The Labor Party policy at the election was to extend that into an essential services commission that would have public transport functions.

I certainly hope that when matters arise concerning the structuring of an essential services commission, issues such as the one I raised today concerning Nicholson Crescent can be addressed within the context of that structure. Victorians with a problem should have a single point to go to such as the Office of the Regulator-General rather than having to deal with the number of bodies they now have to deal with, a far more difficult task. People will have a greater chance of achieving relative satisfaction if they know there is a single point of contact.

I also referred to the Environment Protection Authority and whether standards need to be developed for industries — standards that also can be relied on by the citizenry as a whole and that are for use in cases of this kind. Clearly residents of my electorate who have worked through this matter believed some commitments were in place when they were dealing with a single authority but now are finding it terribly difficult to revisit those commitments within the now-fragmented system. There is no reason why that should occur.

With those issues in mind, I believe there is nothing of concern in the bill as it stands. Whenever travelling down such paths those involved should be wary of other issues that may arise and may need to be addressed. We should keep our eyes open, looking for any gaps that appear, and be prepared to revisit the legislation. Where systems are put in place it should be ensured that Victorians with legitimate concerns will be allowed to address them without being run around in circles and run ragged.

Mr ROWE (Cranbourne) — I start felicitations a little early by wishing you, Mr Acting Speaker, and your family the best for the Christmas period. The Rail Corporations and Transport Acts (Miscellaneous Amendments) Bill in some ways completes one of the tasks of the previous Kennett government. The task was the reform and modernisation of the public transport system, bringing it out of the dark age of union domination and control.

Having been involved with the former Minister for Transport, the honourable member for Mornington, and before him the Minister for Public Transport, the Honourable Alan Brown, in carrying out the task, I know both of those men spent substantial time on the proposal. They can be rightly proud of their achievements, particularly the honourable member for Mornington, as he saw the project through the most difficult stage of the franchising of fixed rail infrastructure in Victoria.

The completion of the project brought with it the fulfilment of the pledge of the Kennett government in 1992 that the public transport system would become a public transport service. The former Kennett government can be rightly proud of that. It put in place a regime that changed the ethos and method of operation of the transport sector from one of self-interest on the employees' part to one of providing a safe, timely, efficient and cost-effective service for the public, which is where the focus rightly should have been.

Victorians can be proud of the length and size of the fixed rail system. Victoria was one of the only remaining bodies in the world to retain its fixed rail system in public ownership. That certainly restricted the growth of services. It restricted investment in infrastructure and rolling stock and modernisation of rolling stock. As I said previously, it also meant a lack of focus on service.

I note the honourable member for Geelong North raised accountability questions. Such questions of concern were addressed by the previous government in its shaping of the manner in which the public transport system was finally to be privatised. The former government took seriously the service quality guidelines that had to be put in place in private contracts with privatised companies. That came in the form of the passenger charter. The passenger charter goes a long way towards ensuring that the concerns of the honourable member for Geelong North will be addressed to the satisfaction of the public and, I am sure, to the satisfaction of the new government.

It is interesting that the minority Labor government is completing the privatisation task, seeing that all we heard was carping, moaning, whining —

Honourable members interjecting.

Mr ROWE — Yes, and whingeing. Press releases were seen such as one dated 17 April 1997 and headed 'Private transport system won't work'. It is interesting how things change. In question time today the Premier espoused the virtues of private rail operators and the benefits they will bring to regional Victoria, something the former government put in place.

V/Line Freight Corporation is looking at opening up the Leongatha Great Southern rail line, one of the oldest railway lines in the state. That would not have happened under a government-controlled monopoly, but it is something a private company can consider. With the efficiencies of operation of a private company, it could reopen that rail line initially to freight. One

would hope that some time in the future we may see a reopening of passenger services through Cranbourne and into Gippsland West and Gippsland South.

Another press release dated 19 August 1997 is headed 'Government commits transport vandalism'. Yet now privatisation will be considered the best thing since sliced bread if the government can convince the private sector to invest the capital to upgrade the rail lines between Melbourne and Bendigo and Melbourne and Ballarat. That would not have occurred under a state-owned rail corporation. There is no way those rail lines could have been upgraded.

Certainly the government will need to ensure that result through negotiation between itself and Victrack, which is the body responsible for all rail infrastructure in Victoria and maintains the infrastructure while it is leased out in public ownership. It will be Victrack's place to negotiate with the service operators what contribution they may make towards the upgrading of the rail line in their franchise period to provide improved rail services. It will also be incumbent on the government to make financially attractive the many tens of millions of dollars worth of track work required to bring the railway up to a standard that allows fast Sprinter train movement.

That track work will include things like single-line welds that link each length of track into a continuous steel ribbon allowing higher speeds, less movement of the rail and more comfort for the passengers. Single-line welds remove the repetitive click, click that we are all used to in the older trains, especially the Melbourne–Sydney train. People who travel on that train certainly feel every click on the degraded, run-down standard-gauge track. If previous federal governments had privatised the standard-gauge rail system, trains between Melbourne and Sydney would not have to travel at 40 kilometres an hour on the many kilometres of degraded track.

Honourable members who have travelled overseas on committee business as I have done often travel, in the United States and Europe for example, on efficient private rail networks. They are comfortable, fast and efficient and they are clean and safe. My experience of those trains reminded me of travelling in an aeroplane, but at ground level. There was waiter service for meals and refreshments, not unlike the service now being offered by West Coast Railway.

West Coast Railway came into being because the previous Kennett government took the initiative of opening up some of our lines to the private sector. For Warrnambool the result was a regular service totally

unlike the previous service, which was government run, inefficient and unfriendly. With the advent of a Warrnambool campus for Deakin University there was a need for greater access to public transport, and the only viable strategy was to provide a private train service.

Over the period of its franchise West Coast Railway has provided a very good service that greatly benefits the people of Warrnambool and the Western District. I commend the owners and operators of West Coast Railway for the work they have done running that service and wish them well when their franchise comes up for re-tender, as it will shortly do. I hope they are successful again.

A private train service has also been provided for Shepparton. Hoy's, traditionally a bus operator, is a company that has always understood about running on time, getting in on time, picking up passengers rather than leaving them sitting around, and being friendly. It understands about clean waiting rooms and a nice place where you can get refreshments.

Hoy's diversified by leasing some rolling stock from the Public Transport Corporation and setting up a rail service for Shepparton similar to the one operated by West Coast Railway for Warrnambool. While I was working with the previous Minister for Transport, the Honourable Robin Cooper, I had the pleasure of travelling on both services. Both are first class, unlike anything we have previously seen in Victoria.

The headline I referred to earlier, 'Government commits transport vandalism', dated 19 August 1997, brings to mind the issue of ticketing machines on railway stations.

Mr Robinson — You're not going to bring that up again!

Mr ROWE — Certainly I am. It is very interesting that, now that the honourable member for Thomastown is the Minister for Transport, the vandalism has stopped. He no longer goes down into Parliament station just before vandalism occurs and is recorded. No longer does he hang around railway stations. Now that he is the minister he hides away up in Nauru House. He doesn't do his railway station rounds any more. How interesting that the vandalism has stopped so suddenly!

No doubt it has something to do with the fact that when the coalition was in government contractors providing the ticketing system were required to undertake significant vandal-proofing works, resulting in the ticketing system we have today, a system that is working very well. Our ticketing system is one of the

most complicated in the world. We run a single-ticket, multimodal, zonal system.

Mr Cameron — What was that?

Mr ROWE — You don't want me to repeat it, do you? Here goes: a single-ticket, multimodal, zonal system.

Putting that system together was a major problem, but the travelling public now utilises and accepts it. They understand it: three buttons, easy-press, take the ticket, validate it and get on the train.

The system is easy and simple. I have used ticketing machines around the world and I must say that it is good that the Kennett government brought the ticketing system in Victoria into the 21st century. The previous government introduced the system people are now using.

The public transport achievements of the Kennett government are many. The greatest achievement is the privatisation of the system. It will provide opportunities for the extension of services and for investment in new rolling stock.

Recently the main transport companies announced they had made major rolling stock purchases. Contrary to what the government wants the Victorian public to believe, the majority of the assembly and manufacturing works for that rolling stock will take place in Victoria and Australia. The Labor Party tried to mislead the public in opposition and it is continuing to try to mislead the public when in government. But the proof of the pudding is in the eating, and the Christmas pudding for Victoria is a transport system that will grow with the community and will provide a 21st-century service that the people of Victoria can be proud of for many decades to come.

Mr ROBINSON (Mitcham) — Before I begin my contribution to the debate on the Rail Corporations and Transport Acts (Miscellaneous Amendments) Bill I would like to extend my best wishes to the members of this house for the festive season. I hope to see them happy and smiling in this place in the new year — with the exception of the honourable member for Benalla, perhaps. I also take the opportunity of welcoming to the chamber the honourable member for Burwood. I congratulate him on his excellent performance at the by-election last week. I hope he will be a member of this place for a long time.

I recall a reference in the contribution of the honourable member for Forest Hill to the Warrnambool train service. He claimed that the train to Warrnambool lost

money. In May I caught the train to the Warrnambool races and I must confess I lost money in a different way by travelling on that train. It had more to do with horsepower on the track or the lack thereof than it did with the train.

The honourable members for Forest Hill and Cranbourne claimed that the passage of the bill through the house somehow endorsed privatisation. I could not disagree more strongly than I disagree with that claim. We are now debating a minor consequential amendment that flows from the previous government's privatisation agenda, which the government when in opposition disagreed with vigorously. The government retains a philosophical objection to privatisation.

I put it to the honourable members for Forest Hill and Cranbourne that rather than merely looking at short-term performance criteria and concluding that the privatisation of Victoria's transport services has been an outstanding success they should examine the performance of the companies entrusted with the operation of Victoria's transport services throughout the duration of the terms of the contracts. I believe the terms vary from 7 to 15 years.

It is ambitious for those companies to expect a 50 per cent to 60 per cent increase in patronage and substantial service standard improvements. If they achieve those worthy objectives that will be well and good — I will be the first person to congratulate them if they do. However, on the evidence available from overseas — most notably from Britain — private operators have not been able to live up to the expectations of the governments that contracted with them to run the services.

British newspapers are replete with criticisms of the British government because of the way the services are being operated and the failure of the service operators to meet the standards set in place at the time of the privatisation. The relatively new Blair government in Britain has had to fix up the mess created by the Thatcherite experiment with transport privatisation.

The honourable members for Forest Hill and Cranbourne also made claims about the performance of the new transport companies during the relatively short time they have operated the services. I do not know whether those claims are based on their personal experiences, but I will not challenge them. However, it has been my experience that during the limited time Hillside Trains has been operating — it is run by the private company Melbourne Transport Enterprises — it has been reluctant to discuss with me plans for transport upgrades and alterations in the suburbs that comprise

the Mitcham electorate. My office and I have approached the company on several occasions requesting a briefing, but we have not been successful.

It is important because the new operators have indicated they have plans to upgrade parking, which may or may not involve the imposition of parking fees.

