

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**4 October 2000**

**(extract from Book 4)**

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

**By authority of the Victorian Government Printer**



## **The Governor**

His Excellency the Honourable Sir JAMES AUGUSTINE GOBBO, AC

## **The Lieutenant-Governor**

Professor ADRIENNE E. CLARKE, AO

## **The Ministry**

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

## Legislative Assembly Committees

**Privileges Committee** — Mr Cooper, Mr Holding, Mr Hulls, Mr Loney, Mr Maclellan, Mr Maughan, Mr Nardella, Mr Plowman and Mr Thwaites.

**Standing Orders Committee** — Mr Speaker, Mr Jasper, Mr Langdon, Mr Lenders, Mr McArthur, Mrs Maddigan and Mr Perton.

## Joint Committees

**Drugs and Crime Prevention Committee** — (*Council*): The Honourables B. C. Boardman and S. M. Nguyen. (*Assembly*): Mr Cooper, Mr Jasper, Mr Lupton, Mr Mildenhall and Mr Wynne.

**Environment and Natural Resources Committee** — (*Council*): The Honourables R. F. Smith and E. G. Stoney. (*Assembly*): Mr Delahunty, Ms Duncan, Mr Ingram, Ms Lindell, Mr Mulder and Mr Seitz.

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

**House Committee** — (*Council*): The Honourables the President (*ex officio*), G. B. Ashman, R. A. Best, J. M. McQuilten, Jenny Mikakos and R. F. Smith. (*Assembly*): Mr Speaker (*ex officio*), Ms Beattie, Mr Kilgour, Mr Leighton, Ms McCall, Mr Rowe and Mr Savage.

**Law Reform Committee** — (*Council*): The Honourables D. G. Hadden and P. A. Katsambanis. (*Assembly*): Mr Languiller, Ms McCall, Mr McIntosh, Mr Stensholt and Mr Thompson.

**Library Committee** — (*Council*): The Honourables the President, E. C. Carbines, M. T. Luckins, E. J. Powell and C. A. Strong. (*Assembly*): Mr Speaker, Ms Duncan, Mr Languiller, Mrs Peulich and Mr Seitz.

**Printing Committee** — (*Council*): The Honourables the President, Andrea Coote, Kaye Darveniza and E. J. Powell. (*Assembly*): Mr Speaker, Ms Gillett, Mr Nardella and Mr Richardson.

**Public Accounts and Estimates Committee** — (*Council*): The Honourables D. McL. Davis, R. M. Hallam, G. K. Rich-Phillips and T. C. Theophanous. (*Assembly*): Ms Asher, Ms Barker, Ms Davies, Mr Holding, Mr Loney and Mrs Maddigan.

**Road Safety Committee** — (*Council*): The Honourables Andrew Brideson and E. C. Carbines. (*Assembly*): Mr Kilgour, Mr Langdon, Mr Plowman, Mr Spry and Mr Trezise.

**Scrutiny of Acts and Regulations Committee** — (*Council*): The Honourables M. A. Birrell, M. T. Luckins, Jenny Mikakos and C. A. Strong. (*Assembly*): Ms Beattie, Mr Carli, Mr Dixon, Ms Gillett and Mr Robinson.

## Heads of Parliamentary Departments

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

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

*Hansard* — Chief Reporter: Ms C. J. Williams

*Library* — Librarian: Mr B. J. Davidson

*Parliamentary Services* — Secretary: Ms C. M. Haydon

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT — FIRST SESSION**

**Speaker:** The Hon. ALEX ANDRIANOPOULOS

**Deputy Speaker and Chairman of Committees:** Mrs J. M. MADDIGAN

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

**Leader of the Parliamentary Labor Party and Premier:**

The Hon. S. P. BRACKS

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier:**

The Hon. J. W. THWAITES

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

The Hon. D. V. NAPHTHINE

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

The Hon. LOUISE ASHER

**Leader of the Parliamentary National Party:**

Mr P. J. RYAN

**Deputy Leader of the Parliamentary National Party:**

Mr B. E. H. STEGGALL

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Allen, Ms Denise Margret <sup>4</sup>	Benalla	ALP	Lenders, Mr John Johannes Joseph	Dandenong North	ALP
Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Hurtle Reginald, OAM, JP	Knox	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McArthur, Mr Stephen James	Monbulk	LP
Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
Beattie, Ms Elizabeth Jean	Tullamarine	ALP	McIntosh, Mr Andrew John	Kew	LP
Bracks, Mr Stephen Phillip	Williamstown	ALP	MacLellan, Mr Robert Roy Cameron	Pakenham	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John <sup>3</sup>	Benalla	NP
Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
Dean, Dr Robert Logan	Berwick	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
Dixon, Mr Martin Francis	Dromana	LP	Perton, Mr Victor John	Doncaster	LP
Doyle, Robert Keith Bennett	Malvern	LP	Peulich, Mrs Inga	Bentleigh	LP
Duncan, Ms Joanne Therese	Gisborne	ALP	Phillips, Mr Wayne	Eltham	LP
Elliott, Mrs Lorraine Clare	Mooroolbark	LP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Plowman, Mr Antony Fulton	Benambra	LP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Richardson, Mr John Ingles	Forest Hill	LP
Gillett, Ms Mary Jane	Werribee	ALP	Robinson, Mr Anthony Gerard Peter	Mitcham	ALP
Haermeyer, Mr André	Yan Yean	ALP	Rowe, Mr Gary James	Cranbourne	LP
Hamilton, Mr Keith Graeme	Morwell	ALP	Ryan, Mr Peter Julian	Gippsland South	NP
Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Spry, Mr Garry Howard	Bellarine	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Steggall, Mr Barry Edward Hector	Swan Hill	NP
Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar <sup>2</sup>	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb <sup>1</sup>	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Treize, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantima	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

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

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

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

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



# CONTENTS

## WEDNESDAY, 4 OCTOBER 2000

DISTINGUISHED VISITOR .....	821	AGRICULTURAL INDUSTRY DEVELOPMENT (AMENDMENT) BILL <i>Introduction and first reading</i> .....	859
QUESTIONS WITHOUT NOTICE		MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL <i>Introduction and first reading</i> .....	859
<i>MAS: royal commission</i> .....	821	FISHERIES (AMENDMENT) BILL <i>Introduction and first reading</i> .....	859
<i>Forests: sawlog licences</i> .....	821	INTERPRETATION OF LEGISLATION (AMENDMENT) BILL <i>Second reading</i> .....	859
<i>Teachers: industrial agreement</i> .....	821, 822	<i>Remaining stages</i> .....	864
<i>Public sector: enterprise agreement</i> .....	822, 825	ANGLICAN TRUSTS CORPORATIONS (AMENDMENT) BILL <i>Second reading</i> .....	864
<i>Gaming: community consultation</i> .....	824	<i>Remaining stages</i> .....	876
<i>Tertiary education and training: public sector</i> .....	826	TATTERSALL CONSULTATIONS (AMENDMENT) BILL <i>Second reading</i> .....	876
<i>Education, Employment and Training:</i> <i>consultancies</i> .....	828	ADJOURNMENT	
<i>Victorian Law Reform Commission</i> .....	828	<i>Rescode: Bayside</i> .....	877
PETITIONS		<i>Housing: walk-up estates</i> .....	878
<i>Preschools: funding</i> .....	829	<i>Disability services: Interchange program</i> .....	878
<i>Rail: South Gippsland</i> .....	829	<i>Maribyrnong Harm Reduction Coalition</i> .....	879
LOCAL GOVERNMENT (RESTORATION OF LOCAL DEMOCRACY TO MELTON) BILL <i>Introduction and first reading</i> .....	829	<i>Hospitals: elective surgery</i> .....	879
MEMBERS STATEMENTS		<i>Villamanta Legal Service</i> .....	880
<i>Frankston Hospital</i> .....	830	<i>Moorabbin Airport: helicopter training</i> .....	880
<i>Echuca Federal Band</i> .....	830	<i>Multicultural affairs: funding</i> .....	881
<i>Cooper Street, Epping: duplication</i> .....	830	<i>Wilsons Promontory National Park</i> .....	881
<i>Robert Polk</i> .....	830	<i>Bendigo: dialysis services</i> .....	882
<i>Peter Perna</i> .....	831	<i>Responses</i> .....	882
<i>Rail: South Gippsland</i> .....	831		
<i>Rail: regional links</i> .....	831		
<i>Neil Bates</i> .....	832		
<i>Premier: advisers</i> .....	832		
<i>Sunbury Secondary College</i> .....	832		
<i>Olympic Games: Sandringham athletes</i> .....	832		
GRIEVANCES			
<i>ALP: government inquiries</i> .....	833		
<i>Rural Victoria: sewerage</i> .....	835		
<i>Barley: industry deregulation</i> .....	836		
<i>Schools: Werribee electorate</i> .....	837		
<i>MAS: royal commission</i> .....	839, 846		
<i>City Link: tolls</i> .....	842		
<i>Aquaculture: funding</i> .....	844		
<i>Northern suburbs: government services</i> .....	847		
<i>Taxation: relief</i> .....	849		
<i>Austin and Repatriation Medical Centre</i> .....	851		
<i>Member for Benalla: electorate officer</i> .....	854		
UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN <i>Amendment</i> .....	856		
HERITAGE (AMENDMENT) BILL <i>Introduction and first reading</i> .....	858		
DUTIES BILL <i>Introduction and first reading</i> .....	858		
CRIMES (AMENDMENT) BILL <i>Introduction and first reading</i> .....	858		
WRONGS (AMENDMENT) BILL <i>Introduction and first reading</i> .....	858		
TRANSPORT ACCIDENT (AMENDMENT) BILL <i>Introduction and first reading</i> .....	859		



**Wednesday, 4 October 2000**

The **SPEAKER** (Hon. Alex Andrianopoulos) took the chair at 2.06 p.m. and read the prayer.

**DISTINGUISHED VISITOR**

The **SPEAKER** — Order! It gives me great pleasure to welcome to the gallery Mr Mirza Shamsuzzaman, High Commissioner of the People's Republic of Bangladesh.

**Honourable Members** — Hear, hear!

**QUESTIONS WITHOUT NOTICE****MAS: royal commission**

**Dr NAPHTHINE** (Leader of the Opposition) — I ask the Premier whether it is a fact that senior officers of the Metropolitan Ambulance Service royal commission urged the government not to drop key references nos 1, 2 and 4.

**Mr BRACKS** (Premier) — The government had proper dialogue and discussions with the Metropolitan Ambulance Service royal commissioner. The recommendations were given and the government's decision was accepted.

**Forests: sawlog licences**

**Mr STEGGALL** (Swan Hill) — My question for the Minister for Environment and Conservation relates to hardwood sawlog licences. A recent industry survey revealed that in country Victoria approximately \$20 million in new investment and 300 jobs were in jeopardy due to the government's delay in renewing 15-year hardwood sawlog licences. Can the minister advise the house if and when these licences will be renewed?

**Ms GARBUTT** (Minister for Environment and Conservation) — The so-called evergreen hardwood licences, which run for 15 years, in most cases still have another 3 or 4 years to run. Yesterday I met with the Victorian Association of Forest Industries to discuss the issue. The negotiations on the hardwood licences have been under way for two years. They started under the previous administration — so there was obviously no sense of urgency from the previous government — and the negotiations continue under this government.

There are major issues at stake in terms of jobs, economic growth, regional development and a

sustainable yield that can be delivered. Those negotiations will continue.

**Teachers: industrial agreement**

**Mr LANGUILLER** (Sunshine) — I refer the Premier to the struggle to attract young Victorians to the teaching profession, and I ask: will he inform the house of the latest action the government has taken to make teaching the first choice of young graduates?

**Mr BRACKS** (Premier) — I thank the honourable member for Sunshine for his question and for his continuing interest in education. I am pleased we have reached a great deal for teachers in Victoria. It is a fantastic deal. The government has achieved a 3 per cent across-the-board salary increase, and — —

**Dr Napthine** interjected.

**Mr BRACKS** — As the Leader of the Opposition said, 'And the rest'. Thank you. I will outline the rest — —

*Honourable members interjecting.*

**Mr BRACKS** — They love teachers over there! They hate teachers. It is unbelievable.

In addition to the 3 per cent across-the-board salary increase, the government has also provided performance bonuses for high-quality, high-performing teachers.

**Mrs Peulich** interjected.

**Mr BRACKS** — I think I heard the honourable member for Bentleigh ask, 'How much?'. I will answer that question.

**Mrs Peulich** interjected.

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

**Mr BRACKS** — In addition to the 3 per cent across-the-board increase, the government is also offering performance bonuses for high-quality teachers. The total cost of the package over three years is \$326 million.

**Dr Napthine** interjected.

**Mr BRACKS** — It is over three years. Where does this person come from? Of the \$326 million, the 3 per cent salary increase will cost \$251 million over three years, which means that \$75 million will be available for performance bonuses — that is \$25 million a year.

Some 77 per cent of the package will go towards the 3 per cent salary increase. That means that only a limited number of teachers will be able to get the high-performance, high-quality classification.

The other good news of the package is that starting salaries for teachers will also increase. Given that Victoria is facing a teacher shortage in the future, that is good news. By 2003 — the end of the term of the package — the starting salary of \$36 378 will increase to a starting package for new teachers of \$40 923. That is certainly good news.

In response to the question asked by the honourable member — how will the government recruit people into the system? — I say it will happen in two ways. Firstly, by increasing the starting salaries, and secondly, by offering teachers a scale they can achieve if they are high performing. That is about professionalism. It is surprising and perhaps revealing that the opposition is opposing performance bonuses for teachers. The previous government introduced performance salaries for principals, but it does not want the same package to be introduced for teachers. It will not support it. That shows its hypocrisy.

**Mr Honeywood** interjected.

**Mr BRACKS** — The honourable member for Warrandyte who is interjecting obviously opposes the measure. I say to him —

**Dr Napthine** interjected.

**Mr BRACKS** — He is not opposing it?

*Honourable members interjecting.*

**The SPEAKER** — Order! There is far too much interjecting across the chamber. I ask the chamber to quieten down.

**Mr BRACKS** — The government benches have a high regard for teachers, nurses and public servants in the state. We have reached agreement with all those sectors — with public sector workers, with nurses, and now with teachers. We will be working in partnership to rebuild the education system; we are working in partnership with nurses to rebuild the health system; and we will ensure in working with public servants that we have high-quality services. That distinguishes us from the other side, which ran down services in this state and continually bashes teachers. All it does is teacher bash.

**Mr Perton** — On a point of order, Mr Speaker, the honourable member has now reached the 5-minute

guideline you have set. He is also clearly debating the question, as he has admitted. I ask you to sit him down.

**The SPEAKER** — Order! The chamber has made a number of interruptions to the Premier's answer. I am not prepared to uphold the point of order as a result of those interruptions. However, I remind the Premier of the need to be succinct and I ask him to conclude his answer.

**Mr BRACKS** — In conclusion, I congratulate the teachers of this state on entering into an historic agreement with the government. I congratulate them on wanting to rebuild the education system, which was under attack for the past seven years of the coalition government.

The honourable member for Warrandyte is making the mistake that is often made in opposition. He is opposed to everything; he is negative about everything. He should be backing this proposal. It is a great proposal for Victoria and for education. One would not know what the honourable member believes in. He opposes everything, no matter what its status.

### **Public sector: enterprise agreement**

**Ms ASHER** (Brighton) — I refer the Treasurer to the recent salary agreement struck with the Community and Public Sector Union. Will the Treasurer advise the house of the total cost to the budget of this wage increase for this year and the following two years in the same way as the Premier has done with the teacher's agreement?

**Mr BRUMBY** (Treasurer) — The cost of the agreement to which the honourable member refers is provided for in the forward estimates of the budget, which was brought down in May. I think this is the shadow minister's second question. We thought the honourable member had returned to the upper house. In the only other claim the shadow Treasurer has made regarding the Treasury portfolio she was actually out by a factor of \$200 million.

The question today is clearly set out in the budget papers released by the Premier in May. The cost of the salary increases is provided for in those forward estimates.

### **Teachers: industrial agreement**

**Ms LINDELL** (Carrum) — I refer the Minister for Education to the loss of experienced teachers from the classroom. Will the minister inform the house of the details of the historic agreement reached yesterday that

will link experienced teachers' salaries to government policy objectives?

**Ms DELAHUNTY** (Minister for Education) — When the Bracks government was elected it said it would put respect and resources back into education. It delivered immediately on smaller class sizes, welfare coordinators and school buildings. Today, with the signing of this historic agreement, it delivers on its school standards and teacher status policy.

This would be novel to the opposition. When in government its policy on education was cut, close and sack. We want to build. As the Premier said, our top teachers now will receive extra awards if they can prove that as a result of their teaching the students in their classroom have improved their educational outcomes. That is performance pay. Principals will be asked to report on — —

**Mr McArthur** — On a point of order, Mr Speaker, the minister seems to be reading from a typewritten document. I ask that she make it available to honourable members.

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

*Honourable members interjecting.*

**The SPEAKER** — Order! There is no point of order. The minister has indicated to the Chair that she was referring to notes.

**Ms DELAHUNTY** — Mr Speaker, if they were in the classroom they would be expelled.

Principals will now have the responsibility of reporting on their students' progress against statewide standards set by the government. There will be performance standards for all levels of the structure. As the Premier said, \$326 million will be provided over three years to provide pay increases to all school staff — that is, principals, assistant principals, teachers, leading teachers, and school support staff.

It is interesting that the Leader of the Opposition should raise this matter. He seems to be in some dispute with his shadow minister because he is saying — and I have a document I will quote from — —

*Honourable members interjecting.*

**Ms DELAHUNTY** — I just found it here on the desk, Mr Speaker.

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Bentleigh! The house will come to order. The house is aware that honourable members may quote from documents in their contributions to the house.

*Honourable members interjecting.*

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

**Ms DELAHUNTY** — Apparently the Liberal Party is running a forum in Hamilton this weekend. Can anyone guess what the topic is? Education! The Liberal Party is running a forum in Hamilton next weekend to encourage people to speak out on the educational needs, particularly of country Victoria. Denis Napthine, the Liberal Party leader, is reported as saying:

Education is paramount. We know that education is the key to success for young people in the 21st century.

**Mr McArthur** — On a point of order, Mr Speaker — —

**Ms DELAHUNTY** — There you go; it's your document.

**The SPEAKER** — Order! Will the house come to order! The honourable member for Monbulk, on the point of order.

**Mr McArthur** — I have the document now, Mr Speaker, so there is no need to raise it.

**The SPEAKER** — Order! I understand that honourable members have been participating in celebrations for our Olympians. However, the house is now in session and I ask honourable members to respect the forms of the house and allow question time to continue in an orderly fashion.

**Mr Cooper** interjected.

**The SPEAKER** — Order! The honourable member for Mornington! The Chair will not hesitate to use sessional order 10 to restore order. The minister, concluding her answer.

**Ms DELAHUNTY** — All honourable members know that education is at the centre of the knowledge economy and that the expertise of teachers is central to the educational opportunities of students. The government agrees with an article in today's *Age* under the heading 'Teacher pay rises are smart policy: the state education sector needs rebuilding and a new pay deal is a step in the right direction', which states:

With the information age now fully upon us, it is crucial that Victoria, with its limited natural resources, invests in human

capital. Only by doing that can the state create new economic and technological opportunities. Building a stable, high-quality corps of teachers is a key element of that strategy.

The *Age* is right, and I hope that after seven years — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I have just cautioned the house and do so again. This is the last warning before I start using sessional order 10. I ask the Minister for Education to conclude her answer.

**Ms DELAHUNTY** — After seven years of attacks on education I hope the state can now begin to build.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Leader of the Opposition and the honourable member for Mitcham!

### **Gaming: community consultation**

**Mr SAVAGE (Mildura)** — I refer the Minister for Gaming to his assurance during the passage of the Gambling Legislation (Responsible Gambling) Act that the government is committed to enabling councils to be involved in decision-making processes concerning the placement of poker machines in their communities. Will the minister advise the house when community involvement in those decisions will be initiated?

**Mr PANDAZOPOULOS (Minister for Gaming)** — I thank the honourable member for Mildura for his question. He has a keen interest in involving communities in government decision making, which is what his question addresses.

Honourable members, particularly government members and, I guess, the Independents, will recall the previous government's approach to local government's involvement in having a say about what happens with gaming machines in their communities. The former Minister for Planning and Local Government threatened councils involved in having a say about what happened with gaming machines in their communities with, 'If you have a say you might get the sack'. The former government was a bunch of bullies! The Bracks government takes a fundamentally different approach to involving local communities in decision making. Its approach is that consultation is good because it means good decisions will be made and those decisions will be supported by stakeholders.

I am pleased to inform the honourable member for Mildura that as of this week the approved forms will be available, where local councils and the gaming industry

can fill out and assess from their own points of view any applications for new gaming venues, licence amendments or 24-hour gaming venue licences, and say how they will be considered on the grounds of their economic and social impact.

Those submissions will be an integral part of the assessment process in assisting the Victorian Casino and Gaming Authority to make the best decision about the impact of any additional gaming machines or any changes to licences on local communities. The submissions will address the economic and social impact of a proposal on the wellbeing of the local community within the municipal district where the premises or venues are located, and will take into account the impact on surrounding municipal districts.

The honourable member for Mildura might recall that a key part of the legislation that was passed earlier this year was giving not only the local council involved a say about where gaming venues will be located, but also giving neighbouring councils a say, because venues can have an impact on neighbouring municipalities. Those things will be taken into account by the authority when it considers applications.

Factors to be considered include the incidence of bankruptcy in local communities; the level of impact on employment; the loss of revenue to local economies; the demand for community support services; the levels of problem gambling; social, recreational and entertainment opportunities; the effects of gaming on community life; and infrastructure investment, development and maintenance. The opportunity will be available to consider those impacts on economic and social grounds.

The process is a benchmark for Australia. No other states with gaming machines apply this process of engaging and involving communities through their local councils. It is an essential part of Labor's responsible gambling legislation. The Victorian Casino and Gaming Authority is required to consider the submissions before it makes its decisions. Forms are currently being sent to local councils and the industry. Some 30 applications are currently pending in the authority.

The previous government never gave communities a choice about involvement, but the Bracks government considers it an important part of restoring the balance in gambling. There was also unprecedented — —

**Dr Dean** — On a point of order, Mr Speaker, the Minister for Gaming is clearly reading from notes as he is giving his answer — it was clear for all to see — and

according to the directions of the house, I ask if he will table those notes.

**The SPEAKER** — Order! Was the Minister for Gaming quoting from a document?

**Mr PANDAZOPOULOS** — It is not a document, Mr Speaker. Unlike the honourable member for Berwick, I do not take my own constituents to court.

**The SPEAKER** — Order! The obligation is for a member who is quoting from a document to make that document available to the house. The minister has indicated he is referring to notes. There is no point of order. I ask the Minister for Gaming to conclude his answer.

**Mr PANDAZOPOULOS** — In conclusion, as I was saying before I was interrupted, there has been unprecedented consultation between the gaming industry and local government on this issue.

It is a consensual initiative between the gambling industry and local government groups, so we have an approved form. This is an important initiative that all players and participants are involved with. I look forward to continuing to work with communities and having them involved in the decision-making process. From this week, communities will have a say.

### **Public sector: enterprise agreement**

**Mr HONEYWOOD** (Warrandyte) — I refer to recent salary agreements struck with the Australian Education Union. Given that the Treasurer stated to the house on 24 May that public sector pay increases would be kept to 3.5 per cent per annum or below, does he wholeheartedly support the \$326 million package or was he rolled by his obviously more influential cabinet colleague, the Minister for Education?

*Honourable members interjecting.*

**The SPEAKER** — Order! The latter part of the question is out of order.

**Mr BRUMBY** (Treasurer) — Is the honourable member for Warrandyte attending the forum next week to learn a bit about education?

**The SPEAKER** — Order! The Treasurer, addressing the Chair!

**Mr BRUMBY** — There have been opposition questions about this issue today to both the Premier and the Minister for Education. The fact of the matter is — —

**Dr Napthine** interjected.

**Mr BRUMBY** — There have been questions. Honourable members and everyone who observes this chamber remembers the past seven years under the former government when almost 9000 teachers were chopped out of our state education system. Nine thousand teachers!

*Honourable members interjecting.*

**Mr BRUMBY** — I remember — —

**Mr Leigh** interjected.

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

**Mr BRUMBY** — I remember each time another thousand — —

*Opposition members interjecting.*

**The SPEAKER** — Order! I warn the honourable member for Mordialloc.

**Mr BRUMBY** — I remember each time another thousand teachers — —

**Mr Perton** interjected.

**The SPEAKER** — Order! The honourable member for Doncaster shall cease interjecting forthwith!

**Mr BRUMBY** — Each time another thousand teachers were taken out of the state education system the ones who cheered the loudest every time were the honourable members for Warrandyte and Portland. They were part of the former government's cheer squad.

**Mr Honeywood** — On a point of order, Mr Speaker, the Treasurer is clearly debating the question. We don't need a history lesson. Did he get rolled or didn't he?