There is the ongoing problem of ticket agencies and ticket availability, which relates to the relationship of the companies to the Onelink ticket company. I am conscious of that problem because of particular examples in the Mitcham electorate which I would have thought the new operators of Hillside Trains would have been keen to discuss, but sadly that has not been the case. I guess we will have to continue seeking an audience with them. To this point, my experience of the private operators has not been as rosy as that of previous speakers.

As I said earlier, the bill represents a practical step in addressing technical issues arising from the privatisation agenda of the previous government. The Labor Party strongly disagreed with it but recognised the previous government had a prerogative to impose a privatisation regime in Victoria. The government has inherited the consequential problems that need attention as a result of those decisions.

It should be stated very clearly that the new Bracks Labor government accepts the notion of sovereign risk, and on coming to office was very keen to express its commitment to maintaining those contracts which had been entered into by the previous government, something the new Premier has been stressing ad nauseam, and will continue to do so. Insofar as that commitment extends to people in the eastern suburbs the example can be used of the company which now operates tram services in eastern Melbourne. As part of its franchise agreement earlier this year it agreed to construct an extension of route 109 from Mont Albert down to Box Hill. The Labor Party was pleased to hear that news. I think it was formally announced in the middle of the year after considerable lobbying by people in the eastern suburbs. The commitment was re-confirmed three weeks ago by the new Labor government. Strictly speaking, however, the new government did not have to give a commitment to it because it was a contractual obligation placed on the private company by the previous government.

I was concerned to read in the local newspaper, the *Whitehorse Gazette* on, I think, 26 November that a Liberal upper house member for East Yarra Province, the Honourable David Davis, was going about claiming that somehow the new government had failed to

commit to the construction of the extended line. That is an extraordinary claim given that it was something the private sector had undertaken to construct — not the government. The obligation lay fairly and squarely on the private sector and had nothing to do with the new government. However, such simple logic has always presented a challenge to the Honourable David Davis.

I do not know where he got the time to be interested in the tram issue because in the past few weeks he has been very busy. I saw his face pop up in the campaign during the state election for the seat of Niddrie. He was there leading around the hustings the courageous, young female Liberal Party candidate for Niddrie without much success — they copped a big swing against them. He later popped up as part of the brains trust in the Frankston East supplementary election. Again, he did not seem to have much luck — the party went backwards again. Lo and behold! — he popped up again in the Burwood campaign. At the same time, he somehow managed to find the energy to help keep Anne Peacock out of a pro-Kennett Liberal Party branch in the inner city and still found time to attend, albeit with wild inaccuracy, to issues of transport infrastructure.

Members on this side of the house certainly wish Mr Davis a long career in that sort of industry on Labor's behalf. We want him to continue his magnificent efforts on behalf of the Bracks Labor government, particularly in by-elections.

I know the honourable member for Burwood wishes to contribute to the bill, so I will wind up soon. I note that clauses 10 and 11 will enhance the enforcement functions of the relevant agencies, which is long overdue. The arrangements of the previous government probably reached their nadir. The revenue was haemorrhaging so badly that enforcement procedures had to be vigorously pursued. I for one would support any measures, whether they be minor or consequential, to enable the enforcement process to be more sympathetic to customers. The bill deserves the wholehearted support of the house.

Mr DELAHUNTY (Wimmera) — I realise the honourable member for Burwood wants to make a contribution, so I will ensure my presentation is short. Like the honourable member for Mitcham, I convey my best wishes to all members of the house and the staff in this building. I hope they have a good festive season and come back reinvigorated in the new year.

I wish to relate the history of how changes to rail have impacted on the Wimmera. Before the election of the previous government I was mayor of the city of

Horsham. At that time two trains a day went from Dimboola and back. The changes resulted in the loss of that service, and obviously many people in the Wimmera were very disappointed.

There were concerns about freight. The rail equipment was running down and becoming costly to maintain, and farmers and operators were forced to buy other vehicles to ensure they could stay competitive in the world market. Since the change there have been some benefits. Services have continued, but in a different way. Some services have been extended. For instance, there is now a service that connects the Wimmera to Bendigo across the state, which has been a real plus. Most of the towns now have improved bus terminals, particularly Horsham city, and the transport system has improved dramatically. Obviously some people would like to bring the trains back, and we are working towards that.

I note the number of comments in the chamber that transport changes have resulted in an increase in the benefits to Victoria. Melbourne patronage has risen by 10 per cent, fares have stabilised and trains, trams and buses are cleaner and safer. I travel on them occasionally when in Melbourne and I find that services are more reliable.

There have been some benefits to the people of the Wimmera. Some benefits have come from the vehicles we now use. A significant benefit has come from the savings made by the government paying less in subsidies to public transport in Melbourne, which allows more dollars to be spent in regional Victoria. The transport subsidy is still about \$330 million per annum but the contracts with the new operators include a provision to improve performance and another to reduce the subsidy — a further benefit for Victorians everywhere.

Other benefits include standardised rail from Hopetoun and Rainbow through to Portland, lower costs for freight, and improved equipment — particularly for the grain industry in my area — to move the grain more efficiently and, importantly, to get it to the ports and the markets. Cooperative arrangements with the Australian Wheat Board have resulted in the building of a facility at Dimboola which was opened recently by the Leader of the National Party. Freight Victoria is now upping the ante for equipment, even to the extent of moving interstate and promoting Victoria by the use of Freight Victoria vehicles. Other benefits include improved services and the lowering of costs, particularly for the grain industry.

The only problem is that there are still too many trucks on the road. I hope there will be even greater improvements in services to remove heavy vehicles from the roads and to return the transport of fuel to rail.

Mr STENSHOLT (Burwood) — I wish everyone well for Christmas, and crave your indulgence, Sir, for that. I note also that it was probably the first time the honourable member for Mitcham has yielded to the honourable member for Burwood in this chamber!

I support the bill, which is technical and designed to fix issues related to privatisation. No doubt the government will be fixing many things during the next few months as a result of the actions of the government of the past seven years. The Labor government is of the view that it will adhere to contractual arrangements already entered into but will work positively and in partnership with the new franchisees. I note that is already happening.

For example, twice during the past few weeks I have been involved in positive cooperation with the new organisations. I refer to the extension of the tram to Box Hill in the Burwood electorate. The Minister for Transport was on the tram — he does take notice of the facilities provided by public transport! The extension was welcomed by the residents of Box Hill, particularly as Box Hill will be a multimodal transport interchange.

My second contact was with Hillside Trains about introducing a new service in peak periods. I accompanied the Minister for Transport once more to a railway station — this time to Camberwell. Of course, half of Camberwell is now in my electorate, and one of the booths in Camberwell actually voted Labor this time! New services now go in peak periods on the Belgrave and Lilydale lines, which will be of great assistance to the people who live in Burwood.

People appreciate the changes and the fact that the government is working actively to ensure access and equity in the provision of transport services to Victoria. That is of particular importance to the people of Burwood because it is home to many elderly citizens. Contrary to what people may think, car ownership in Burwood is lower than average. Many Burwood residents need and use public transport, whether it is buses, trains or trams or whether travelling north or south or in or out of the city. They welcome the extension to Box Hill, as I am sure in future they will welcome the extension to Knox.

I have already dealt with Hillside Trains. I rang the company a few times — it takes a several calls to get through. We now have free car parking in the stations

as a result of some activities during the general election. More recently we received a promise of an upgrade to the car park at Burwood station in the heart of the Burwood electorate.

I commend the bill because it shows that the government will listen to people. It can streamline or eliminate unnecessary statutory bodies, save funds and redirect them. In addition, it makes sensible administrative changes to enforcement provisions.

Mr MULDER (Polwarth) — There is no doubt that rail travel throughout regional Victoria has greatly improved as a result of the privatisation of the Melbourne–Warrnambool rail line. During the time it has been operating I have observed the delivery of an excellent array of services. The rail service is widely used.

Debate interrupted pursuant to sessional orders.

The SPEAKER — Order! The time appointed for debate on this bill has expired.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

COMMONWEALTH TREATY DOCUMENTS

Mr BRACKS (Premier), by leave, presented following treaty documents:

- (a) **Bilateral agreements tabled in the commonwealth Parliament on 11 August 1999, together with national interest analyses, dealing with:**
- mutual antitrust enforcement assistance, between Australia and United States of America
 - amending the agreement relating to scientific and technical cooperation, between Australia and the European Community
 - avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and protocol, with Australia and South Africa
 - exchange of letters and protocol amending the agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, between Australia and Malaysia

social security — notice of intention to terminate, by Australia and the United Kingdom of Great Britain and Northern Ireland

fourth amendment of the articles of agreement of the International Monetary Fund

food aid convention

international plant protection convention

adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions, as amended.

- (b) **Bilateral agreements tabled in the commonwealth Parliament on 12 October 1999, together with national interest analyses, dealing with:**

cultural cooperation, between Australia and the Federal Republic of Germany

avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, between Australia and the Slovak Republic

avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and protocol, between Australia and the Argentine Republic

continuation of the consular functions in the Macau Special Administrative Region, between Australia and the People's Republic of China

consular relations, between Australia and the People's Republic of China

exchange of notes constituting an agreement to further amend the exchange of letters constituting an agreement for cooperation in the peaceful uses of nuclear energy, between Australia and Japan

treaty on mutual assistance in criminal matters, between Australia and the Principality of Monaco

transfer of uranium, between Australia and New Zealand

use of Shoalwater Bay training area and the associated use of storage facilities, between Australia and Singapore

judicial assistance in civil and commercial matters, between Australia and the Republic of Korea

exchange of notes constituting an agreement concerning participation in the multinational force and observers, between Australia and the multinational force and observers

development cooperation, between Australia and Papua New Guinea

international convention for the protection of new varieties of plants

implementation of the United Nations convention relating to conservation and management of straddling fish stocks and highly migratory fish stocks

amendments to the constitution and the convention of the International Telecommunication Union

final acts of the World Radiocommunication Conference

amendments to the convention and operating agreement on the International Mobile Satellite Organisation

- (c) **Bilateral agreements tabled in the commonwealth Parliament on 8 December 1999, together with national interest analyses, dealing with:**

scientific and technological cooperation, Australia and the Republic of Korea

establishment of the International Development Law Institute

convention on damage caused by foreign aircraft to third parties on the surface

- (d) **Bilateral agreements tabled in the commonwealth Parliament on 9 December 1999, together with national interest analyses, dealing with:**

United National convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa

exchange of letters constituting an agreement to extend the agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, between Australia and Malaysia

amendment to the International Convention for the Regulation of Whaling 1946

Laid on table.

PAPER

Laid on table by Clerk:

Youth Parole Board and Youth Residential Board — Report for the year 1998–99.

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

CHRISTMAS FELICITATIONS

Mr BRACKS (Premier) — As we approach the completion of the spring sittings I would like to take the opportunity to extend to the chamber officers my thanks on behalf of the government for the work they have done over the past year. It has been a challenging and exciting year for honourable members on both sides of the house.