*Honourable members interjecting.*

**The SPEAKER** — Order! I uphold the point of order; however, I will not permit the honourable member for Warrandyte to continue repeating his question as he began to do. I ask the Treasurer to come back to answering the question.

**Mr BRUMBY** — I am answering the question. There has been a barrage of interjections. Clearly, the opposition is very uncomfortable debating the issue of education. The point is — —

**Dr Napthine** interjected.

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

**Mr BRUMBY** — The point is that what will increasingly drive the economy of this state is skills and knowledge. It is the basis for the whole innovation and knowledge economy. It is the innovation, entrepreneurship and skills of the people in our state that we develop that are important. The place where you develop those skills — the first and most important place — is in the education system. If you want to develop those skills, if you want a world-class economy, if you want big, international companies to invest in Victoria and if you want this state to be a place for investment offering opportunities for our young people, you have to have a world-class education system. And the most important thing you put in that education system is teachers.

**An honourable member** interjected.

**Mr BRUMBY** — Because teachers make a difference. And if you want good teachers, you have got to pay them. Do you understand that?

**The SPEAKER** — Order! The Treasurer, through the Chair!

**Dr Dean** — On a point of order, Mr Speaker, the Treasurer just yelled at you, ‘Do you understand that?’. That is contempt of the Speaker. The Treasurer should be asked to apologise.

**The SPEAKER** — Order! The Chair has just advised the Treasurer of the need to debate in the third person and through the Chair. He shall do so.

**Mr BRUMBY** — Through you, Mr Speaker, I obviously won’t be engaging the honourable member for Berwick as my counsel after that point of order.

*Honourable members interjecting.*

**The SPEAKER** — Order! The house should come to order. This question time has been going for some 35 minutes, mainly because of the interruptions from both sides of the chamber. I ask all honourable members to respect the forms of the house.

**Mr BRUMBY** — Mr Speaker, I will conclude but I point out that before question time today a significant number of members of this house, including members of the opposition, were with me at 60 Collins Street at a function organised by the Commonwealth Scientific and Industrial Research Organisation, which was about

biotechnology and the knowledge economy. It just serves to reinforce the point that some members of this Parliament can see the way forward and the importance of innovation and the knowledge economy, but unfortunately others cannot.

**Mr Cooper** — On a point of order, Mr Speaker, I refer you to a ruling on 18 September 1991 in which Speaker Coghill advised the minister that he must either indicate that he is not prepared to answer the question or provide an answer relevant to the question. Without repeating it, the question was whether the Treasurer endorses a particular course of action by the government in regard to salaries for teachers. The Treasurer has not touched upon that. I ask you to give some consideration to that ruling by your predecessor Speaker Coghill and ask the Treasurer whether he is prepared to answer the question, or if he is not to indicate as much, and then to sit him down.

**The SPEAKER** — Order! All honourable members know the rules governing question time. A minister’s answer must be relevant to the question. The Chair was having difficulty with the Treasurer’s response and the direction he was taking. I ask him to answer the question.

**Mr BRUMBY** — I am happy to conclude, Mr Speaker. The essential issue is that either members of the opposition get behind education, skills, the knowledge economy and teachers or they remain irrelevant and living in the past.

### **Tertiary education and training: public sector**

**Ms BARKER** (Oakleigh) — I refer the Minister for Post Compulsory Education, Training and Employment to the dismal number of public sector traineeships available under the previous government and ask her to inform the house of the progress of the government’s drive to boost training opportunities, particularly for young people in the public sector.

**Ms KOSKY** (Minister for Post Compulsory Education, Training and Employment) — I thank the honourable member for her question and her interest. Along with many in this house, I remember the dismal performance by the previous government in training young people in the public sector.

**Mr Bracks** — Who was the minister then?

**Ms KOSKY** — The minister was the honourable member for Warrandyte.

I am pleased to inform the house that the Victorian public sector is now the place to be for young people.

Several months ago I announced the Youth Employment Scheme and indicated that over the next four years the government will be employing 2600 young people as apprentices or trainees in the public sector — that is, the government will lead the way in training young people and assisting them to gain careers. That will be at a cost of \$40 million over four years.

Today I am announcing that the government is making a commitment to the first stage of the program and that 650 opportunities are now available in the public sector for young people to gain training and take advantage of apprenticeship opportunities so that they can move on to take up employment opportunities.

*Honourable members interjecting.*

**Ms KOSKY** — The opposition is asking about the detail of this, and I can understand that they would be terribly interested in that detail. The positions have been a long time coming — in fact, they have been seven years coming! The government is pleased to have them in place. They are additional positions to the current work force in the public sector.

**Ms Asher** interjected.

**Ms KOSKY** — The honourable member for Brighton says, 'More money'. That is right! If you want to invest in young people and ensure that they have employment opportunities, you do need to spend some money. Isn't it interesting that you get that money back 10 times over in having an educated, skilled work force that can lead the way in the Victorian economy? The government supports educating and training young people so that they have not just a one-off job but career opportunities.

Today I have announced the first stage of the program, with 650 job training opportunities across the public sector for young people, with 200 of those positions — —

*Honourable members interjecting.*

**Ms KOSKY** — The opposition complains that the positions are within the public sector. The government knows the record of the previous government: it compared appallingly with all other states! The government is making a difference for young people by making the commitment to 650 additional opportunities over the next 12 months, which will grow over the next four years.

There has been major interest in the program from across all departments. They have been waiting for the

opportunity to train young people. The government is providing apprenticeship opportunities as well as traineeship opportunities, making sure that it builds up both areas. The positions are about providing real skills and career paths for young people.

I am sure honourable members will be pleased to know where some of the opportunities will be available. They will be available at Swifts Creek, right through to Horsham, from Hamilton to Berwick, and from Altona to the Yarra Valley — that is, right across the Victorian community and not just based in the metropolitan area. The opportunities will be not only in administration and clerical jobs but horticulture, carpentry, multimedia, library work, engineering, legal administration, sports administration, Koori education, health and environment. It is great news for young people but it is also great news for the communities that will gain from the skills attained by those young people.

I am pleased to announce that there will be 115 placements in the Department of Employment, Education and Training; 170 in the Department of Human Services; 35 in the Department of Infrastructure; 130 in the Department of Justice; 90 in the Department of Natural Resources and Environment; 35 in the Department of Premier and Cabinet; 35 in the Department of State and Regional Development; and 40 in the Department of Treasury and Finance. The places are spread across Victoria and across departments.

The government is making a major commitment to training Victoria's young people. It is not just asking the private sector to train young people, it is leading by example.

*Honourable members interjecting.*

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

**Ms KOSKY** — I am sure there will be an opportunity in Kew for the honourable member to retrain.

The government has been going out and actively developing those opportunities and working with a whole range of communities.

**Mr Baillieu** interjected.

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

**Ms KOSKY** — The positions are on top of what the previous government did. The previous government

had a dismal record. The government is making a difference and getting on with the job.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house once again to come to order. The level of noise is far too high. I ask particularly the honourable member for Hawthorn to cease interjecting. The honourable member for Springvale! The honourable member for Melton!

**Education, Employment and Training:  
consultancies**

**Mr HONEYWOOD** (Warrandyte) — I ask the Minister for Education to advise the house how much money is being paid to the public relations consultants Shandwick International to put the public spin on her sweetheart deal with her teacher union mates?

**Ms DELAHUNTY** (Minister for Education) — The member for teacher bashing raises the question of getting the government's message out. The negotiations with teacher unions over salary, working conditions and the new career structure have been protracted.

*Honourable members interjecting.*

**Mr Honeywood** — On a point of order, Mr Speaker, as my wife is a teacher I take offence at being referred to as the member for teacher bashing.

**The SPEAKER** — Order! The minister should call honourable members by their correct titles. The honourable member for Warrandyte has indicated in his point of order that he takes offence at the terminology used. I ask the minister to resolve the issue by withdrawing the remark.

**Ms DELAHUNTY** — I am happy to withdraw the remark if it offends the honourable member for Warrandyte. I would hope, however, that given the personal circumstances raised by the honourable member he would find within himself the ability to support an agreement that supports teachers.

To answer the question specifically, as the honourable member shrieks out yet again, those negotiations with teacher representatives around salary, working conditions and this inspirational new career structure have been quite protracted. At various stages the teacher unions were threatening the government with industrial action. Last week the secretary of the department took advice from a couple of communications organisations about a variety of ways in which we could communicate with parents in the

event of industrial action and perhaps of rolling stoppages where individual schools would be affected on different days. The departmental secretary took the advice last week, but of course this week it has not been required since we now have an historic agreement.

**Victorian Law Reform Commission**

**Mr WYNNE** (Richmond) — I refer the Attorney-General to the government's commitment to establish a new Victorian Law Reform Commission to once again put Victoria at the forefront of law reform and ask him to inform the house of the government's decision on who will lead this important organisation.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house to come to order. I remind all honourable members, including the honourable member for Malvern, that it is inappropriate and unacceptable to communicate with members in the public gallery.

**Mr HULLS** (Attorney-General) — As honourable members will know, informed and consultative debate on legal issues was dead in the water under the previous Kennett regime. An early demonstration of that occurred in 1992 when one of the first moves of the Kennett government was to abolish the Victorian Law Reform Commission.

This government, consistent with the Bracks government's commitment to openness of government and the restoration of democracy in this state, has restored the Victorian Law Reform Commission. The government wants to facilitate community-wide debate on law reform issues and wants the state once again to be at the cutting edge of law reform in this country and in this region.

The newly established law reform commission will provide Victoria with a transparent law reform process, in stark contrast to what occurred under the former Kennett regime. Those honourable members who have read the act will know that the legislation provides for a commissioner who will be a full-time member, plus as many full or part-time members as the Governor in Council considers necessary from time to time.

The government advertised the position and sought an energetic person with a very strong commitment to law reform together with superior policy and communications skills. It is very important, in the view of the government, that the successful applicant have a background that involves working with the community, the law and the law reform area.

The Bracks government takes the opportunity to announce that it has fulfilled the task of appointing a Law Reform Commissioner who will bring tremendous talent, skill and experience to the area of law reform. In particular, the commissioner has a wealth of experience in examining the law and law reform in Victorian and throughout the country.

The new commissioner currently volunteers on a fortnightly basis at a community legal centre, has a background in the education of law students and is currently teaching law in Victoria. The commissioner is a member of Liberty Victoria and a member of the advisory committee on the Family Law Assistance Program. The commissioner was president of the Administrative Review Council and chair of the research committee of the Australian Institute of Judicial Administration.

The commissioner has previously worked as a law reform commissioner in both New South Wales and Victoria and is the chair of the legal working party of the Australian National Council on AIDS, Hepatitis C and Related Diseases.

Finally, this commissioner has written on and researched a variety of legal topics, including property law, contract law, HIV/AIDS, de facto relationships law reform, prostitution law reform and access to justice.

This person has impeccable credentials. I am pleased to announce that the new Law Reform Commissioner for Victoria is Professor Marcia Neave, professor of law at Monash University. I am confident that she will have the respect of all members of this house and that the process of law reform in Victoria will be greatly enhanced by Professor Neave's appointment. I wish her well in her new career.

**Honourable Members — Hear, hear!**

## PETITIONS

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

### **Preschools: funding**

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

That the Victorian government immediately invest more substantially in preschool education for the benefit of Victoria's young children and their future. That the Victorian government increase funding to preschools to at least equivalent to the national average in order to ensure:

a reduction in fees paid by parents and the removal of the barrier to participation for children;

reduction in group sizes to educationally appropriate levels consistent with those established by government for P-2 classes in primary schools;

teachers are paid appropriately and in line with Victorian schoolteachers and preschool teachers interstate;

critical staff shortages for both permanent and relief staff are alleviated;

the excessive workloads of teachers and parent committees of management are addressed.

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

**By Ms DAVIES (Gippsland West) (410 signatures)**

### **Rail: South Gippsland**

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

The humble petition of certain citizens of the state of Victoria concerns over the availability of rail transport in our region.

We the undersigned wish to see the return of our South Gippsland freight line. The return of the freight service will reduce heavy vehicle traffic on the South Gippsland and Bass Highway.

We also want a fast rail passenger link departing from Lang Lang to the city, which would enable many people to commute in a much faster, safer and more convertible form than they can do at present.

In the longer term, a rail link to exist through to Leongatha would help give South Gippslanders the same rights for safe, fast and convertible travel that others take for granted.

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

**By Ms DAVIES (Gippsland West) (2604 signatures)**

**Laid on table.**

**Ordered that petitions presented by honourable member for Gippsland West be considered next day on motion of Ms DAVIES (Gippsland West).**

## **LOCAL GOVERNMENT (RESTORATION OF LOCAL DEMOCRACY TO MELTON) BILL**

*Introduction and first reading*

**Received from Council.**

**Read first time on motion of Mr CAMERON (Minister for Local Government).**

## MEMBERS STATEMENTS

**Frankston Hospital**

**Ms McCALL** (Frankston) — I place on record my support, as always, for the Peninsula Health Care Network and the Frankston Hospital. I particularly wish Chris Fox, the departing chief executive officer, all the best for the future.

I also raise the June quarter figures for Frankston Hospital and the Peninsula Health Care Network, which were recently released during the Olympic Games by the part-time Minister for Health.

I draw the attention of the house and the communities of Frankston and the Mornington Peninsula to the disgraceful deterioration in the performance of Frankston Hospital since the Labor government came to power 12 months ago. In particular I wish to focus on the number of times ambulances bypassed Frankston Hospital's emergency centre in the June quarters of 1999 and 2000. In the 1999 June quarter the Frankston emergency centre was bypassed 15 times; in the 2000 June quarter it was bypassed 125 times. Not only that, but an ambulance officer who serves the communities of Frankston and the peninsula very well was left on a trolley in the accident and emergency centre of Frankston Hospital for 48 hours.

The government has paid lip-service to the way it will deal with the hospitals and the health system, and it is misleading the Victorian public — —

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

**Echuca Federal Band**

**Mr MAUGHAN** (Rodney) — The Echuca Federal Band is one of the earliest brass bands to be formed in Victoria, having its beginnings in 1856 and having provided unbroken service and musical pleasure to the people of Echuca and northern Victoria for 144 years. The band under the excellent direction of Doug Morrison currently has 46 playing members with a fifty-fifty male-female balance, of whom 32 are under 25 years of age and a number are seniors, the most senior member being more than 80 years old. The band has an excellent balance of age and gender. All band members receive no-cost tuition and rehearsal, and young members in particular, apart from developing a lifelong interest in music and bands, take their expertise with them to the benefit of other bands in other communities when they move on to tertiary studies and employment in other parts of the state.

The band has been very successful, having provided members to play in the Victorian State Youth Brass Band, the 2000 Olympic Games marching band and winning the D grade national championships in Tasmania last year, together with many other wins and honourable mentions. The band has never received any assistance from government. It is currently working to raise \$31 000 to purchase eight brand-new musical instruments. I believe the Echuca Federal Band has delivered outstanding public service and deserves government support.

**Cooper Street, Epping: duplication**

**Mr HAERMEYER** (Minister for Police and Emergency Services) — I draw the attention of the house to a Liberal Party attempt to spike the duplication of Cooper Street in Epping. The duplication of Cooper Street was something that the Labor Party was committed to in opposition and is now attempting to deliver in government. It held a public meeting in Epping in 1998 which was attended by well over 100 people, including one Mr Tom Love. A unanimous resolution was passed at that meeting supporting the immediate and hasty duplication of Cooper Street as a road safety measure and as a measure to encourage the economic development of the area.

Mr Tom Love is a prominent Liberal bagman in the local area and a very strong supporter of the federal member for McEwan, Fran Bailey. Mr Love, who walked out of that meeting carrying a number of 'Upgrade Cooper Street now' stickers, is now one of the people coordinating the objection to the duplication of Cooper Street. The self-interest came through palpably when Mr Love said the government should instead spend its \$18.8 million Cooper Street allocation on the F2 freeway. He wants the government to use state money to which the federal government is already committed to spending.

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

**Robert Polk**

**Mr DOYLE** (Malvern) — This morning I attended a service of thanksgiving for the life of Robert Brand Polk — Bobby, as he was universally known — with the Honourable Andrea Coote in the other place. I know the honourable member for Frankston joins me in mourning the death of a man too young to die who leaves behind a grieving family.

I pay tribute to a person who was by nature a giver, not a taker, and a person who faced his inevitable death

with incredible and inspirational fortitude. I knew Bobby Polk through mutual friends, because our boys have been at school together all their school lives and, latterly and best, because he was the inaugural chairman of the Peninsula Health Care Network, where he did a first-rate job for the people of the Mornington Peninsula and for Victoria's health system.

In a fine eulogy that painted the man Bobby was and not just what he did, it was truly said that he was one of Melbourne's most loved men. On behalf of our Parliament I give thanks for his exemplary community service. I extend my heartfelt sympathy to Liz, Edward, Henry and Tom. As Bobby's cousin wrote, he would want us to be the usual selves (that he knew) and as Henry Polk read, and as Bobby would have it:

Weep if you must  
Parting is hell  
But life goes on  
So sing as well.

Bobby, in the words of the Gaelic blessing:

... until we meet again,  
May God hold you in the hollow of his hand.

### **Peter Perna**

**Mr SEITZ** (Keilor) — I place on the public record my admiration for Peter Perna, an active member of the Italian community in my electorate. Peter Perna took on the job of treasurer of the Italo Australian Social Club in Sunshine North when the club had almost reached the point of being broke after building on land that it was leasing from the council.

Peter has worked tirelessly over the past 15 years to salvage, build and develop the club. He has done a tremendous job on behalf of the Italian community right across my region. The club today is the envy of every organisation in the district. Not only has it been able to purchase the land and the property which it now owns outright, it has also developed three first-class soccer pitches, an indoor bocce court that is up to world and Australian standards for the conduct of the Australian bocce championships, and it has developed a big entertainment room, a first-class restaurant and other facilities for the community.

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

### **Rail: South Gippsland**

**Ms DAVIES** (Gippsland West) — I have tabled today a petition signed by 2406 people which asks for

the return of our train to the South Gippsland line. More signatures are on the way.

Heavy road freight breaks up our roads and is dangerous to cars and their passengers. Buses are not suitable or comfortable for many elderly citizens, and the bus service is too slow. Roads on the outskirts of the metropolitan area will continue to clog up unless we get good trains and good public transport services.

The Bass Coast, South Gippsland and relevant parts of Cardinia shire offer a wonderful way of life in a beautiful rural environment. We want and need our kids to be able to commute to study or work; we want new and existing residents to be able to access jobs in the metropolitan area; and we want to be joined into the newly re-emerging web of fast efficient train services which the government has begun to return to some parts of rural Victoria.

I urge the minister and the government to look carefully at the rail review report which will shortly be submitted. I urge the government to make a decision favourable to environmentally sustainable economic development and to our social amenity and cohesion. We want our train back.

### **Rail: regional links**

**Mr PATERSON** (South Barwon) — The first substantial statement from private sector operators in response to the government's fast rail plan for regional Victoria has been a thumbs down. Freight Australia has raised serious concerns about access rules for an upgraded track, and it seems all the government can say is, 'Everything will be all right'. It is hardly a great comfort when the muddle-headed government can say only, 'We think it is all going to be okay'. The government needs to urgently explain the basis upon which it expects the private sector to put up hundreds of millions of dollars for the project.

At the last election the Labor Party costed the taxpayer contribution for the project at \$80 million. That figure has now blown out to \$550 million, with a further \$250 million being demanded from the private sector. It promised to cut travel times between Geelong and Melbourne to 45 minutes; we now know that to achieve that the train must fly through some of the stations without stopping. It is another example of Labor being loose with the truth.

I support faster rail links for Geelong, Ballarat, Bendigo and Traralgon. The challenge the government faces is to demonstrate how it will deliver on its promise.

### Neil Bates

**Mr HOLDING** (Springvale) — I pay tribute to Neil Bates, the principal of Springvale Secondary College who will retire at the end of this year, having served as the principal since 1994.

I first met Neil Bates prior to my election to Parliament. He impressed me with both his passion for Springvale and his abiding interest in education generally. One of the things he said to me when I first met him was that he wanted to see the Springvale area portrayed in a positive and vibrant way rather than just hearing the negative things often associated with Springvale, particularly the drug problem.

Neil Bates was not just interested in talking about the positive aspects of Springvale and our multicultural community; he was also deeply committed to addressing the serious social problems that Springvale has. He was involved on the Springvale drug action committee and continues to be involved in that capacity. He has been instrumental in providing a quality education to all of the students at Springvale Secondary College and overseeing the staff, parents and school council to ensure that the multicultural community is able to enjoy high-quality education.

As well as his interest in education and in Springvale generally, Neil has had a deep commitment to ensuring that the Victorian certificate of education results at Springvale Secondary College have been outstanding and second to none in the area.

I wish him all the best in his retirement and I know he will continue to have an interest in Springvale and in education.

### Premier: advisers

**Mr KOTSIRAS** (Bulleen) — All honourable members are aware that the Premier employed an adviser to advise his advisers on how to advise him every day of the year. After paying over \$30 000 for 30 days work, which is \$1000 per day, and almost \$600 a page, Mr Tom Hogg sent an invoice for \$30 000, plus 10 per cent GST of \$3000. Unfortunately the work was done in June, not July. He tried to get an extra \$3000 for work he did pre-GST. He then sent a second invoice charging 10 per cent on only one day.

What did the report find? It found that the advisers in ministers' offices could not speak to the advisers in the Premier's office because they were not too sure what they were doing. It recommended the appointment of a full-time speech writer for the Premier. The Premier already has a speech writer and has had since the start

of the year. It said that the seven ministers in one department were not working together and that ministers could not be trusted with press secretaries within their own departments. It said the Premier's staff 'do not understand the public service or the political system'. But it praised the Premier's private office, saying it could handle crises, giving the example of how it assisted the Deputy Premier while the Premier was overseas.

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

### Sunbury Secondary College

**Ms BEATTIE** (Tullamarine) — Last month on the Thursday after Parliament's 22-hour marathon sitting when the opposition spuriously detained the house I had promised to attend the Sunbury Secondary College production of *Dames at Sea*, and I was worried I might fall asleep and offend the school. That did not happen. Over 2 hours I watched a dazzling performance by a huge cast of great performers.

I pay tribute to Amy McPartlan, Briony Smith, Stephen Urmston, Kelly Clayton-Boyd, Matthew Dobney, Garth Ploog, Casey Howden, Simon Willaton, Joanna Rains and Jason Barraclough. I also offer my congratulations to the directors, Janet Sevier, Ray Kenny and Cath Kenny, and all the others involved from the Sunbury Secondary College.

I have discovered that Sunbury Secondary College is a hotbed of musical and dramatic talent, and all that from pupils who go to school directly opposite my house, which is wonderful. I congratulate the principal, Mr Eric Keenan, on his fine work in bringing forward that talent.

### Olympic Games: Sandringham athletes

**Mr THOMPSON** (Sandringham) — I pay tribute to the outstanding work of Mark Turnbull and Tom King in winning gold medals in the 470 class sailing at the recent Sydney 2000 Olympics.

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

### GRIEVANCES

**The DEPUTY SPEAKER** — Order! The question is:

That grievances be noted.

**ALP: government inquiries**

**Dr NAPTHINE** (Leader of the Opposition) — I grieve for the people of Victoria with respect to the Labor Party, now the Labor government, and its continued failure to deliver on its rhetoric, its continual misleading of Victorians, and its history of lying and using Parliament to attack people without any foundation or substance. This is clearly a party, and now a government, which has a track record based on spin and no substance.

This is a party and a government bereft of principles, except for the one it inherited from former Senator Graham 'Whatever it Takes' Richardson. That is the only principle to which the Labor Party seems to adhere.

**Mr Nardella** interjected.

**Dr NAPTHINE** — I will give the honourable member for Melton a couple of simple examples. Over the seven years from 1992 to 1999 the Labor Party in opposition and now in government has pursued a couple of issues with vigour. It is necessary to analyse its pursuit of those issues to see what has happened to them.

The first of those issues is the casino tendering process. Throughout the 1990s the Labor opposition was critical of the process — and that is using the nicest possible words. In 1994 the then Leader of the Opposition, now the Treasurer, called for a judicial inquiry. He said, as reported in *Hansard* of 14 October:

The tender process is rotten.

The Labor Party continued to take that approach throughout the years of the Kennett government, and as late as May 1999 the then shadow Attorney-General referred to casino corruption. Throughout that period Labor claimed the process was tainted because government mates were involved in the tendering. Time and again the Labor opposition promised that when it got into government it would conduct a royal commission or a judicial inquiry to get to the bottom of the so-called tainted and rotten process. They said they would show the people of Victoria the facts about the tender process.

Unfortunately for the people of Victoria, the ALP has been in office for almost 12 months. It is now time for the people of Victoria to ask the fundamental question: where is that royal commission or judicial inquiry into the casino tendering process? What about the public release of the smoking-gun documents Labor Party members said they would find when they got into

government? Government members have had 12 months to pore over all the documents in the Premier's office, the Treasurer's office and the office of the Victorian Casino and Gaming Authority (VCGA). However, they have not produced one scintilla of evidence to back up the claims they made over seven years about the scandal of the casino tendering process. They have been silent on the issue since the day they were elected to office and certainly since the day Graham Richardson visited them to talk about the casino not long afterwards.