Victoria has seen event after event with a general election followed by two individual elections. There was uncertainty in the caretaker period about who would form government. That all adds to the uncertainty for people in the Legislative Assembly and the Legislative Council who run the houses, and I thank them for their patience through that period. I also thank them for their receptiveness to operating the Parliament in a smooth and efficient way when the new government took office.

In particular I thank Warren Smith and the attendants for the assistance they have provided. The house saw 29 new members sworn in this session. The party breakdown of the new members is 1 Independent, 1 National Party member, 8 Liberals and 19 Labor members. I am sure the new members of Parliament would like to thank the attendants for their courtesy and efficiency in assisting their entry to Parliament.

Despite the long hours and sometimes tedious demands of the job the attendants remain ever helpful and cheerful. They do a better job than most members of Parliament would do in a similar situation. In particular I thank Richard, who is one of Parliament's characters; he has done very well. I also thank Michael Gigliotti, from the post office. I place on the record my support and regard for the orderly who has assisted me, David Robertson. He has done a very good job in adapting to his new role when Parliament is sitting.

The attendants also provide an excellent public education service. In 1998–99 more than 26 000 visitors attended Parliament and were given hourly tours by the attendants at an average of 100 visitors a day. It is an impressive record, and I know that your policy, Mr Speaker, is to open up the Parliament and the chambers to a wide cross-section of the community to make Parliament more accessible. I support that policy.

I also single out Ray Purdey, the newly appointed Clerk of the Legislative Assembly. He has done a magnificent job in very trying circumstances. Ray has proved himself a more than worthy appointment to this challenging position. I also extend my thanks to Ray's

staff for their efforts — Marcus Bromley, the Deputy Clerk; Geoff Westcott, the Assistant Clerk; Gavin Bourke, the Serjeant-at-Arms; and Anne Sargent, the Assistant Chamber Officer. All have done an excellent job on behalf of Parliament.

I acknowledge the contribution of the former Clerk, Phil Mithen, who retired in November last year after serving the Parliament for 36 years, including the last 3 as Clerk of the Legislative Assembly. I note that many Clerks have had a long and distinguished career — Ray, you have a few years to go in that role!

My thanks go also to staff at the newly formed Procedures Office headed by Liz Choat upstairs and Paul Venosta downstairs. I also single out for special mention Neville Holt, who retired from his position of procedural officer last year and is now back to head up the newly formed Project Office. With 36 years experience in the Legislative Assembly, Neville is renowned for his vast knowledge and understanding of parliamentary procedure. I welcome his return on a part-time basis.

My thanks and thoughts for Christmas go to the staff of the former papers and tables offices, who departed during the year after the amalgamation of those offices into the Procedures Office. The secretarial services unit was also disbanded this year, and on behalf of all honourable members I extend my thanks for their efforts over the years.

As always, Hansard has performed to its usual standard of excellence recording the speeches made in this place for history to judge. Sometimes the contributions are difficult to interpret, but Hansard staff always do a great job. Sometimes you read your speech and think, 'That's better than I did myself'. Well done on the excellent work in tidying up some of the loose edges and making the presentations very good. Hansard staff have done a great job. I thank Carolyn Williams, the Editor, and the reporters. I realise there has been an increased workload on Hansard because of the new sessional orders, and honourable members understand and appreciate that effort. We thank you for your patience, and we will work through the issues in the coming year.

Thank you to Bruce Davidson, the Parliamentary Librarian, and his staff for their excellent service. I know in opposition one greatly relies on the parliamentary library staff for research. I am sure that is the case with current opposition members. There is an increased reliance without the resources of executive government and the ministerial and departmental resources. The library staff play an excellent role for all members of Parliament, in particular for opposition

members. I understand its role in restoring democracy to Victoria, and the government wants to support that in the future.

Thank you also to Eamonn Moran, the Acting Chief Parliamentary Counsel. He has only recently stepped into the position following the retirement of Rowena Armstrong, and has done so admirably. Rowena's reputation is legendary; she worked in the office of parliamentary counsel for 33 years. Rowena joined the office as a draftsman in 1966. She was appointed to the position of Chief Parliamentary Counsel in 1984 and, as we know, retired in October. Her contribution has been enormous, and we wish her well in her retirement.

Thank you also to the executive officers and the staff of parliamentary committees and the joint committee administration office. I particularly thank the staff of the parliamentary committees because there was a period when there were no parliamentary committees but the staff still had functions and duties to perform. It was a frustrating time because they wanted to get into the challenging roles the parliamentary committees offer. I thank the staff for the patience during the caretaker period and subsequently, before the parties reached agreement on the shape, size and conduct of parliamentary committees in the future.

I also thank the staff in the Department of Parliamentary Services, headed by Christine Haydon; Michael Purdy and his team in the information technology unit; and Robert Saltalamacchia and his catering staff for keeping us fed at all hours. In particular I mention Malcolm Sellar, who has been slaving away in the parliamentary kitchen for the past 12 years — not a bad effort!

All honourable members recognise the contribution of Paul Gallagher and his team, who maintain the beautiful Parliament House gardens; they are fantastic. The gardens offer a tranquillity that is seldom found in this place. I thank Paul and the gardening staff for their efforts. Last night a number of government members had a family celebration in the gardens; the setting was a pleasant contrast to the chamber and surrounds, which can become claustrophobic. The gardens are a good contrast and can be energising.

As some honourable members know I, along with others, have a passion for the grass tennis court in the gardens of this place. During felicitations in other years a previous Premier said he would be happy to cover the court with bitumen. I find that suggestion sacrilegious. I am a great supporter of grass tennis. There used to be patches in the grass at each baseline on the court, but

they have been repaired to the extent that I am looking forward to having the space and time in the New Year to play on the court. I, like other members, enjoy playing tennis.

It is important to recognise that in addition to putting effort and time into our work in Parliament, we should take time out for exercise to maintain or develop our fitness — whether it be a passive activity, perhaps bowls or walking, or an active one such as playing tennis. We should preserve and enhance those facilities. I give notice that I believe in the New Year we should consider the type of exercise facilities at Parliament House.

Mr Rowe interjected.

Mr BRACKS — Good, I've got the support — he is keen to get out there and do some exercise! We must have regard to the health of members. It is difficult when we are locked up here for so many hours. We should examine what is on offer in Parliament. With cooperation and agreement across the parties in the future we can examine the available facilities. We may not necessarily have everything on site, but perhaps we could publicise the facilities in the nearby region such as the pool at the Park Hyatt Hotel and make better facilities available to members of Parliament so we may do our jobs better and have better exercise regimes in the future.

Mr McNamara interjected.

Mr BRACKS — I've talked him into it! We might even have those rowing facilities you have always wanted!

I thank Brian Bourke, the maintenance manager, and his staff — Manny Attard, Jeff Philips, John Tremoulas and Peter the Painter; among them they have clocked up 81 years of service to Parliament. That is a great effort. We see them around the place; they are always working hard and making the place run efficiently and well. I express thanks to Bill Schober, the parking attendant, who is always on for a chat; I'm sure we all enjoy a chat with Bill as we arrive here. I also thank the protective service officers for keeping an eye on the Parliament's precincts.

I take this opportunity of wishing all the best to my cabinet colleagues and their families; to the parliamentary secretaries and their families; to the hardworking caucus team and their families, and to all opposition members. I wish them well over the Christmas festive season. I hope they return relaxed, comfortable and ready for next year's autumn session.

I particularly place on record my thanks to the Leader of the House who manages government business, the Minister for Transport, for the work and effort he has put in. In addition to managing a busy and complex portfolio covering roads and public transport he has managed the business of the house, which can be onerous, particularly when the numbers in the house are so evenly balanced. The arrangements for managing the house's business require dialogue and discussion. I appreciate his work.

I also place on record my appreciation for the work of the Government Whip, perhaps not so much for his fashion sense but for his marshalling of government members! He does a great job; he is always there, always backing the Leader of the House. The role of the whips is often overlooked. I know the Opposition Whip and the Government Whip have a good rapport across the house. It is important for the conduct of the house's business that that rapport works well. I place on record my thanks to the Government Whip and the Opposition Whip.

I thank my private office staff — my chief of staff, Tim Pallis; my media director, Sharon McCrohan; and all my staff — I will not name them all — who have done a fantastic job in supporting me, other ministers and members of Parliament. They have been through that journey we have all been through in different ways — a pleasant journey for those on the government benches; a difficult and probably painful journey for opposition members. Things go around and come around; and they will come around in the future. We are enjoying the period.

My staff have come on the journey through the election, the supplementary election, the by-election, the negotiations with the Independents and the forming of a government. The journey has been exciting, rewarding and enjoyable.

Mr Speaker, I wish you and Madam Deputy Speaker, and your families, the best for the Christmas season. I place on record the fantastic start you have made, Mr Speaker. You have done the house proud. You have acted impartially in the interests of the great democratic traditions of parliaments in Victoria, Australia and around the world. You have handled your duties effectively and well. At times members have reason to question your rulings. We understand that. If you balance the rulings you have made and the bringing to attention of members who sometimes become disruptive, you will find things are about even. I cannot remember what you said your teacher called you — I think, a reasonable man. I think you, Mr Speaker, are a

reasonable man and I congratulate you on behalf of all members of Parliament.

I wish all members of Parliament and all staff in this precinct a happy, safe and productive Christmas and New Year. I hope we will return with renewed energy in the autumn session next year.

Honourable Members — Hear, hear!

Dr NAPHTHINE (Leader of the Opposition) — I join with the Premier in offering Christmas felicitations on behalf of the Liberal Party to the many people who service us in Parliament House. I particularly thank the Clerk, Ray Purdey, and the Clerk Assistants, Marcus Bromley and Geoff Westcott. Ray has been of great assistance to the Liberal Party particularly in its new role in opposition. Marcus and Geoff also have been of much assistance in providing wise counsel and giving us commentaries that will be of great assistance to us all. I wish Ray well in his ongoing role.

I thank the Serjeant-at-Arms, Gavin Bourke. With due respect to the former Serjeant-at-Arms, I must say that Gavin's voice is better suited to the role! It is not just his voice, but when Gavin carries the mace on his 6-foot 6-inch frame I actually feel protected by the Serjeant-at-Arms. I apologise to the two previous serjeants-at-arms, now the Assistant Clerks, Marcus and Geoff, but the right person has been chosen for the job!

I thank Anne Sargent and staff of the Table and Papers offices, and the new Procedures Office. The staff have been helpful. I share with the Premier his acknowledgment of the work of the Assembly attendants, led by Warren Smith. They are of great assistance to us and of particular assistance, as the Premier correctly said, to new members. They give helpful advice in a kind and courteous way. I also thank them for the role they play in welcoming many visitors to Parliament.