At the 12-month mark it is time for the people of Victoria to ask whether the Labor Party was being honest with them in criticising the casino tendering process. The truth is that it was not. Labor members were doing a Graham Richardson — playing crass personal politics rather than providing a genuine opposition.

It is about time members of the Labor Party apologised to the people of Victoria and the individuals they vilified. It is pleasing to note that the Labor government has embraced one of them, Mr Ron Walker, who now works well for the Victorian Major Events Company — —

**Mr Nardella** — He's a crook!

**Dr NAPTHINE** — The honourable member for Melton says Ron Walker is a crook! That is an absolute and utter disgrace. I call on the Premier to repudiate the comments of the member for Melton and withdraw his preselection! At least the Premier has the decency to understand that Ron Walker works hard for Victoria as head of the major events company, the Australia Grand Prix Corporation and the Commonwealth Games Committee. He certainly does not deserve to be called a crook by the honourable member for Melton.

**Mr Nardella** — He's a crook!

**Dr NAPTHINE** — Again the honourable member for Melton says he is a crook. What an utterly disgraceful comment. I ask the Premier to tell the house whether he endorses those comments from the honourable member for Melton.

**Mr Nardella** — Lloyd Williams is a crook, too!

**Dr NAPTHINE** — The honourable member for Melton calls Mr Lloyd Williams a crook! That is typical.

**The DEPUTY SPEAKER** — Order! The honourable member for Melton will cease interjecting.

**Dr NAPHTHINE** — That is the exact point I am making: members of the Labor Party are first-rate gold medallists when it comes to using Coward's Castle to attack individuals, but they are not game to say it on the steps of Parliament House.

For seven years the Labor Party attacked the casino tendering process. It has now been in government for 12 months, and it has been silent on the issue. It is about time government members admitted they were wrong and apologised to the people concerned.

I will now look at what the Labor Party has said about the Metropolitan Ambulance Service (MAS) over recent years. During the recent election campaign a Labor policy document entitled 'A better ambulance system — Labor's plan' stated that:

A Labor government will establish a wide-ranging public inquiry into the operation of the ambulance communications systems, Intergraph and other ambulance contracts.

The inquiry will investigate the ambulance contracts.

The then Leader of the Opposition, the current Premier Mr Bracks, said at a press conference on 4 October 1999:

Well, I've indicated during the election campaign that we will have a royal commission and/or judicial inquiry into the Intergraph scandal of Victoria. This may not be the only royal commission.

The Premier also said at the press club on 15 September 1999:

After next Saturday a royal commission into the Intergraph scandal is exactly what my government will do. A royal commission of course which is required and able to demand evidence and subpoena witnesses and it may be that some of the ex-ministers are not getting quite out of the spotlight as quickly as they would have hoped. I've got a bad feeling about this. I've got a bad feeling it won't be the only royal commission into the way this government —

meaning the previous government —

does business. It will certainly be the first but it may not be the last.

The Premier's media release announcing the terms of reference of the Metropolitan Ambulance Service Royal Commission states:

The government is committed to a full and open inquiry into these matters of important public interest, in order to reveal the truth concerning the ambulance contracts affair.

Another media release on 9 December 1999 states:

During the election campaign we gave a commitment to hold a royal commission into the awarding of ambulance dispatch contracts by the previous government.

The Victorian public has a right to know the truth surrounding the awarding of the Intergraph contracts by the previous government ...

Those comments reflect what the government when in opposition was saying for years and years about the ambulance contracts and other matters. But what happened? It established a royal commission; it said it is important to investigate those ambulance contracts; and it went to the election on the issue. It established a royal commission in December 1999. Ten months later, what has happened to that royal commission? The royal commission has been gutted; it has been filleted. It has had all its powers to investigate those ambulance contracts taken away. It has been stripped of all the references relating to ambulance contracts and the issues relating to the establishment of computerised communication systems. Those references have been taken away from the MAS royal commission. They were taken away by the government, by the Labor Party, the party that said for years and years that there was a need for a royal commission to get to the bottom of the issues concerning ambulance contracts.

The Labor Party comes into government and establishes a royal commission, but even before the royal commission has had a chance to prepare an interim report, even before it has had a chance to call major witnesses, even before it has had a chance to give those witnesses the opportunity to clear their names and reputations, the government has pulled the rug. It has gutted the royal commission. It has withdrawn five of the nine terms of reference.

The royal commission was established in December 1999. The first lot of changes to the terms of reference occurred on 16 May this year and the second lot on 30 May. Under the cover of the recent Olympic Games there was a third lot of changes to the terms of reference of the royal commission. Those changes have fundamentally stripped five of the nine terms of reference of the royal commission. The government has deleted terms of reference 1, 2, 3, 4 and 8. I repeat: five of the nine terms of reference have been stripped from the royal commission.

Let me be absolutely clear, Madam Deputy Speaker, about why they were stripped from the terms of reference of the royal commission. It was not at the initiative of the royal commissioner. In fact, the royal commission gave a strong indication that it opposed the deletion of those key terms of reference. The government, of its own initiative, of its own volition and for its own motives, has deleted those terms of reference.

The royal commission press release issued on 25 September by Stephanie Cleary, secretary to the commission, states:

Ms Cleary said that the withdrawal of terms of reference 1, 2 and 4 is a government decision.

That is as clear as you can get that the royal commission did not want those terms of reference withdrawn. The Labor Party has shown itself to be full of accusations, insinuations, assertions and allegations, once again, but when it comes to the crunch it has no substance. It has to learn to either put up or shut up. In the case of the casino, it is about time it apologised to the people concerned, and it is about time it apologised to a number of people for the accusations it has made about the Metropolitan Ambulance Service contracts.

Clearly, the royal commission was set up with the purpose of examining the ambulance contracts. That was the policy and the rhetoric of the Labor Party. The Labor government has now withdrawn all references to ambulance contracts from the royal commission. The royal commission has been hamstrung; it has been mortally wounded. The royal commission is now only a shell of itself. It is a farce, and it is about time the government did the right thing and closed down the royal commission. The Labor Party must admit that it has taken away the key terms of reference of the royal commission. It has taken away the reason for having the royal commission.

The royal commission has already cost more than \$20 million; it is costing \$1 million a month. That money would be better spent building new country hospitals, buying new ambulances or reducing the elective surgery waiting list instead of having a ban on elective surgery. Five of the nine terms of reference have been withdrawn. The government should put up or shut up. It needs to reinstate those terms of reference and give the royal commission the power to do its job, or it should do the honourable thing and close down the royal commission.

It is about time the government ended the farce and admitted to the people of Victoria that it has misled them — it has lied to them — on those major issues over many years. The royal commission into the ambulance service has become a joke, and it is about time that the government did the right thing by the royal commission, the royal commissioner and his staff and ended the farce.

### **Rural Victoria: sewerage**

**Mr STEGGALL** (Swan Hill) — Today I wish to grieve on a couple of issues. Given that the Minister for

Environment and Conservation is now in the house I would firstly like to grieve on behalf of the residents of Boort and Wedderburn in my electorate who are yet again caught up in the delaying tactics of the government with regard to the provision of sewerage in those towns.

At the last election the government campaigned strongly on the cost of providing sewerage to private homes and businesses. When elected it brought those costs down from \$1950 a unit to \$800 a unit. That has been well received and people are happy with it. However, they are not happy that the government has now said there will be further delays.

I draw the minister's attention particularly to the township of Boort, one of the areas honourable members have heard me speak of from time to time. It is a country area that is going ahead, developing and utilising new technologies and markets and putting in the hard yards. It is vital to have a sewerage system installed because Boort is attracting a range of new developments and industries, and they cannot get through the planning process while the septic systems are in place. We desperately need the government to pay attention to the needs of that community.

The government says there will be more delays for further consultation. That is not a good idea. The government has undertaken a great deal of consulting, and the former government also did a lot of consulting. It is now time to get on with the job.

I refer the minister to some of the important issues in the area. Applications have been made for a new supermarket development in Boort. Of course, any change in the retail or food outlets in the community is not likely to comply with the Environment Protection Authority guidelines. For some time we have been trying to develop a new aquaculture industry. It has been trialled in Boort over the past few years and is now ready for commercialisation. The land has been purchased and everything is ready to go, but the industry does not comply with the EPA guidelines for the disposal of waste water, and it needs that outlet.

The caravan park is an important place because there is no other casual accommodation in the community. The caravan park is supplying homes for the workers required in the area. That area is saturated where its disposal system is not complying with the EPA guidelines. It is ready and waiting for the sewerage development, which has been talked about and argued about for some time.

Another community I refer the minister to is Wedderburn, which is in the same position as Boort although it does not have as many commercial and residential developments. However, proposed changes do not comply with the EPA requirements. It is time the minister gave the green light to this community. Wedderburn is an interesting place in that the Nardoo Creek runs through it. The creek is dry at one end of the town and wet at the other. Those areas are saturated and that is why the proposals were pushed through as part of the former government's \$410 million development.

### **Barley: industry deregulation**

I also grieve for the grains industry and the single-desk status for barley which is being discussed throughout Victoria and, I understand, throughout government. The single-desk status for barley is not a simple matter that affects just Victoria. The barley single-desk issue is an integral part of the Australian Wheat Board issue at a national level. Those of us who are keen to see development continue for the single desk within the barley and wheat industries urge the government to take action.

The most cogent argument for retaining the single-desk status for the Australian Barley Board is that the overwhelming majority of growers want to keep it. This is not surprising. The single desk, unlike any other selling system, puts farmers first, and its fundamental purpose is to maximise profits to the growers. Growers own the ABB and become shareholders when they deliver 75 tonnes or more to ABB Grain Ltd. Last year 49 per cent of all shareholders participated in the first election of directors, a figure almost unheard of in corporate circles. ABB advances most of the estimated value of a grower's harvest within 21 days of delivery, regardless of sales.

The minister has mentioned and the government talks about consultation and opinion. The grains industry requested an independent survey of South Australian and Victorian growers to be carried out by McGregor Tan Research of Adelaide. Eighty-four per cent of Victorian growers ranked the maintenance of a single desk as important. In South Australia that figure was 94 per cent. I mention South Australia and Victoria in the same breath because it is those states that work together to form the Australian Barley Board. It is a joint state operation.

The state-by-state issue is interesting. In New South Wales the grains board has had its single-desk powers extended until at least 2005. We are awaiting the announcement by the South Australian government as to whether it will continue. It is believed it will continue

and extend the single-desk system. Western Australia has extended the monopoly powers until 2005, and Queensland has extended them until 2002. The Labor government there just keeps extending the system and has done so a number of times. The Queensland minister is so committed to a single desk that he has said that if the Australian Wheat Board loses this power, Queensland will legislate to give the board single-desk status in Queensland.

I emphasise that it is time for the government to make a decision on the barley industry, because people are making decisions for next year. We are quickly approaching harvest and the June deadline.

The issue within the government is interesting. It seems that the Minister for Agriculture is on side with the continuation of the single-desk system and that the responsibility for the legislation is his. However, because the Treasurer and the Premier made certain statements to a range of people during the last election campaign I believe there are some problems within the government on the issue.

I call on the Treasurer to consider carefully the issue of the single desk. During the election campaign he strongly argued against it. I believe he is wrong. At a time when our agricultural products face a corrupt international market, the best way for the community to handle the corruption and the subsidies that go with it is through the single-desk system. I hope and believe that will be continued later at a federal level by the Australian Wheat Board. I ask the Treasurer to give more consideration to the issue and perhaps eat a little bit of humble pie to put the single-desk issue in its rightful place.

For country Victorians, this is a test for the Labor government. It is a subject that is vital to us, and us alone. It is not an issue for Melbourne. It is not an issue for many government members, but it is a huge issue for country Victoria. I will continue to push it because if we consult and discuss and look at the industry and the world markets we have to operate in on a daily basis, we will find the single-desk operation of the Australian grains industry is revered and envied by many, particularly in America. It is interesting to see the measures they are trying to put in place to counter the work of Australia's single-desk operators. There is transparent competition between Australia's domestic and export choices — operators in the grain industry have a clear choice between a deregulated domestic market and a regulated export market.

Given what Victoria has recently been through with the World Economic Forum and all the things that went

with it, honourable members should think about the way country Victoria sees the battle of the multinationals, the international traders and the subsidised markets around the world, and consider how it must compete with them every day. I ask that the Premier and Treasurer think about country Victoria as they go about their decision-making processes.

My expectations of organisations that are given the legislative protection of a single desk are, firstly, to retain the paramount importance of growers achieving a premium for their product and of services to the production industry; secondly, to supply assurances of quality and supply, which the private trade in international grain in a subsidised market is unable to do; and thirdly, to support the major customers with technical support and advice.

I expect premiums to be extracted in the marketplace — and that is done today. For example, if South Australia reaches the stage of maintaining a single desk, as I believe it will, and Victoria goes without one, the premium markets for barley in both states will go to the South Australian growers, leaving Victorian growers with the domestic sales. I expect organisations at the federal level such as the Australian Barley Board and the Australian Wheat Board to achieve sales by negotiating and ensuring delivery of product of the required quality and standard.

Today the world grain market is having difficulty delivering a quality product, yet Australia's single-desk operators are at the top level. American grain is starting to acquire a bad name world wide because of its lack of quality and the government of the United States of America is looking to subsidise its exporters in an endeavour to guarantee a quality product. It is chasing hard to break Australia's systems down. Because of its small size Australia does not have many advantages as a trading nation, but its single-desk operators are the exception. The Minister for Agriculture agrees with me on those points. I call upon the Premier and Treasurer to support him and to continue the single-desk operation for grain in Victoria.

### **Schools: Werribee electorate**

**Ms GILLETT** (Werribee) — I take the opportunity to grieve for what happened to the schools in the electorate of Werribee during the seven years in office of the Kennett government.

On my election as the member for Werribee in 1996, given that I had had such a short time during the election campaign to visit the various organisations in my community I earnestly telephoned primary and

secondary schools in my electorate. I recall ending some of those conversations feeling confused. I understood that it was my job as a good local member to make myself available to all organisations in the community — to visit them rather than wait for their representatives to call on me. Even for someone with a hide as thick as mine I was starting to feel dejected after about the eighth or ninth rejection. It was sad, but I kept trying.

After a couple of weeks of endeavouring to make appointments I was fortunate enough to find a principal who agreed to let me visit his school. I met with the principal and the principal alone. I was told I ought not move from the principal's office, and when with what I suspect was a rather exasperated look on my face I asked for an explanation, I was given what I consider to this day to be the most truthful and frank explanation of the way the Kennett government worked — if worked is the proper word — with principals, school teachers and school communities.

I was told that if I went outside the principal's office my visit would have to be reported to the Minister for Education and that the principal's permission would be required to enable the local Labor member to in any way, shape or form visit the precincts of the school. In just a few moments it became clear why the other school principals, although they were very polite and straightforward and explained they were busy and that perhaps in 12 or 18 months they might be able to see me, had taken the view they had.

I grieve now, as I did then, for what I consider to be an enormous waste of an opportunity for the schools in my electorate and their local member to establish a relationship. It was not only principals but also teachers who reacted strangely. Many of my closest friends are teachers, and even before I became a member of Parliament I noticed with several of them a gradual shutdown in their normal open, detailed and intelligent discourse about their work. Indeed, day by day, week by week, they became more careful about speaking frankly and openly about their concerns regarding the Kennett government's directions. I grieve for those teachers because many of them are no longer in the education system. They are among the 9000 teachers who left the system, for whom all of us must surely grieve.

I also grieve for the fact that teachers, principals and parents in school communities were punished under the former Kennett government. Most importantly, I grieve for the children — our children, the students — who were punished by the attitude and arrogance of that government. As all honourable members know, the

Kennett government had absolute power. I grieve for the fact that it abused that power. I grieve that the Kennett government silenced and punished school communities.

However, Victorians are now able to rejoice in the knowledge that school communities, principals and teachers have had their voices restored. After the election — almost a year ago, when the Bracks government came to power — I remember again phoning each school in my electorate. Obviously the reception was quite different on that occasion.

**An honourable member** interjected.

**Ms GILLETT** — Yes, I didn't feel neglected, rejected or dejected for any amount of time. I was in fact overawed by the welcoming response.

However, when I spoke to principals, teachers in staffrooms and pupils in classrooms — and at that time more of them in one classroom — I still noticed some reluctance when I asked straightforward questions. It occurred to me that there was still reason to grieve because there was still a conspicuous hangover from the powerful cultural change that had taken place over the seven years of the Kennett government and its absolute requirement that school communities had to be silent in order to obtain normal facilities, resources and adequate teaching staff. Now, 12 months later, there is cause to rejoice at the change in the culture that all honourable members on this side of the chamber are able to observe in their school communities.

There is nothing more pleasing than to see people being able to actively, happily and without fear or favour say what is going well or not so well and say what they would like to see changed. It is democratic and it is part of our freedom of speech. It is the fundamental freedom that in a mature and democratic society helps all honourable members to do a better job in representing the people they are supposed to be empowered to care for.

I grieve for the parents who because of the loss of the teachers from the system had to volunteer inordinate amounts of their time and put their bodies on the line to assist with literacy and numeracy studies for their and other people's children. I grieve, too, for the children who had to bear the increased class sizes and the reduced educational opportunities that resulted from that mass exodus of teachers. I grieve about the former Kennett government's arrogance and the costs paid by the school system for the loss of teachers' experience, talent and dedication.

I also grieve for something slightly more esoteric, Madam Deputy Speaker: I grieve for the loss of self-esteem among members of the teaching profession and the loss of confidence felt by individuals who may have been considering the profession of teaching.

While watching the dismantling of the education system in the last four years of the Kennett government there were times when I wondered if it would ever be possible for a Labor government to rebuild it. I rejoice that 12 months after the election of the Bracks Labor government we are now seeing that process take place. The process of rebuilding has started. It is a great government that takes on that challenge. There are many in this chamber who know better than many in the community just how close the education system came to being rejigged into something that went beyond an education system to become more of an enterprise that was only vaguely related to the education of our children.

Victoria has a great government that is prepared to take up the challenge and not to flinch or move away from the difficult tasks involved in rebuilding the system and restoring equity and balance. We also have a great minister who is prepared to accept the challenge of fulfilling one of the most difficult portfolio roles in a government of any persuasion, particularly a Labor government, where expectations of the two critical areas of education and health are so high.

In that sense I rejoice, celebrate and congratulate all those concerned that we now have a three-year agreement with the Australian Education Union, which is no mean feat, especially when one looks at the detail of the agreement. It is not just an industrial agreement or an agreement about wages. It is far more than that. It restores the self-esteem of teachers, principals and schools. It also restores the confidence of people who are considering teaching as a profession for their lifetime — and it is a most worthy profession.

The agreement will also vastly help alleviate the enormous pressure on teacher numbers and set up a structure that will be very important for the longer term. The importance of putting in place a proper skills-based classification structure with appropriate and rigorous mechanisms for meritorious progress throughout that structure must not be underestimated. There will be pay increases of 3 per cent a year over three years. Although they are important they come as a matter of course and do not necessarily inspire increased skilling, encourage increased exertion and effort or provide inspiration in the way that a skills-based classification structure does.

Every modern profession has a skills-based classification structure and the conclusion of the agreement with the Australian Education Union is critical to the long-term viability of the teaching profession. As I said, it will do much more than correct a serious imbalance in pay, although that is not to be underestimated because salary is always an important issue. The action taken by the Minister for Education in the very early days of the Bracks Labor government to restore reasonable class sizes in children's earliest and most vulnerable years at school has been critical to relieving some of the pressure points that were created — indeed, considered meritorious — by the Kennett government.

After October last year one of the things that became clear to me, and I am sure to some of my colleagues, was the issue of capital funding or funding for facilities, including building works funding, for schools. One of the results of the gag on staff imposed by the Kennett government was that teachers and principals were obviously reluctant to go into great detail with members of the then opposition about issues they had with the department, so members of the new government were on a steep learning curve. I was amazed to be inundated by schools raising issues about funding for facilities.

Glen Devon Primary School has been in my community for 36 years and has done a fantastic job in educating thousands of children from diverse socioeconomic groups, yet it still does not have a gym. It was supposed to get a multipurpose facility in 1992 but following the change of government the project did not proceed. After close investigation I discovered that the lack of a gym at that school highlighted all the problems with funding for facilities. They were overtly political.

I rejoice in the fact that the very special Minister for Education in particular and the Bracks Labor government generally will restore the balance, remove the politics and establish fair and equitable criteria for the allocation of critical resources to schools. There will be a fair, balanced, open and transparent way to go forward — to advise and advocate for our schools and not retain the shonky, awful practices that were enmeshed in the program of funding for facilities that operated under the Kennett government. With enormous joy I acknowledge that the minister is redressing the current imbalances and problems so that without fear or favour schools such as Glen Devon Primary School can be given the facilities they deserve.

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

### MAS: royal commission

**Mr DOYLE (Malvern)** — Of recent days I have had cause to turn to Labor's election policy documents, in particular 'A better ambulance system: Labor's plan', the very first sentence of which reads:

'Contractual arrangements at the ambulance service were carried out in a manner which, at best, involved serious mismanagement or, at worst, constituted corrupt activity.'

The quotation is attributed to the Auditor-General's special report 49 of April 1997 on the Metropolitan Ambulance Service (MAS).

**Mr Hulls** — Good quote.

**Mr DOYLE** — It is an excellent quote; it is just a pity it is not accurate.

**Mr Hulls** interjected.

**Mr DOYLE** — I am about to go to the Auditor-General's report because this is a matter of not just policy honesty but also intellectual honesty. It is interesting that the honourable member for Werribee has just spoken about teaching, which is an honourable profession. As part of that discipline students are taught that they must correctly acknowledge the work and quotations of others. The overriding intellectual imperative is that one should quote accurately.

I refer to the actual statement in the Auditor-General's report. It is point 1.11 at page 5 of the executive summary, which reads:

While recognising the actions initiated by the minister, the absence of key documentation encountered during the audit is likely to be a significant impediment in the proposed police investigation. If at the conclusion of the police investigation such proves to be the case, I consider the matters raised in this report should be investigated in a forum where witnesses are required to give evidence under oath. Such a course of action could determine whether the various contractual arrangements at the service were carried out in the manner which, at best, involved serious mismanagement or, at worst, constituted corrupt activity.

What is the Auditor-General actually saying? He is not saying, as the Labor policy document avers, that it is an unequivocal statement that there were such things as serious mismanagement or corrupt activity, yet that is the direct implication of the Labor Party's policy document. Using those inverted commas, beginning the quote with a capital letter and not acknowledging that the word 'whether' immediately precedes the quotation amount to intellectual dishonesty at its worst. I will come back to that later.

The Intergraph ‘ambulance scandal’ was run by the Minister for Health, the Deputy Premier, who while he was the opposition spokesperson on health made a number of statements in the house about those issues, whether in questions without notice, grievance debates or speeches. In many of his utterances the now Minister for Health maligned former ministers, two major Melbourne accounting firms, former employees of the Metropolitan Ambulance Service and private individuals. All were named — and accused, of course — under the privilege of Parliament.

Of all those speeches of the Minister for Health, I will quote from one in particular. On 2 April 1997, during a grievance debate such as this, he said:

The proper government response to this scandal would be to set up a public and independent judicial inquiry which could examine witnesses on oath.

The opposition agrees with that. When it came to power the government in due course set up the royal commission into the Metropolitan Ambulance Service. There is a history of four press releases by the Premier — of 9 and 21 December 1999 and 1 June and 25 September of this year. The Premier’s press release of 9 December 1999 states:

‘During the election campaign we gave a commitment to hold a royal commission into the awarding of ambulance dispatch contracts by the previous government’, Mr Bracks said.

So it is all about ambulance dispatch contracts. Later there is the mantra:

My government is committed to open and accountable government and to ensuring that Victorian taxpayers are fully informed of all contracts involving public money.

On 21 December 1999, the Premier announced the first of two alterations to the terms of reference of the royal commission into what he called the ambulance contracts affair. Again it is all about ambulance contracts. The press release states:

Mr Bracks said the terms of reference had been developed by the Solicitor-General in consultation with the royal commissioner, Mr Lex Lasry, QC.

The government is committed to a full and open inquiry into these matters of important public interest, in order to reveal the truth concerning the ambulance contracts affair ...

I will not comment on the deletion of terms of reference 3 and 8 and the alteration of some of the others, but I refer to where that happened in the press release of 1 June. The Premier said that the royal commission had asked the government to expand term of reference 5, delete 3 and 8, and modify 7. He also announced that a new deadline had been set and an

additional \$5 million set aside pending the final estimate of costs.