I know the many school groups from my country electorate that come to Melbourne are always looked after and given a great history of the Parliament. There is much feedback from school groups that visit Parliament. After coming to Melbourne for the first time from Portland, Heywood, Bessiebelle or somewhere in Western Victoria and being asked about the highlight of their trip, they say, 'Touring Parliament House'. That is a great tribute not only to this building but also to the way they are shown around it by the Assembly attendants

I thank the Hansard staff, led by Carolyn Williams. I thank all the staff, especially in light of the extra

demands with the sitting arrangements that applied to the Legislative Assembly. I do not wish to debate the point, but I believe by negotiation some amendments can be made to the sitting arrangements for the next sittings so that they are more sensible not only for members of Parliament but for the health and welfare of staff throughout the Parliament.

I thank you, Mr Speaker, for the work you have done. I also thank the Deputy Speaker for the work she has done. Mr Speaker, I join with the Premier in saying that you have made an auspicious start to your role. Comments are often made about Speaker's rulings from this side of the house. However, your early days in the role show that you are a reasonable man and you are able to control the house with a degree of dignity. You are earning the respect of the house, and that is to your credit.

I thank the staff of the Department of Parliamentary Services. If you think you receive criticism, Mr Speaker, I point out that the Department of Parliamentary Services often comes in for brick bats and bouquets at various times. I place on record our appreciation for the efforts made to try to service members. Sometimes conflicts arise but we appreciate the efforts made.

I thank Bruce Davidson and the staff of the parliamentary library. I am sure many honourable members would appreciate the way its staff are always prepared to go that extra yard to help them when they want something in a hurry, to carry out research or access some information. Their efforts are appreciated by all members of the house.

I thank Paul Gallagher and his staff who do an outstanding job looking after the gardens. Many honourable members use the gardens for recreation while Parliament is sitting and some book it at weekends for functions. It is a delight to bring people to the parliamentary gardens. They are a tribute to Paul and his staff.

I particularly recognise the executive chef, Malcolm Sellar. The dining room is functioning extremely well, and the variety of meals available has improved significantly. Malcolm deserves credit for that. I thank Robert Saltamacchia and his catering staff. I thank Brian Bourke and his maintenance staff, and Bill Schober, our parking attendant. I was worried that when the new technology was introduced Bill would be made redundant, but I am pleased that he is still there looking after the parking and everybody's needs. Bill is an institution around the Parliament, and we all like a chat with Bill as we arrive. It is wonderful that, despite

the introduction of technology, Bill is still able to show a human face for those who park at Parliament House.

I acknowledge the work of Rowena Armstrong, who retired as Chief Parliamentary Counsel in October this year. As the Premier said, she served in that role for a number of years, more latterly as Chief Parliamentary Counsel. All honourable members who served as ministers would have had some interesting discussions at various times with Rowena about how to reflect policy in legislation. They would have noted the speed with which parliamentary counsel developed legislation before its introduction to Parliament. We wish Rowena well in her retirement and wish the Acting Chief Parliamentary Counsel well in his role.

I thank the executive office and the staff of the parliamentary committees for their work, as well as the protective services officers. Often when one comes here late at night it is comforting to know that the protective services officers are here to secure the place and to provide protection for those who are working late or have to be here.

I acknowledge and wish members of the press gallery well over the Christmas period. I trust they will have a good break and return refreshed ready to cover the new parliamentary year. The press gallery is an integral part of the Parliament and adds colour, light and movement to the Parliament.

I wish the Premier and members of the government the very best for Christmas and the New Year. It has been a trying year for both sides of the house with the election and the subsequent aftermath. It is time for people to enjoy Christmas with their families. I trust the Premier and government members have a good Christmas. I wish the Independent members all the best for Christmas and the New Year.

I take this opportunity to thank my colleagues in the Liberal Party and the National Party. I am proud to have been elected Leader of the Liberal Party and it is an honour to lead what I believe to be a skilled and dedicated group of people. I am pleased to say that we have reached the end of the year, despite its difficulties, with a significant degree of enthusiasm. Morale is high and there is a great degree of unity. We look forward to the challenges of the future as a united group. We will go into the next year in that mode. I thank the honourable member for Monbulk for his excellent work as manager of opposition business. I thank the Opposition Whip, the honourable member for Glen Waverley, and I particularly thank the Deputy Leader of the Opposition, the honourable member for Brighton, who has made a successful transition from

the Legislative Council into the more robust Legislative Assembly. I am sure she will continue to do well.

I thank the opposition staff who often have to work under difficult conditions. I promise that their conditions will not change: they will maintain that lean and hungry look so we can get back into government as soon as possible!

With your indulgence, Mr Speaker, I should like to thank Pat McNamara, the Leader of the National Party, who is retiring from that position today. Pat was elected as the honourable member for Benalla in April 1982 and has served that electorate ever since. He has been Leader of the National Party since 1988 and was Deputy Premier from 1992 to 1999. He was Minister for Police and Emergency Services, Minister for Corrections and Minister for Tourism from 1992 to 1996 and Minister for Agriculture from 1996 to 1999.

Pat will be remembered for a number of things: he has made an enormous contribution to the National Party and to Victoria as Leader of the National Party. Some of the symbolic issues are the way he struck the coalition agreement with the then Leader of the Liberal Party, Alan Brown. Those with a sense of history would know that the National and Liberal parties were separate for many years in this place and Pat led the discussions with Alan Brown to forge a historic coalition agreement that was carried into government and saw him become Deputy Premier. He was a dynamic Minister for Tourism and put Victoria on the tourism map. He was a firm and strong Minister for Police and Emergency Services. Many remember his role as Minister for Agriculture and Resources, particularly his contribution to improvements to water supply and water disposal in many areas in regional and rural Victoria.

As Minister for Agriculture and Resources, Pat was involved in the historic setting of significant targets for agricultural exports. It is appreciated that the government has now adapted Pat McNamara's target of \$12 billion of agriculture exports by 2010. Most importantly, Pat has been a good friend to many of us. I appreciate the work we have done in partnership.

The final thing Pat should be recognised for is his leadership of 17 March functions in Parliament House. They have become an institution in the Parliament. Pat McNamara was instrumental in establishing the 17 March functions. I am sure they will continue for many years to come and Pat will maintain an active interest.

I briefly send my Christmas greetings to Jeff Kennett and his family. Jeff Kennett was the honourable member for Burwood for 23 years. He was Premier for seven years, and I believe he will go down in history as one of the best premiers the state has ever had. His record was one of enormous achievement. Any objective measure will show that under his period of premiership Victoria significantly improved in all respects. I take this opportunity to wish Jeff, Felicity and their family all the very best for Christmas.

Finally, I wish all Victorians a safe, happy Christmas and a wonderful start to the new millennium.

Mr McNAMARA (Leader of the National Party) — I join with the Premier and Leader of the Opposition in congratulating both leaders — firstly, the Premier on being able to form a government and, secondly, the Leader of the Opposition on his elevation to the leadership of the opposition parties.

I reinforce my support for the various staff who have been mentioned, particularly Ray Purdey as Clerk of the Parliaments; Deputy Clerk, Marcus Bromley; and Assistant Clerk, Geoff Westcott, on the great support they give members in the chamber.

I also thank various other officers. I thank the attendants, Warren Smith and staff; Anne Sargent; David Robertson and those others who assist members on a day-to-day basis.

I thank the Hansard staff, led by Carolyn Williams, Editor of Debates. As the Premier has said, they substantially improve many speeches delivered in the Parliament. Some members tend to repeat themselves.

I thank Christine Haydon and the Department of Parliamentary Services, including all the outdoor staff. I will not mention them all. Bill Schober continues to be an identity around the Parliament. I wish them and all other staff the best.

I thank Bruce Davidson and the library staff for the support they provide to members, particularly those of us in opposition. Rowena Armstrong, recently retired as Chief Parliamentary Counsel, has been replaced by Eamonn Moran. I wish them all the best for the Christmas period.

As the opposition leader mentioned, I came into the Parliament early in 1982. It is easy to forget what a transitory occupation this is. In the last week I have looked around the chamber during question time and noticed that not a member on the government benches was here in 1982. Only three members now in the Parliament were here at that stage. The honourable

member for Pakenham, whom I mentioned earlier, is a little like Methuselah. He has always been here and intends to stay here.

Dr Napthine interjected.

Mr McNAMARA — He changes seats as redistributions occur. He advised me early in the piece that he always tries to maintain a marginal seat. On that basis he does not have to watch his friends; he only has to watch the other side! The honourable member for Murray Valley is also a longstanding member of Parliament, as is the honourable member for Forest Hill.

The change in members makes you wonder about your future. I will not make an announcement on what I am doing. I will make that decision following long consultation with Meryll and my family and supporters within the Benalla electorate and the party. I will probably be in a position to make a decision some time next year.

Honourable members interjecting.

Mr McNAMARA — As some people say, or the year after. I have certainly enjoyed my period in the Parliament to date. As all members would know, it is an occupation like no other. You have to live this life to understand it. People wonder about the job when you tell them you finished work at 1 o'clock or 2 o'clock in the morning. You work the most peculiar hours. The job offers a broad range of life experiences that no other job offers. That is what makes politics stimulating.

In the past seven years, having the role of Deputy Premier and some four to six weeks in the chair as Acting Premier, being part of a government has been a challenging and interesting period in my life.

For a little over 11 years I have led the National Party. I thank the party for its support. Again it has been a great period in which I have had some experiences that no other people would have had.

I put on record the great support my personal assistant Jan Gales has given me over that 11 years. She was with Peter Ross-Edwards for a number of years before that. Jan has been a terrific support in that role and has a range of contacts at every level — with other members' offices, with people within the bureaucracy and with ministers. That sort of support is invaluable.

Jon Richards was with me in the agriculture portfolio and has been with me as Leader of the National Party, a period that will terminate when the house adjourns.

I have said I intend to stand down as party leader, and the party will elect a new leader. I wish the new leader success. I congratulate Peter Ryan on his work as Deputy Leader of the National Party, a position he has occupied only for a short time.

I also put on record the terrific support Bill McGrath gave me for 11 years plus as Deputy Leader of the National Party. Bill was a great personal mate of mine. We shared many interests and enjoyed many activities together.

Honourable members interjecting.

Mr McNAMARA — I will not repeat any of Bill's famous jokes. He was one of the characters in this Parliament.

As I step down from the position of National Party leader, I hope I will continue to have contact with members in the Parliament. I am only sorry that in the short time I have had since the election I have not caught up with all the new members. I have met a couple of them. The other evening, indeed into the early hours of the morning, there was an opportunity for a more detailed discussion. I look forward to that association. I am sure there will be other opportunities, perhaps even this evening, in that respect.

The Leader of the Opposition mentioned the tradition of 17 March. I can assure members who might be worried that the event might taper off that it will continue. We are looking at having a bigger and better event to acknowledge the millennium. The Minister for Transport is a member of the committee organising that event. He has shown an interest in it for quite some time. It has been an inclusive rather than an exclusive event — and that, no doubt, will continue in the future.

I wish everyone associated with the Parliament — members, personal staff and the staff of the Parliament — best wishes for the Christmas period. I will dwell on my personal decisions between now and when the Parliament next resumes. In the interim I hope everyone has a well-earned break. A fairly intense period has followed the election, with two by-elections held in short order coming up to the verge of Christmas. I do not think that has been seen in previous periods. A period of rest is well earned by all. It is time now for us to get back to our spouses and other family members and to enjoy the period of Christmas and New Year.