The real story, however, lies in the press release of Monday, 25 September, the day on which Cathy Freeman ran in the 400 metres final — perhaps the most watched and focused-on event of the entire Olympic Games. It was a great win; but let us instead talk about the loss of three further terms of reference on that day. What duplicitous language! Even compared to the wording in the policy document, the language beggars belief. The press release begins:

The Victorian government today announced it had agreed to amend the terms of reference for the MAS royal commission ...

It goes on to say:

... royal commissioner, Mr Lex Lasry, QC, requested changes to the terms of reference —

not ‘term of reference’, ‘terms of reference’ —

because of concerns the 000 emergency calls may not have been handled appropriately.

Then follows an amazing feat of logic. Obviously the Premier has had it written for him:

... the handling of 000 calls must be given the highest priority ...

What? A higher priority than everything that led to the investigation into the establishment of the royal commission and than the evidence that has already been drawn? Apparently, the handling of 000 calls is now the highest priority.

Later in the same press release we find another astonishing statement:

The government has decided to replace terms of reference relating to the 1993 awarding of various contracts by the Metropolitan Ambulance Service with a full investigation of the current operation of the 000 system.

Mr Acting Speaker, the one is not the other. The contracts are not the same thing as the 000 affair. Certainly investigate 000; but according to that document the Premier has also said that after consultation with the royal commission the government had decided to replace terms of reference 1, 2 and 4, which relate to the awarding of ambulance contracts — that is, the entire rationale for the royal commission.

It will not surprise honourable members to learn that the royal commission itself issued a media release and that it is a model of terseness, comprising four lines and two words, so it is easy to read:

In response to the government's decision to amend the Metropolitan Ambulance Service royal commission's terms of reference, the secretary to the commission, Stephanie Cleary, said today, 'The commission welcomes the opportunity to fully investigate the 000 issue'.

Ms Cleary said that the withdrawal of terms of reference 1, 2 and 4 is a government decision.

Judicial language must be, of its very nature, precise and circumspect. I suggest to you, however, Mr Acting Speaker, that that press release of four lines and two words begins as it ends — that is, the start and the end are the same, both talking about a government decision, not about any agreement, consultation or request.

I will refresh the recollection of honourable members about terms of reference 1, 2 and 4. They are about the general powers of inquiry of the royal commission into illegality or impropriety in dealing with documents. That is of interest, because we must ask ourselves why the government has removed the very terms of reference it has been bleating about for five years, the terms that go to the heart of the rationale for the royal commission. Why remove five out of nine terms of reference?

Let us go to the evidence, particularly by witnesses Fodero and Langridge. I invite honourable members to look at evidence presented on both 10 and 14 April as it appears on the MAS royal commission web site. That site shows the two witnesses gave information and documents to the now Minister for Health and were key informants to the investigation by the Auditor-General. Both witnesses under cross-examination resiled from their original evidence and admitted to very serious inaccuracies and contradictions. Overall, they raised fundamental questions about the veracity of the evidence on which the whole Intergraph affair was based. Had there been no changes to the terms of reference as they originally stood, parties in further hearings would no doubt have cross-examined those two witnesses on a range of issues.

Why was the commission gutted? Why have five terms of reference been taken out? Why has the very rationale of the royal commission been removed? Think back to the commission's press release about the government decision. Is there any chance now to test the credibility and veracity of the witnesses Fodero and Langridge? Will there be a chance to repair the damage done by evidence and information passed on by those two people? I ask those questions because if there is no chance for maligned individuals, companies or organisations to clear themselves justice will not be done.

I will now ask some more serious questions that go to the heart of my concern about the changes to the terms of reference. Sworn evidence was given to the Metropolitan Ambulance Service royal commission by witnesses that the present Minister for Health, while he was opposition spokesman for health, was given confidential internal MAS documents on a computer-aided dispatch tender by a former MAS employee. Can that sworn evidence be tested now? Did the minister receive those documents?

**Mr Hulls** — On a point of order, Mr Acting Speaker, the honourable member has raised some very pertinent questions about what can and cannot be discussed about the royal commission. He is now raising questions about what should or should not be discussed or investigated by the royal commission and is thereby getting into the realm of issues raised by Mr Speaker.

**Dr Napthine** interjected.

**Mr Hulls** — If the Leader of the Opposition stopped interrupting he would understand the point being made — namely, that there is a royal commission currently under way and Mr Speaker has made it quite clear that matters relating to it should not be discussed in this place. The honourable member for Malvern is now discussing issues that should, as he says himself, be raised at the royal commission. In light of Mr Speaker's ruling, I ask you to rule, Mr Acting Speaker, that matters of this kind should not be discussed in this forum.

**Mr DOYLE** — On the point of order, Mr Acting Speaker it is important that a distinction the Attorney-General has sought to blur is cleared up. He alleged I am saying things that I say ought be raised at the royal commission. That is not the case, because that would be improper. I am asking questions that are entirely proper. As the Attorney-General pointed out, following the Speaker's directive one may not canvass matters that are presently before the MAS royal commission. I am canvassing matters that are no longer before the royal commission because of the deletion of five terms of reference.

I utterly reject suggestions that I have raised matters about what the royal commission ought or ought not consider. On the contrary, I am asking questions about whether those matters still fall within its purview. I am discussing matters that have been deleted from the terms of reference of the royal commission and are therefore no longer a part of it. There is no intention to breach the Speaker's ruling. I am asking a number of questions, including whether the minister received the

documents, whether he believed the Metropolitan Ambulance Service had consented to him receiving the documents and whether those questions can now be asked at the royal commission.

I submit that I have at all times respected the Speaker's guidelines and have focused only upon the five terms of reference that have been omitted from the royal commission. I have done nothing more than ask questions about those issues and the terms of reference that have now been deleted.

**The ACTING SPEAKER (Mr Phillips)** — Order! I thank both honourable members for their comments on the point of order. The Chair has been placed in a difficult position, having only just taken over in the past few minutes. However, all honourable members should be mindful of the Speaker's ruling. At this point it is not relevant because the honourable member's time has expired and there will be no opportunity to raise any other points. The honourable member for Malvern was touching on the royal commission without being too specific. I do not uphold the point of order.

### City Link: tolls

**Ms BEATTIE** (Tullamarine) — I grieve for the people of Tullamarine and the north-western suburbs because of the imposition of tolls on a road that was previously a freeway. Some would say that because the tolls are already in place it is a bit late to bring up this matter. However, I remind the house that it is the difference between the Bracks Labor government and the opposition — the Kennett black hand once again.

Transurban heralded the toll road as a seemingly endless stream of bonuses for Victorian drivers well before the western link finally opened after six delayed starts. City Link was to deliver a substantial reduction in traffic through the central business district and reduce traffic congestion on city roads, a change that somehow was going to make Victorian businesses more competitive. I urge honourable members from the eastern suburbs to come to Tullamarine one morning, sit in the traffic at Flemington Road and find out how different it is compared with when it was the Tullamarine Freeway. The answer is that there is no difference!

One of the supposed benefits was that Melbourne's environment was to benefit from a cut in fuel emissions from both cars and trucks because they would no longer be stuck in traffic jams on congested roads. Everything would be hunky-dory.

In 1998 the *Herald Sun* reported Mr Kim Edwards as saying that City Link represented a value-for-money

alternative for motorists using the streets of the central business district as part of their regular route across the city. He said he believed people would choose to take advantage of the travel and time savings. City Link would offer reliability, cost savings and increased safety, thus giving the streets back to the people of Melbourne. Neither the people of Essendon nor the people of Niddrie would agree with Mr Edwards that they have got their streets back. That was a serious spin by Mr Edwards. Two years on the snake oil has dried up.

Transurban also proclaimed the beauty of having easier access to Melbourne's sports and entertainment venues, parks and gardens and said that the inner city would be rediscovered. A lot of people are still trying to work out the rationale for those strange comments.

There were other amazing words, some of which came from the mouth of my predecessor. He judged the tolls to be fair and reasonable and was photographed with 80 cents in his hand. Given that the cost of travelling between Moreland and Brunswick roads was \$1.01 when the tollway opened, I do not know how he was going to make up the other 21 cents!

**Mr Lenders** — Mates' rates!

**Ms BEATTIE** — They might have been mates' rates. It is strange because Transurban does not accept coins so I do not know what he was going to do with the 80 cents in the palm of his hand. Perhaps he was going to throw it at the gantry as he passed. There have already been four price increases in the first year — the toll was \$1.01 when the tollway opened and it is now \$1.14.

A friend of my mine from South Australia recently came to Melbourne with his horses for the Royal Melbourne Show. Anybody who transports animals will know that the animals get very unsettled when they are stopped in transit. My friend was faced with having to either get off at Bulla Road and pull into the City Link service centre with a float full of horses or leave his horses in the float to phone up for a late day pass. How are people in that situation expected to cope? I am sure country members would appreciate the significance of that example.

**Mr Hulls** — Did the horses have to pay the toll?

**Ms BEATTIE** — They might have thrown it at the gantry, too. How anybody could suggest that motorists would happily pay to drive on a road they have already paid for is beyond my understanding. Do the previous government and Transurban seriously believe those

motorists could adapt to paying for travelling on that road?

Promises of expressway speeds, less travelling time and greater fuel efficiency are hardly strong selling points when people are out of pocket. Trying to sell a toll road as being the largest privately funded infrastructure project in the world did not win the hearts and minds of the people of Tullamarine. My presence here is evidence of that fact!

Kim Edwards said he was disappointed in the people of Melbourne as they do not see City Link as an achievement. The reason for that is crystal clear: people in Tullamarine are now paying to drive on a road they have already paid for and on which they have driven for 27 years without payment. All they have been given is one extra lane which they are now faced with paying for over the next 34 years!

The delivery of public infrastructure by a private company that is committed more to its shareholders than to the average driver obviously poses some huge conflicts. Profits are prioritised over service delivery and somebody has to lose out in those circumstances. For many commuters in the north-western suburbs and in my seat of Tullamarine, City Link is unavoidable. Back in the days earlier this year when the toll was \$1.01 it averaged out at \$1500 a year per driver, which places a burden on people on low to average incomes. I see nothing wrong with people trying to avoid the toll road. They do not avoid it because they want to go more slowly or look at the sights of Moonee Ponds or Niddrie.

**Mr Hulls** — There are lovely sights there, too.

**Ms BEATTIE** — There are some beautiful sights there. Those motorists avoid it because they simply cannot afford the toll. I reject the term ‘toll bludgers’ that has been applied to people who are exercising their freedom of choice and choosing not to use the toll road, as is their right. They are not toll bludgers but decent hardworking people who cannot afford \$1500 to \$2000 a year. Who knows what the cost will be in a year’s time?

I refer the house to the following figures from Vicroads. When tolling started on the western link 16 800 drivers per day were using the Bulla Road exit — that is, the ramp that goes off the Tullamarine Freeway heading into the city; after the City Link tolls began in January, the number of drivers taking that Bulla Road exit per day increased to 19 800 — that is, a jump of 3000 motorists or 18 per cent.

The story of drivers using the Bulla Road entry ramp heading away from the city is even worse. Before City Link started tolling 16 300 drivers used that exit each day; after the tolls were introduced that figure increased to 21 000 cars a day. That represents a rise of 4700 a day in the number of cars avoiding paying tolls by avoiding the tollway. That 29 per cent hike sends a clear message: no matter how much Transurban might claim that the tollway is beneficial, drivers in the north-west of Melbourne do not believe it.

Before the state election last year I said that tolling the Tullamarine Freeway was unacceptable and there would be no benefit to the people of the north-western suburbs. The statistics that I have just quoted are proof that paying tolls to use a road that was previously free is not sitting easily with members of the motoring public, who are using alternative routes. I wish the honourable member for Essendon were here as she could tell stories of the dastardly things that are happening in her area.

The access and control that Transurban has over private credit card information and its ability to track people’s movements through e-tags have to be considered. The honourable member for Dandenong North is particularly concerned about information and privacy aspects. City Link has previously boasted on Melbourne radio how the tolling technology provides it with information about where people are travelling and at what time and how often they use the toll road. The technology also has the ability to use e-tag credit for paying parking and speeding infringements. I remind the house of one City Link customer who received a 17-page tolling account bill before tolling had even commenced. That is truly remarkable arithmetic!

It has been reported that 1000 e-tag users have returned their merchandise and have been totally dissatisfied with the product. The people of the north-western suburbs and the people of Tullamarine in particular do not find City Link and the dysfunctional e-tag system user friendly. I do not recommend that honourable members try using their e-tags when they change over their cars, which is what happened to me. When I changed over my car the new one was delivered to me late one night and the next day I was berated by the operator for not having changed over my e-tag.

The contract the Kennett government signed with Transurban ensures that compensation will be paid to City Link should any of the functions and obligations of the authority be disrupted. However, where in the contract is there any mention of compensation for the residents of the north-west of Melbourne who have seen their property values plummet because of the cheap and ugly concrete barriers along the tollway?