With those words, I wish all honourable members, whatever side of the house they may be on, the best of good fortune in the future. I move from this position to whatever position I will assume in the future; but I

know I will continue to have friends on all sides of the house. I wish you all the best.

Mr BATCHELOR (Minister for Transport) — I join with the Premier, the Leader of the Opposition and the Leader of the National Party in placing on the record my appreciation for the hard work that has been done by the many people who work in Parliament. The Premier and the Leader of the Opposition, in particular, identified by name some people who have worked very hard, so I will not go over all the names again. I do, however, appreciate the very fine support provided to me, to the government and, most importantly, to individual members by the staff of Parliament throughout a torrid and exciting period. We all appreciate that.

The government has worked closely with some members of staff, and I wish to acknowledge firstly the Hansard staff for the support they have provided. Under the new sessional orders they have accepted onerous, difficult and extended hours of work and have come through the first parliamentary session putting in harder and longer hours than almost anybody else in the parliamentary arena. We are hopeful that, either by negotiation or by an extra appropriation, we will be able to provide some assistance to Hansard in forthcoming parliamentary periods — indeed, from the time Parliament resumes next year, whenever that might happen. We hope those issues will be resolved by one means or another.

I acknowledge the help, assistance and guidance provided to me and to the government by the Clerk and the rest of Ray's team. The Clerk came into that position at a time when there was the potential for a historic degree of uncertainty. He provided strong, clear and precise guidance, and both the government and the Parliament appreciated that. I can tell you, however, Mr Speaker, that no-one appreciated it more than I did! A lot of the credit for the way Parliament has been able to function and work through a close transition goes to the detailed and solid work of Ray Purdey.

I acknowledge the work of Bruce Davidson and the members of his library staff. It is a matter for regret that, on coming into government, one loses the close contact with the library staff one can maintain when in opposition. The librarians have provided very good assistance to me in the past and I truly lament my lack of close contact with them now that we are in government. That is, I suppose, one of the difficulties we all have to put up with when in government.

Opposition members interjecting.

Mr BATCHELOR — I acknowledge my parliamentary colleagues on both sides of the chamber. The job of Leader of the House is onerous and does not always assist one to win friends. I appreciate the support — and I appreciate the lack of support, too — provided by honourable members on all sides. Most of it is done with good humour; and at such times as the end of the parliamentary year it is easy to acknowledge that Parliament is an important institution in which, despite different political positions taken during the year, there are times when it is possible to have a cup of coffee, a glass of beer or even a meal together. That is an important aspect of parliamentary interaction that is not widely acknowledged outside this chamber.

In acknowledging that cooperation and assistance I acknowledge also the part played by the Government Whip, the honourable member for Ivanhoe, the caucus secretary, the honourable member for Werribee, and the honourable members for Monbulk and Glen Waverley in the ongoing smooth operation of the house.

Mr Speaker, you have taken on the new role of Chair in a new and evenly balanced Parliament that will sit for much longer hours and more days. I join with others in commending the terrific job you have done. You have conducted yourself in an impartial way, you have dealt with difficult issues even-handedly, and you have delivered stable governance to the chamber. Above all, you have been able to keep the chamber moving ahead in a balanced way without too much of the hostility that sometimes occurred in the past. You bring a commonsense, down-to-earth approach to the Chair, Mr Speaker, a characteristic that is both desired and acknowledged, and you are supported by all members in the chamber.

I acknowledge the members of the opposition. I also acknowledge the Independent members and the role they have played. I thank them for the commonsense and balance they bring to this place.

I acknowledge in passing the members of my ministerial office staff — Mary, Maureen, Diana, Daniella, Marguerita, Jeff, Lachlan and Brendan — all of whom have been helpful and supportive in this exacting period.

In conclusion, one could not contribute to the Christmas felicitations without acknowledging the retirement of the Leader of the National Party. Pat McNamara has been a great institution in this Parliament, and he will be missed. His length of service in government, including his responsibility for a range of different portfolios and his role as Deputy Premier, will stand on

the parliamentary record and be acknowledged by many.

His most outstanding contribution for members of Parliament was the organisation of the St Patrick's Day functions. Those functions will continue. It is ironic that while he was preparing for a tidy departure he organised the affairs of the St Patrick's Day committee superbly. In the jargon of an earlier epoch, he is outsourcing that responsibility, but the committee will continue to involve past, present and future members of Parliament and is expected to go from strength to strength. Government members acknowledge the contribution of Pat McNamara. We will miss him, and we wish him the best for the future.

Government members would like to wish all a safe Christmas, and we hope to see everyone in the new year. Given the parliamentary numbers no-one can afford to be away from the chamber, and the government hopes everyone returns alive and well in the new year.

Ms DAVIES (Gippsland West) — This is the first time I have participated in Christmas felicitations. Each Independent member speaks for him or herself, but my colleagues share many of the sentiments I will now express.

I wish to express my support and thanks to Mr Speaker. The task he has taken on in this Parliament is not easy. Members on both sides of the house take a great deal of delight in pushing the limits, and I appreciate his calm, sensible and truly bipartisan approach. I would also like to extend my thanks to the Deputy Speaker. The committee stage of bills will be more significant in this Parliament, and I appreciate the role she has taken on.

I thank my Independent colleagues. Both men live by firm, clear and ethical standards and show a great deal of understanding of the issues that face their electorates and, more broadly, of people and politics. They are strong people, and I am pleased and proud to stand alongside them in this Parliament. Their good humour and support is very much appreciated.

I offer my sincere thanks to all the members of the Bracks government, particularly the Premier, who I think is the right person to lead this finely balanced Parliament. He has shown a great ability to negotiate with patience, intelligence and good humour. He is the right person to consider the needs of Victorians during this term of Parliament.

I would also like to offer my regards to the members of the opposition. I know their task is not easy. I hope over Christmas they will be able to sit back and spend some

valuable time in reflection on the best way to move forward. I hope I will be able to do that as well. I particularly thank the Leader of the Opposition for his reasonable approach and courteous manner, which I must say gives me some hope that the bitterness that has been evident will fade over time.

I also wish to note my appreciation of the members who share the adjoining benches with the Independents — I wish they were truly on the cross-benches with the Independents. A bit of levity and common understanding goes a long way.

I would also like to wish the Leader of the National Party all the best for the next phase of his life and wherever that may lead him. I have also enjoyed the occasional St Patrick's Day dinner.

I extend Christmas thanks and best wishes to the Clerks, the Serjeant-at-Arms and the attendants. I wish good luck to Michelle Butler, who is moving on. Michelle and the other attendants have played an important role in my enjoyment of Parliament. They are always helpful and I appreciate their assistance.

I give three cheers to the long-suffering staff of Hansard, Parliamentary Services and the Parliamentary Library. I hope they will be able to get more sleep over the coming weeks. I thank them for their hard work and expertise.

For me Christmas is a time to enjoy being with the people I care about the most, but I hope all of us take some time to consider the needs of people who are a bit lost, are too much alone or are finding life difficult. I want us to offer those people some hope that life can and will get better and that they too are very significant members of society.

To all members of staff and members of Parliament, I hope that you stay safe and go well over Christmas and the New Year, and I look forward to meeting everybody again in the new session of Parliament.

The SPEAKER — I wish to join with honourable members in contributing to Christmas felicitations.

I begin by thanking the Clerks, Ray Purdey, Marcus Bromley and Geoff Westcott, and the Serjeant-at-Arms, Gavin Bourke, for all the assistance they have given members over this sessional period. I particularly thank them for the assistance and advice they have provided to me as Speaker, the Deputy Speaker and the temporary chairpersons. I guess the reason we look good from this chair on most occasions is the high quality of the advice we receive from the Clerks.

The Serjeant-at-Arms, who joined us recently, has been a welcome addition not only to the chamber but to the Parliament. He is a breath of fresh air in the way he executes his duties and is forever on call to attend to emergencies as they arise from time to time — and believe me, they do arise.

I am most appreciative of the efforts of the assistant chamber officers, the staff of the procedure and project offices and all those people who provide an invaluable service to ensure that members carry on the business of passing legislation in this chamber.

The staff of parliamentary committees perform invaluable work and are sometimes treated as the poor cousins of the Parliament as a result of being located away from this building. I record my appreciation for the work they did during the last Parliament. I am heartened by the way the Parliament has dealt with the setting up of committees and look forward to much more valuable work from those committees over the life of this Parliament. I pay particular note of the work of the former Federal–State Relations Committee. That committee will not be continuing during this Parliament, and having been a member of it during the last Parliament I place on record my special appreciation of that committee.

To the Hansard staff, and particularly Carolyn Williams who heads up that department, our sincere and heartfelt thanks for their work over the year, but more particularly during this session. The house has adopted new sessional orders and members appreciate the difficulties that has created in having to put into place new rostering arrangements to accommodate the sitting of the chamber during the lunch hour and the earlier starting time on Wednesdays and Thursdays. It is typical of the Hansard staff and the effort they put in that they took the challenge on board and have performed their duties to the usual high standard we have come to expect of them.

Similar sentiments apply to Warren Smith and his staff of attendants who have also faced difficulties as a result of the new arrangements. They too have taken to the new rostering arrangements in the spirit we expect of them. My sincere and heartfelt thanks go to them for their efforts.

When speaking of the Department of Parliamentary Services, led by Christine Haydon, I am reminded of words that have been used previously in this chamber, but I wish to place on the record my appreciation of the services that department provides to members through their electorate offices and through the other services it provides in running this place, particularly the

gardening and dining room units. They always perform at a level par excellence compared with any other service in this Parliament.

I express my sincere appreciation to the staff of the parliamentary library and the department head, Bruce Davidson, for the work they have done for me in the short time I have been Speaker of this house, particularly their specialist research to ensure I had some knowledge of what is expected of a Speaker. I express thanks to parliamentary counsel and particularly to Rowena Armstrong, who retired on 8 October this year. I record my appreciation for her efforts and the efforts of her department.

I thank the Premier and the Leader of the Opposition for the kind words they expressed today in the chamber. I particularly thank the Government Whip, the honourable member for Ivanhoe, the Opposition Whip, the honourable member for Glen Waverley, and the National Party Whip, the honourable member for Rodney, for the excellent way they performed their duties and the assistance they provided to the Speaker's office this year.

I place on record my appreciation to the Leader of the House and the manager of opposition business, the honourable member for Monbulk, for the way they have ensured that the business of the chamber runs efficiently and mostly to the satisfaction of honourable members on both sides of the house. However, I remind those two members in particular that although the rest of us are going off to enjoy Christmas, they have unfinished business. I hope the unfinished business of sessional orders and sitting through the lunch hour will be resolved by the time Parliament resumes for the autumn sittings.

I also wish to single out the Leader of the National Party for his achievements as leader of his party, as Deputy Premier and as a minister of the Crown for both agriculture and police, for which he was renowned. I especially thank him for all the hard work he has done behind the scenes in an administrative sense to ensure that members and members' interests are looked after, protected and advanced.

Finally, I place on record my appreciation to my personal staff. Firstly, I thank my executive assistant, Lilian Topic, who was formerly the executive officer of the Federal–State Relations Committee, for the work she has done since joining my office. If she thought running the Federal–State Relations Committee was difficult, she now has an equally difficult exercise in maintaining the operations of that joint house committee.

It would be remiss of me not to mention Mark Wicks, my orderly, whom I am sure all honourable members know. I am also sure that all honourable members appreciate the hard work he does in ensuring that the Speaker is available and accessible to members and equally in performing tasks to ensure that the Speaker is protected, looked after and in a good mood when he comes into the chamber.

Michelle Butler, who works as my personal assistant when Mark is not there, has chosen to leave Parliament and pursue a career — not necessarily a working career but a career away from this place and away from the state. I wish her and her family well for whatever she does in the future.

Finally, to each and every member of Parliament, I extend the compliments of the season. I hope you all have an enjoyable and restful Christmas–New Year period and look forward to seeing you all refreshed and raring to go for the autumn sittings in March.

ADJOURNMENT

Mr BATCHELOR (Minister for Transport) — I move:

That the house do now adjourn.

Major projects: contracts

Ms ASHER (Brighton) — I raise an issue with the Premier. Yesterday he announced the appointment of an audit committee to look into contracts entered into by the previous government and to set down future guidelines and management for government contracts for his own government. He announced that three people would be appointed to that audit committee — Professor Bill Russell, Mr Ewen Waterman and Mr Nick Seddon.

I call on the Premier to reconsider the appointments. I turn firstly to Professor Bill Russell. He was the darling of the Labor Party during the Cain–Kirner era. When the Labor Party wanted a job done it turned to Bill Russell. He was commissioner for the State Electricity Commission of Victoria from 1982 to 1985; a member of the Victorian Brown Coal Council from 1982 to 1985; secretary of the Victorian Department of Minerals and Energy from 1982 to 1985; and director-general of the Victorian Department of Property and Services from 1985 to 1988. His Labor jobs even coincided with Labor terms of government.

He is not just a standard private-sector appointee. When the Labor Party wanted a job done, whether it was in

health, a review of Parliament or terminating the Eastern Freeway extension, it wheeled out Bill Russell, and Bill Russell did the job for it. He made a living from Labor Party appointments during the Cain–Kirner era.

The Premier yesterday announced the appointment of the audit committee. That man has made a constant living from appointments in the Cain–Kirner era; he has done a range of jobs directly for the Labor Party. When the Liberal Party was elected to office he went off to Monash University and made a career out of being a critic of the former government. He is not impartial.

I turn now to Mr Ewen Waterman from Access Economics, which produced the most political document of the last election campaign. The Premier flaunted that document all over town, and guess whose signature is on the document? Mr Ewen Waterman signed it off!

The opposition has legitimate questions to raise about the impartiality of the review committee. They are legitimate questions about impartiality and the quality and credibility of the report produced. I call on the Premier to review those appointments.

Grampians and Pyrenees wine trail

Mr HELPER (Ripon) — I refer the Minister for Major Projects and Tourism to the need for tourism signage in the Pyrenees and Grampians areas. As honourable members will know, the Grampians and Pyrenees comprise a magnificent part of the state, nearly rivalled by the Otways, of course, and it is visited by many tourists. I am proud that my electorate has many national attractions for visitors to enjoy.

The area also has many high-quality wineries, the produce of which is served in the parliamentary dining room. Although my electorate already benefits from substantial tourist visits, it seeks to derive economic benefits from tourism in two ways: firstly, by drawing more visitors to the area, and secondly, by encouraging longer visits.

I seek from the minister an indication of the government's commitment to assign its strategies for the Pyrenees and Grampians regions. Such a strategy could well be based on integrating attractions into a package that provides visitors with a whole experience, which is an effective way of maximising visitor satisfaction and economic return to the local economy. Detailed consideration must be given to the development of strategic tourism signage to best guide visitors through the vast attractions of that beautiful part of Victoria. I seek the assurance of the minister of the

Bracks government's ongoing support for regional tourism.

Vocational education and training: registered organisations

Mr BAILLIEU (Hawthorn) — I raise for the attention of the Minister for Post Compulsory Education, Training and Employment a matter concerning the administration of the Office of Training and Further Education. It is in regard to registered training organisations (RTOs), and in particular the priority education training program (PETP) tender and the freeze on apprenticeships and traineeships for RTOs. I note that the \$42 million PETP tender lies still unresolved in the minister's office. The lack of resolution is unsettling the RTOs.

I note that during the past two weeks the minister has held private meetings and discussions with a number of individuals and groups who happen to be tenderers in that program. They are also RTOs. Many of the RTOs have been very critical of the freeze on apprentices and trainees and the impact that will have on employment, job skills and small businesses.

In the process the RTOs have come under pressure to be silent. In return there have been nods and winks about special treatment given to the RTOs that toe the line, and nods and winks of adjustment to the maximum number of apprenticeships and traineeships for RTOs.

I call on the minister to ensure that all RTOs are treated fairly and equitably in the process, and in particular that the PETP tender is resolved as soon as possible to allow the RTOs to get on with their business and ensure that full probity is present and preserved in the tender process.

Drugs: Footscray methadone clinic

Mr MILDENHALL (Footscray) — I alert the Minister for Aged Care to the need to be vigilant and to alert other communities to the possibility of illegal methadone clinics being opened. I have previously raised in the house the sudden appearance in August of a private methadone clinic in West Footscray. The clinic was supervised by armed guards and operated by a convicted drug runner and accomplice in a double murder. The premises opened without a planning permit or an appropriate licence to run a supported residential service.

Since that time the Maribyrnong council has done a terrific job in taking enforcement action under the town

planning legislation to have the place closed down. It is a lengthy process that is currently before the tribunal.

I have also drawn attention to the weakness of the fit-and-proper-person licence requirements in the Health Services Act. I understand the minister is investigating that matter. I understand from those present at the Victorian Civil and Administrative Tribunal hearing that the operator of the illegal premises, Mr Helmut Kirsch, and his Custody Control Corporation are either operating or attempting to operate similar premises in Geelong.

I urge the minister to alert the Geelong community and appropriate agencies, particularly those involved in drug treatment, to the activities of this social parasite and pariah who preys on vulnerable and at-risk young people. It is a serious matter because this con man has managed to fool the Department of Human Services, municipal councils and reputable agencies on a number of occasions. He has been chased out of the Sale and South Gippsland communities. We are halfway through chasing him out of Footscray, and I would not like to see a replication in any other Victorian community of the trauma the West Footscray community has been through and is currently going through.

Schools: Wattleview and Kent Park

Mr LUPTON (Knox) — I raise for the attention of the Minister for Education the provision of additional facilities for schools with enrolments in excess of 450 students. Currently the department will provide additional facilities when the number of students in the school catchment exceeds 450. My concern is that if a school enrolment is more than 450 but the school catchment is less than 450, no additional facilities are made available at the school. I refer in particular to the Wattleview and Kent Park primary schools in my electorate.

Recently I received a letter from the Minister for Education stating:

The alternative to existing practices is to provide permanent facilities to meet actual current enrolments at particular schools, regardless of the facilities that exist at neighbouring schools and regardless of long-term needs.

I am concerned about the words 'regardless of long-term needs'. The long-term enrolment for Wattleview Primary School, according to the region and the catchment area, is between 281 and 308 students. That is what the catchment area is supposed to be. However, the actual enrolment number of the kids who attended the school this year was 526. So the catchment figures show 308 as the maximum,

yet the school has 526 students. Because the catchment area is supposed to have only 308 students the Department of Education, Employment and Training, like the former government, does not believe additional facilities should be provided.

I turn to the chart provided by the eastern region back in 1996, and lo and behold, I find that in 1997 the projected number of enrolments for the school was 465. The enrolment for 1999 is 526, yet I cannot get it through the thick heads of the bureaucrats that if there is a need for the kids to attend the school, surely to goodness the facilities should be provided.

The minister indicated in her letter that there is no immediate prospect of change in the policy on that issue. The minister has said that the kids get what the catchment area shows. If there are fewer than 450 kids at the school, even though the catchment area has 450, the facilities will not be provided; if you get 450 or more kids at the school, but the figure for the catchment is 300, you still do not get the facilities. The kids are in a catch-22 situation. I ask the minister to review the situation urgently, particularly in view of the last sentence I quoted from her letter.

Rail: Bendigo workshops

Ms ALLAN (Bendigo East) — I raise for the attention of the Minister for Transport the privatisation of the former government railway workshops in Bendigo and the subsequent loss of hundreds of jobs in my electorate.

Yesterday I raised the issue in the grievance debate, and I grieved for the announcement this week of a loss of another 20 jobs at the Goninan workshops in Bendigo. It is a very sad story. At the time of the former Kirner government in 1992 there were 262 jobs at the workshops. There are now just 35 jobs left following the announcement of another 20 jobs to go right on Christmas. What a lovely Christmas present that must be for those 20 workers! Some 227 jobs have been lost in my electorate, and its economy just cannot sustain that loss.

An article in the *Bendigo Advertiser* of April 1998 states:

From an express Liberal–National Party promise in 1992 that the then existing 262 jobs would remain, the government has presided over a system where there are now less than 100 workers at the Bendigo workshops.

The former honourable member for Bendigo East had a fair bit to say on the issue; unfortunately, it was all in support of privatisation. In the same month of 1998 the former member said:

The purpose of privatisation is to get better services for the customers and in turn, if the business is successful, employ more people.

The company is now down to just 35 people, so obviously privatisation in Bendigo has not been successful. The Bendigo people were conned by Goninans. They were conned by the former government into privatising the Bendigo rail workshops. We were promised something like a second ordnance factory, which at that time had 350 jobs, but we now have 10 per cent of that number. A *Bendigo Advertiser* editorial in 1995 states:

The blunt truth is that the workers have a far more secure future with Goninan than with the state-owned Public Transport Corporation.

That is the level of confidence the former government had in Bendigo workers. I raise the matter tonight with the Minister for Transport because although it is a private company, and although the former government privatised the Bendigo rail workshops and sold the workers out, it is a matter of urgency. Right on Christmas Santa has delivered Bendigo workers a redundancy payout. This is something they cannot afford, and it will forever hang over the heads of the former Kennett government.

Kew Primary School

Mr McINTOSH (Kew) — I raise with the Minister for Education a matter concerning the Kew Primary School. The primary school campus situated on 1.5 hectares near Kew junction is far too small. The current enrolment is 446 students. Next year the enrolment will be 464 students. There will be an unacceptably high density of students in that school.

The problem will worsen. Enrolments are expected to rise in the future because the population in the Kew Primary School catchment area continues to grow. There are currently 15 permanent general-purpose classrooms at the primary school. There are three portable classrooms, and the average class size is 28 students. Of course, as the class sizes reduce to 21 in accordance with government policy, the demands on classrooms will increase.

A temporary solution may be the provision of portable classrooms, but I am advised that that would create an additional six portable classrooms, making a total of nine portable classrooms on a campus that is far too small. The open space in which children now play and exercise will be diminished even further.

Next door to the Kew Primary School is a former nursing home called Overton. It was owned by the

Uniting Church and is currently being demolished. The intention is that it be sold early next year. Overton is some 0.3 hectares in area and represents the only prospect of any real increase in that campus size in the foreseeable future.

Earlier this year the Kew Primary School community made representations to the former Minister for Education. Unfortunately, those representations were refused. The campus is patently too small, enrolments will continue to grow and the number of classrooms will increase. Kew Primary School requires extra land. I ask the minister to urgently reconsider the department's position and to purchase the Overton land. I emphasise that the land is likely to be sold in February or early March next year.

Rural Victoria: government policy

Mr HOWARD (Ballarat East) — I raise with the minister for State and Regional Development the progress made to date in focusing on developmental activities in rural and regional Victoria. I am pleased to be part of this government, which shows a genuine commitment to regional Victoria. Clearly at the last state election Victorians believed that in regional Victoria Labor represented a better opportunity for them. That is how I came to be elected, as did so many new regional members of the Labor government.

But having been elected, clearly there is an onus to live up to the expectations placed on us to follow through on the commitments that we made in the election campaign. As a team we must live up to the expectations that we have placed in the minds of people in regional Victoria. I am certainly encouraged to date to see the many actions taken by the government in responding to the election commitments made. In this last week we have seen the passage of the Regional Infrastructure Development Fund Bill, which is certainly encouraging. I also thank the many ministers, including the Premier, the Minister for State and Regional Development and others, who have come to Ballarat and the surrounding region over the past few months and announced policies on education, health and other matters to help provide improved opportunities for regional Victoria.

I was encouraged in the first week of this Parliament when the Minister for State and Regional Development made his ministerial statement 'Connecting Victoria'. It is a significant area that we need to develop because the encouragement of opportunities for more people in the electorate and across regional Victoria to gain online computer information facilities will clearly benefit them in business opportunities, the gaining and sharing of

information, promoting e-commerce and so on. I was encouraged by the minister's statement and I ask him to explain how we can further enhance those opportunities not just in my electorate but throughout regional Victoria. I have been on a committee which has started the ball rolling —

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

Croydon Primary School

Mr HONEYWOOD (Warrandyte) — The matter I raise is directed to the attention of the Minister for Education who, I hope, in a bipartisan approach, will return to the house to answer me.

Matthew Haanappel, the son of a constituent, is five years old and suffers from cerebral palsy. He has been accepted as a student to start preparatory schooling next year at Croydon Primary School. However, the application made by his parents for integration and therapy aid for Matthew has been rejected.

Matthew suffers from a significant disability. In a letter to the Minister for Education dated 6 December 1999, Matthew's parents wrote:

Matthew's application has been denied. It is a gross misunderstanding of his needs and is discrimination against his right to access a high-quality education. The explanation for him being ineligible for the program is that his physical disability is not severe. All the reports on Matthew have highlighted the risk of him falling over and incurring serious injuries due to his significant problems with mobility, balance and sensory deficits.

Matthew is a bright and chirpy boy. He has excellent intellectual ability but he needs a chance to make a genuine start in life at a normal school — namely, Croydon Primary School, which is an excellent school with a good disability support service.

The school wants to give him a chance, but it needs 15 to 20 hours assistance a week to ensure Matthew can have a normal start to his school life. I ask the Minister for Education to do what she can, given that she received the letter about two weeks ago. I am sure she will give the matter her earnest consideration.

Taxis: motorcycle

Mr PHILLIPS (Eltham) — I ask the Minister for Transport to investigate the implementation of the innovative proposal to issue licences to allow motorcyclists to legally carry passengers. Honourable members may think the idea of motorbikes carrying fee-paying pillion passengers is silly, but it is not silly — it is innovative. It would be a first, and as we

move into the new millennium it would be an opportunity to investigate means of ferrying passengers.

The concept would be fuel, cost and time efficient. It is an opportunity for the minister, if he is prepared to keep an open mind on the idea, to talk to the Victorian taxi directorate about the opportunity to properly implement taxi licences for motorbikes.

Freestanding motorbike taxis or those with sidecars attached could be decked out with the normal meters. They would be a terrific tourism attraction for Melbourne. Such a scheme could be done professionally; the bikes could be painted the same colours as taxicabs. They could be used temporarily to overcome the shortage of taxis over the Christmas and New Year period. They could be licensed permanently through the minister issuing, perhaps, 20 licences. If the minister called for expressions of interest I am sure he would attract an enormous amount of interest. The idea has not been adopted anywhere else in Australia.

It would be a good initiative and could be brought in. There is a lot of merit in looking at the matter seriously. Honourable members might smile and think they would not jump on the back of motorbikes, but I assure them that ordinary people out there who are looking to travel over short distances would be interested in jumping into sidecars or onto the backs of motorbikes and being ferried around at lower prices. Getting around that way would be cheaper, easier and more fuel efficient than using cars.

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

Frankston South foreshore

Ms McCALL (Frankston) — I refer the Minister for Planning to the environmental effects statement (EES) for the development at the bottom of Olivers Hill, Frankston South, which is in my electorate. It is a most beautiful area. For many years the base of Olivers Hill has suffered from the results of ignorance by the community and also from misunderstanding about the area's potential. It currently has some boat ramps, public toilets and inadequate park facilities. The boat ramps are for launching boats into Port Phillip Bay and fit comfortably into a small cove at the base of the hill. The major problem is that it is the only effective shelter from a typhoon or equivalent storm on that side of the bay.

For many years the area has been neglected and ignored. The local community and the council undertook extensive surveys, which revealed that while many in the community were reluctant for any part of

the bay, particularly that area, to be touched at all, others were keen on having the development because of the opportunities it would offer for employment, and particularly for tourism.

In times of bad weather the area could offer some shelter for boats sailing up and down Port Phillip Bay, particularly during the Melbourne to Hobart yacht race and other such events. Will the Minister for Planning tell me the current status of the EES?

**Minister for Environment and Conservation:
correspondence**

Mr McARTHUR (Monbulk) — I raise with the Minister for Environment and Conservation my concern about the minister's inattention to her duties, particularly in dealing with other state governments. I direct the minister's attention to a letter from the Honourable Dorothy Kotz, MP, the South Australian Minister for Environment and Heritage, which is dated 3 November. As yet the Minister for Environment and Conservation has not sent an acknowledgment of the letter.

At that time Minister Kotz also wrote to the Premier. At least the Premier's chief of staff has had the courtesy to respond to the concerns of the South Australian minister and refer the matter to his own minister, but to no avail. The Minister for Environment and Conservation has done absolutely nothing to respond to the concerns of the South Australian minister.

The South Australian minister wrote in a perfectly legitimate manner. She said that South Australia has an interest in water going down the Murray River and that she has some concerns about issues that are currently under discussion between New South Wales, Victoria and the commonwealth. She asked to be briefed on the issues and to have her concerns taken into account. Given that South Australia is a partner to the Murray–Darling Basin Agreement it is reasonable for it to be taken into account in the discussions on the matters.

I am disappointed that the minister has sought to treat a minister of the Crown from another state with such contempt. I ask her to take action to quickly uphold Victoria's integrity on such issues and respond.

Road safety: toll

Mr LEIGH (Mordialloc) — I raise a matter for the minister that I raised at lunch the other day. Firstly, does he stand by his claims that the government will reduce the Victorian road toll by 20 per cent in the life of the government — —

The SPEAKER — Order! It is not clear to the Chair to which minister the honourable member is referring.

Mr LEIGH — The Minister for Transport. Secondly, is it his intention to next year reduce the speed limit to 50 kilometres per hour?

Honourable members interjecting.

Mr Batchelor — On a point of order, Mr Speaker, the honourable member for Mordialloc raised two issues: the reduction to 50 kilometres an hour in residential areas and the reduction in the road toll. He is not entitled to ask two questions. I ask you to rule accordingly.

The SPEAKER — Order! I do not uphold the point of order. It was clear to the Chair that the honourable member was raising one issue.

Mr LEIGH — Is it the intention of the minister to honour the commitment he made last Tuesday?

Responses

Ms PIKE (Minister for Aged Care) — The honourable member for Footscray referred to the inappropriate use of a supported residential service in Footscray that has been operating without a planning permit, without the appropriate licence and as a private methadone clinic. The honourable member also alerted me, as did honourable members representing the Geelong area, to the operator's intention to move into the Geelong region. His raising the matter is timely because a community visitors report on supported residential services was tabled this week. I intend to make a formal response to the report in the new year. The report gives an insight into problems in services that provide accommodation for some of the most vulnerable members of the community.

The previous government began a review of supported residential services, and I intend to broaden the scope of that review. I have pleasure in announcing that the honourable member for Footscray has accepted my invitation to act as chair of the new review panel, which will have expanded terms of reference. The house can look forward to a tightening of the eligibility criteria for those who wish to run supported residential services.

A range of factors will be examined, such as location, a set of criteria for operators and the provision of additional funding for residents through a range of mechanisms. I assure the honourable member for Footscray that the government takes seriously the matter of licensing and that the particular operator to

whom he referred on this occasion and on other occasions will not be granted a licence to run a supported residential service in this state.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The honourable member for Hawthorn referred to the priority education training places tender. I am pleased to inform the house that letters have been sent regarding the tender process. Obviously the honourable member has not been informed of that fact. An independent panel has been set up, comprising the Department of Treasury and Finance, the Australian Council of Private Education and Training, a private provider, and the Office of Training and Further Education. I put on record that I have accepted every recommendation. There has been no interference, which may have been the case in the past.

Ms GARBUTT (Minister for Environment and Conservation) — I am afraid the honourable member for Monbulk has been set up. They do not like you in South Australia either. The honourable member's information is wrong.

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — The honourable member for Ripon raised a matter with me concerning the potential of the Pyrenees and Grampians wine trail and the need for promotional signs and activities. Only a couple of weeks ago I spent a lot of time in Ararat with the honourable member for Ripon. The community was impressed that, unlike previous governments, a minister spent more than a day talking to the locals about the issues.

One of the issues raised concerned the delays in the signage program for the Pyrenees and Grampians wine trail. Of course money has been put into the trail for road signs and so on, but not much has been seen and the proposal has been bogged down with delays. I have investigated the problems. I give the previous government the benefit of the doubt because there have been some teething problems. The trail provides great opportunities for the Ararat region out to the Pyrenees and Avoca.

Mr Perton interjected.

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

Mr PANDAZOPOULOS — The regional signage tourism committees that have been set up are looking at a range of — —

Mr Leigh interjected.

Mr PANDAZOPOULOS — On the last sitting day of the year the opposition is not interested in the people of regional Victoria. It is not interested in the people of Ararat and the Ripon electorate. No wonder it lost the seat. The way opposition members are now acting proves that they will continue to lose the seat.

The regional signage tourism committees have been working on a range of touring trails. Those touring trails make a difference to local communities. It is interesting to note that the wine trail is booming in Avoca and Ararat, but it needs additional support from government. The local community has expressed its disappointment about the constraints in the vigneron industry in the area.

After hearing some of the issues and visiting Montana Winery and sampling some of its great product — I certainly enjoyed it — I returned to my office to find out what had been happening and why there were delays with signage. It is no surprise that it was because the previous government was not giving the required attention to detail in rural and regional Victoria. I am pleased to announce that the signs are just about complete. I am informed that they will be erected either by the end of the month or early in the new year.

Honourable members interjecting.

The SPEAKER — Order! I ask opposition members on the front bench to come to order.

Mr Leigh interjected.

The SPEAKER — Order! By continuing to interject the honourable member for Mordialloc is only delaying the response to the important matter he raised.

Mr PANDAZOPOULOS — Apart from advising the house that the signs will be erected either later this month or early next month, which will be a great tourist focus for the local community and just in time for those touring the state during the holidays, I can say that the area will have its own sign touring number. There will also be a brochure, which I am pleased to display to the house today, of the region from Great Western to St Arnaud, to Avoca and on to Ararat.

It is a great region. I am thankful to the community and the honourable member for Ripon for having raised the matter with me. The government has delivered. It was asked to do something as soon as possible, and that is what it has done. Time and again the opposition has wanted to play games and not support regional Victoria, but the government will continue to support regional Victoria.

Ms DELAHUNTY (Minister for Education) — The honourable members for Knox and Kew raised the matter of facilities in their local schools, particularly portables and relocatables. I am happy to investigate the needs of those schools. The government wants all students to have a quality education in quality surroundings.

The honourable member for Kew reminded the house that representations were made on behalf of Kew Primary School to the previous Minister for Education. Earlier this year those representations were declined. I was not warned those representations would be raised, so I did not have the opportunity to investigate the files. However, I will look at the matter, and an application can be forwarded to the Department of Education, Employment and Training in due course.

The honourable member for Warrandyte raised the matter of a young student who needs disability and impairment support. He requires an integration aide to go to school. As the honourable member would know, there is and has been for a long time an extraordinary demand for integration support funding. The disability and impairment support program has for seven years been savagely and seriously underfunded.

That is creating difficulties for the many parents who understandably expect that their children, almost despite their disabilities, will be able to enter and stay within mainstream education. The government believes that should be the aim of all parents and their children. However, there is a funding blow-out.

The former government left an \$11 million black hole in disability and impairment support funding. It is a little rich now for some members to come into the house and expect this government to fix everything in education after those on the other side have savaged it. Members who have come from the government side now expect the current government to fix the problems they so cruelly ignored in seven years on the government benches.

However, this is a new government that believes in quality education. Any application for disability and impairment support that comes before the government will be reviewed.

Mr BRUMBY (Minister for State and Regional Development) — The honourable member for Ballarat East raised a proposal concerning the establishment of a televillage in Ballarat. Progress has been made on that proposal and a number of other telecommunications matters in Victoria.

I am delighted to tell the honourable member that I have excellent news on the televillages project. The project will be trialled in Ballarat. Multimedia Victoria is working with community leaders in Ballarat to progress the project, and Ballarat City Council is advertising for a project manager. The position will be advertised on Saturday.

The honourable member has been involved in meetings on the project with the Ballarat City Council and Multimedia Victoria. I understand the position of project manager will be a short-term position of, say, three to four months, and the project manager will develop the project proposal. I am hopeful that in the course of next year the project will be implemented and will be the first cab off the rank in the televillages projects.

Mr Perton interjected.

Mr BRUMBY — We will be supporting the project.

Mr Perton interjected.

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

Mr BRUMBY — There are other good-news stories around the state. It is clear from the state's world-class infrastructure, skilled work force and obvious incentive for high-tech businesses to establish themselves in Victoria that Australian and overseas companies are hearing the message that the Bracks government is a pro-business government.

Several investment successes have already happened in Melbourne, including eSign and ANAM. Another great success story and a vote of confidence in the new government is the opening today by Vodafone of a \$15 million mobile phone exchange that will help cement Victoria's position as Australia's telecommunications capital. One of the most exciting aspects of that investment is Vodafone's provision for expansion. The new facility will initially use only a small proportion of available capacity allowing for a very significant expansion in the future. That is great news, particularly when one considers the current growth enjoyed by the telecommunications industry.

Vodafone's new mobile phone exchange will service customers in Victoria and Tasmania and will complement a similar facility already operating here. To give honourable members an illustration of the size of the facility, it will immediately increase the call-volume capacity of the Victorian Vodafone

network by more than one-third. It is a substantial investment.

The exchange will manage Vodafone's base station operations as well as directing calls made on the Vodafone network to other carriers. The company's decision to position the new exchange in Melbourne is an endorsement of the state's great strengths in terms of the information and communications technologies (ICT) industry — that is, good infrastructure, good skills base, good policies and, I say in a bipartisan way, a strong commitment to the industry. Victoria is positioned to be the knowledge and ICT capital of Australia.

As the honourable member for Ballarat East and other honourable members know, six weeks ago I presented the government strategy for the ICT industry — Connecting Victoria — and set out the policies and framework the government will use to grow the industry. The government has made a significant commitment to the televillages project in regional Victoria and has several proposals that will strengthen regional infrastructure in country areas.

The City of Greater Bendigo is another leader in using technology to grow local businesses and enhance the community as a whole. I congratulate the city on its initiative in pursuing a range of programs from e-commerce to community connectivity.

The government has announced a tri-state alliance between Victoria, New South Wales and Queensland, a key objective of which is to ensure that regional Australians, particularly regional Victorians, are properly positioned to obtain a better deal on regional communications

Last week I addressed the annual general meeting of Skillsnet Victoria, an initiative introduced by the former government. Some 30 000 people participated in that program over the past three years. The government has set a target of 40 000 over the next three and a half years. Skillsnet is an excellent program in every respect. The government will continue the program and accelerate the participation rate.

The Minister for Aged Care showed me some ABS figures today on characteristics of people over the age of 55. An interesting statistic, which I will ask Multimedia Victoria to brief me about, is that only 9.4 per cent of people in Victoria who are over 55 are using the Internet — one of the lowest proportions for that group in any state in Australia.

Mr Perton — Is that correct?

Mr BRUMBY — Yes, that is correct. I was surprised to see that statistic because Victoria has one of the highest Internet usage rates in the world. I will ask Multimedia Victoria to advise me on it. One of the government's objectives is to make sure that more and more people across the state are able to use the Internet. I congratulate the honourable member for Ballarat East on his support for the Ballarat televillages project, which is excellent.

Another exciting investment announced today is the \$15 million Vodafone investment. The industry is really kicking along; it promises great investment and job opportunities for all Victorians.

Mr BATCHELOR (Minister for Transport) — The honourable member for Eltham raised with me the novel and interesting idea of using motorbikes as taxis in the formal taxi system. Presumably they would be licensed to carry passengers for pay or reward and would operate like the more conventional motor car taxis we are used to. I have not heard of the idea being applied in other places.

The honourable member described the idea as innovative, and it certainly is. I believe there may be some potential in it for tourism, and it may also have some application for quick passage through congested city traffic and for a number of other situations. I am not aware of the idea being put forward before or whether any examination of the concept has been done by the taxi directorate. I will ask the directorate and the roads people in the Department of Infrastructure to have a look at it, and I will get back to the honourable member. I thank him for his innovative suggestion, particularly since it was made on the eve of the Christmas break.

The honourable member for Bendigo East raised with me the real problems being suffered by the workers at the railway workshops in Bendigo. Job numbers have dropped from some 262 to 35, which has had a staggering impact. I well remember the information given to those workers. Honourable members will recall the cynical way the jobs of those provincial workers were used by the Liberal members who represented the area. It is little wonder there has been a clean-out of those members in Bendigo.

The Bendigo workshops were a strong and thriving operation where pride in the work was spread across the entire work force. The workers had skills and they produced the goods, and they were encouraged to break out of the state-owned system and enter employment arrangements with the privatised company managed by Goninan. The workers agreed to that transition on the

basis that the Public Transport Corporation (PTC) would direct work to their privatised Bendigo workshops and they would be able to maintain their jobs.

They were told a cruel lie — they were sold a pup — and it was perpetrated on them by the previous Kennett government, in particular their representatives from the Bendigo area, who have since been thrown out of Parliament.

The analysis has been undertaken by the government, and it has been expounded by Goninan's, which has said that it was let down by the previous government. It said it went into the arrangement when it was implied — it was given a nod and a wink, so to speak — that it could get the maintenance work from the Public Transport Corporation. As soon as that happened, in one of his most impetuous moves, the former Premier then changed the ground rules and left the people in Bendigo hanging like a shag on a rock. They were abandoned. The previous Liberal local members did nothing to support those workers.

The government is now left with a tragic set of circumstances in which the majority of other railway workshops have set up strategic alliances with the new private operators but the workers at Bendigo have been unable to do that through the company that employs them because they entered into a particular set of arrangements. The workers agreed to go along with those arrangements under which Goninan's would lease the facilities for a long period in the expectation that it would get work from the PTC. However, after that was done the former government privatised the system and lost the ability to direct work. It will not be long before the once grand PTC will cease to exist as a legal entity, and that demonstrates how destructive the policies of the previous government were.

The poor workers in Bendigo know that most of all. My heart goes out to workers who have been told of further job cuts and job losses right on the eve of the Christmas period. It is a delayed Christmas present from former Premier Jeff Kennett. He has stabbed them in the back, as he stabbed others in the back time and again. There were once 262 jobs, but today there are only 35, with 25 workers being put off on the eve of Christmas — when it should have been a joyous and happy occasion — because of the policies of the previous government.

The honourable member for Mordialloc raised two issues with me on the adjournment debate tonight — —

The SPEAKER — Order! The Chair ruled that only one issue was raised.

Honourable members interjecting.

Mr Leigh — Do you stand by your speech?

Mr BATCHELOR — Do I stand by my speech? I can inform the house that when I gave the speech I was standing!

The Deputy Leader of the Opposition raised a matter for the attention of the Premier and the honourable member for Frankston raised an issue for the Minister for Planning. I will advise the Premier and the Minister for Planning respectively of those issues, and they will get back to the honourable members concerned in due course.

Motion agreed to.

House adjourned at 6.04 p.m.

QUESTION ON NOTICE

*Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Assembly.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.*

Tuesday, 14 December 1999

Premier: questions on notice 30-day rule

1. **MR WILSON** — To ask the Honourable the Premier, whether he intends to introduce a change to Standing Orders or other mechanisms establishing a requirement that Questions on Notice placed by Members of the Legislative Assembly be answered by Ministers and incorporated in *Hansard* within 30 days, as presently required in the Legislative Council; if so, when.

ANSWER:

The government does not have any intentions at this time to alter the sessional orders of the Legislative Assembly.