Their homes have been surrounded by those ugly grey walls and turned into fortresses without light — although some of them have a little bit of perspex to peer through as they contemplate the concrete jungle that is now City Link.

Transurban was given significant financial assistance by the former state government while the black hand of the Kennett government handed over a measly \$100 per year concession for the land that City Link eats up which is normally worth about \$80 million. The Kennett government has given Transurban legal powers of enforcement for toll evasion well beyond those allowed for private companies, although I understand that recently City Link has been at the negotiating table a bit more often than it used to be.

City Link has not been the traffic breakthrough that Melbourne needs, nor has it meant that the people of the north-west of Melbourne can stay at home for breakfast and spend more time with their friends and families. What does getting to traffic bottlenecks a little faster mean to motorists? Nothing.

This supposed engineering brilliance has not added anything to the north-west. I believe that in future it will become a corporate road that will take trucks and taxis to the airport, but the people of the north-west, particularly the people of Tullamarine, will not use it. They cannot afford to use it. As I said, I raise this matter in the grievance debate because it is fundamental that the people of Victoria are reminded that those now on the opposition side of the house, not those now on the government side, imposed tolls on ordinary motorists.

### **Aquaculture: funding**

**Mr INGRAM** (Gippsland East) — I grieve for the constituents of Gippsland East and other communities in regional Victoria. The catchcry of the moment is 'RARA'. For those who do not know what that is, it stands for rural and regional Australia. It is essential that that catchcry is capitalised on to create jobs in regional areas and communities.

**An Honourable Member** — Like Swifts Creek.

**Mr INGRAM** — Yes, like Swifts Creek. Part of the Independents charter specified some of the government commitments to regional Victoria. The charter established clear plans and strategies to address the urgent needs of rural Victoria and to improve rural and regional employment opportunities.

Today I grieve for the aquaculture industry, which is a major contributor to regional development in rural

Victoria and rural Australia. In my view, Victoria's aquaculture industry is about 10 years behind that in other states because our industry has been established on introduced species — we import ideas and systems from other states and other countries and set them up in Victoria. It is essential that research and development are put into industries such as aquaculture to ensure that such industries develop.

The last budget reduced funding for fisheries, and that hit the marine and freshwater fisheries at Snobs Creek and Queenscliff. A large amount of money was allocated to the buildings at Queenscliff, but the amount for the scientific work required to establish and develop new industries was reduced.

As I said, Victoria's aquaculture industry has been based predominantly on introduced species, and there have been a number of success stories. Some of those have been rainbow trout and Atlantic salmon, which are sold in many supermarkets and are also exported. However, other species have been absolute failures, particularly European carp. Because in the past Australia did not have the scientific background to breed its native fish it was thought that many of our native fish species were unsuitable for the aquaculture industry. European carp were imported so farmers could put them into their dams to establish an aquaculture industry. Once here, the fish spread far and wide and are causing serious environmental damage right across Victoria, particularly in the Murray Darling Basin and across the rest of Australia.

Fish such as the Murray cod, originally considered unsuitable for aquaculture because they are territorial and hard to breed, have now proved to be a very successful species. I quote from the Warmwater Aquaculture Association newsletter of February this year:

Fisheries Victoria are pushing Murray cod as a preferred species and pouring heaps of research dollars into it in the hope that their efforts will create an industry based on the culture of that species. We can only wish them well. One NSW grower has been pushing them out commercially for 10 years. One wonders how much better off we'd be if we gave him the money and bought the proven technology?

It is essential that research and trials be undertaken on the profitability of those species and the aquaculture systems used to breed them. Business will not invest in aquaculture unless the dollar returns can be proved. We cannot import species and systems from interstate or overseas and expect them to work in Victoria.

One of the difficulties for some Victorian businesses is that they are using information from northern New South Wales, where the climate is a lot warmer.

Problems are caused by the fact that although they are growing the same species, the water is cooler and the breeding conditions are different.

A proposal from South Gippsland to import and grow Pacific oysters, which are not native to Victoria or Australia, was strongly supported by the honourable member for Gippsland South, now the Leader of the National Party. An inquiry set up by a member for Gippsland Province in another place, the Honourable Philip Davis, found that the proposal should not proceed. It is interesting to note that the Honourable Philip Davis aggressively opposed it. I refer to a statement he made that the oysters would crawl up out of the ocean at night and pinch young children from their beds. He obviously had strong views!

Not all is negative in Australian aquaculture. The industry is worth about \$500 million based on farm-gate values, which is forecast to reach \$2.5 billion by 2010. The aquaculture industry is one of the fastest growing industries in Australia, although the Victorian industry is relatively underdeveloped. The farm-gate value of the aquaculture industry in Victoria is about \$17 million, but that is forecast to grow significantly over the next five years.

The vast majority of our aquaculture industry is based in rural Victoria and provides significant socioeconomic benefits to those regions. I have put forward a proposal that I believe will expand the industry in Victoria. It is based on the aquaculture model that is used to grow yabbies — that is, farmed dams as sources of water, using the water twice and allowing farmers to harvest the resource.

If the aquaculture industry is to develop, it is essential that farmers use species such as Australian bass, from south of the Great Dividing Range, and the silver perch and yellow belly from north of the range. Farmers must be allowed to stock their dams and harvest the resource so the industry has access to a large pool of fish.

Because of the lack of resources allocated to the Marine and Freshwater Resources Institute, no Victorian farmers are producing fish like Australian bass to stock farm dams. Resources must be made available to marine and freshwater fisheries to develop that aspect of the industry.

The aquaculture industry has the potential to provide a source of employment for the regions. Clear objectives and pathways must be set to allow that to happen, and resources must be put into training. Although that is happening in many areas of Victoria, we need to ensure

that industries like the mussel industry can use our waters.

I am waiting for the release of the Environment Conservation Council report, which I hope will recommend the setting up of aquaculture zones along the Victorian coastline so mussel and other native shellfish farms can be established. Species such as native oysters, flat oysters and, in some areas in the east, Sydney rock oysters can be cultivated. These are filter feeders and contribute to the environment by filtering some of the nutrients, plankton and so on that are found in estuaries, lakes and ocean environments. We must ensure those industries can develop.

Onshore intensive aquaculture systems also have great potential, and we must ensure they receive the necessary research and development funding. The South Australian aquaculture industry is cultivating species like snapper; the New South Wales industry is cultivating jewfish, or mullet, and a number of other species; and the Queensland industry is cultivating barramundi, cod and higher value reef fish such as coral trout. However, the Victorian industry does not have the investment dollars it needs and lacks the clear pathways it requires to develop. Over the next few years it is essential that the appropriate level of resources and scientific expertise be put into ensuring that the species that exist in Victoria can be bred using the right systems so the industry will be successful and gain its share of the \$2.5 billion that the national aquaculture industry is expected to be worth by 2010.

One other thing that is restricting industries such as aquaculture and the development of regional Victoria is the fact that most government departments are based in the centre of Melbourne — for example, the licensing section of the fisheries division, which looks after commercial licences, is located in Box Hill. I am certain that not too many people working in the industry live in Box Hill. Most people in the industry probably do not know where that Box Hill office is. Most country members of this Parliament — —

**Mr McArthur** interjected.

**Mr INGRAM** — Swifts Creek is not really a place to move the fisheries division to. The Department of Natural Resources and Environment is probably better suited to Swifts Creek. I suggest to opposition members that Lakes Entrance would be a good place to set up the fisheries division of the department.

**An honourable member** interjected.

**Mr INGRAM** — I am advised that I should not respond to interjections. Moving a department from the

middle of the city would be a great boost for regional jobs.

**Ms Asher** interjected.

**Mr INGRAM** — We should have put that in the charter. It is probably something we neglected to put in the charter.

Moving departments out of capital cities into regional Australia will enhance the culture of learning. The House of Representatives Standing Committee on Primary Industries and Regional Services recommended that commonwealth government departments be moved to the country. The committee suggested that there was a direct relationship between the extent of regional development and the business and community leadership associated with it and that, as I said, moving departments into regional Australia would enhance a culture of learning, which is essential to generate the self-sustaining communities necessary to enable regional Australia to prosper.

Currently, about 80 per cent of jobs are generated in the service sector. Encouraging regional Australia to add value to primary industries is necessary, but that will not create enough jobs to ensure its survival. We must ensure that industries such as aquaculture have the expertise in fisheries and the aquaculture service sector to develop them further. The expertise and understanding of the people who want to set up in the industry — —

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

### **MAS: royal commission**

**Dr DEAN** (Berwick) — I join with my colleagues the Leader of the Opposition and the shadow Minister for Health in expressing concern about what has just happened to the royal commission into the Metropolitan Ambulance Service (MAS). From my research I can say one thing without any shadow of doubt: the action taken is totally unprecedented. I have never seen a situation — and I doubt whether there has ever been one like this — where the central terms of reference, being the core of the reason for the existence of a royal commission, are removed halfway through the inquiry.

If one adds to that the fact that the government itself has gutted the MAS royal commission one sees that this is a gross breach of faith with the commission and the Victorian people. If one recalls that the government was willing to bear the cost of the royal commission for 10 months, amounting to about \$15 million, and replace

its terms of references with references that could be handled by any investigator, the word 'incompetent' should be added to the term 'unprecedented gross breach of faith' in describing the government. If one then realises that the government did that in the dead of night, add to the words 'unprecedented gross breach of faith' and 'incompetent' the word 'deceitful'.

It is important to remember what a royal commission is. A royal commission is not an administrative body — it is a judicial tribunal. When one hears the words 'judicial tribunal', the next words one should hear are the words 'for the legislature: hands off!'. It is totally bizarre that the government, having set up the royal commission, would undertake an act that will be roundly criticised by all those in the legal profession and, effectively, gut its own royal commission.

It is not just a matter of opinion to suggest that the royal commission would never have been set up if it were not for an inquiry into contracts. It is not just an opinion to suggest that the other matters now left in the terms of reference would never have given rise to a royal commission. That fact, as distinct from opinion, can be found from a number of sources. I refer the house to several comments that were made at the time when Labor was in opposition and pushing for a royal commission.

An article in the *Age* of 24 April 1997 referred to discussion about a judicial inquiry, but the report refers only to an inquiry into ambulance contracts. There is no suggestion of such things as phantom calls, whether 000 or anything else. The article refers only to contracts. At the time the heart of the problem concerned whether there had been a breach of trust by the government in dealing with a tender system. Another article in the *Age* of the same date states:

The state opposition yesterday pressed for a full judicial inquiry into the Metropolitan Ambulance Service ...

The opposition is reported as stating:

The government has been warned time and time again of the problems with contracts ...

...

The government has been negligent in overseeing these contracts. We're getting a dodgy system.

I now refer to some comments by the honourable member for Broadmeadows, now the Minister for State and Regional Development, on the matter. When he asked the former Premier about establishing a royal commission, he asked:

... will the Premier now agree to establish a royal commission to investigate the possible corrupt ambulance contracts ...

There was no thought in the then opposition's mind at any time that there was any other reason to have a royal commission than because of those contracts. Again and again, one sees the same thing. The *Age* of 3 May 1997 quoted the then opposition as stating:

Companies would refuse to invest in state government contracts unless a royal commission was held into the ambulance contracts scandal.

Everything was about contracts. Apparently the former opposition was concerned that investment would stop unless there was a royal commission.

On numerous occasions the honourable member for Albert Park, now the Minister for Health, said the same thing. On 1 May 1997 during the adjournment debate he called upon the then Premier to institute a royal commission in relation to contracts.

The Auditor-General's comments were entirely about the need for an investigation into the contracts. It is interesting to note that he said it would be subject to a police inquiry, something that seems to have been forgotten. It is a matter of fact and not a matter of opinion that the royal commission was centred entirely around that issue and would never have been instituted unless that was the case, which makes the removal of those very terms even more bizarre.

The government has spent \$1 million a month since the royal commission began. It now seems to be saying that it will take away the reason for its existence, but while it is there it might as well throw in a few other inquiries — such as the 000 inquiry. The government has decided that a \$1 million-a-month inquiry is an appropriate way to investigate the 000 Telstra problem, which could be investigated by a single investigator or even by the police.

One also has to ask, having effectively flushed \$15 million down the drain, why the government is allowing the royal commission to continue with those other trivial references at a cost of \$1 million a month. Let us remind ourselves of the worth of \$15 million. It is worth two secondary colleges or four primary schools in my electorate. I can assure the house that my constituents would like to see that achieved. Interestingly enough, it also corresponds to something like 60 new ambulances and 150 new hospital beds. The money that has been flushed down the drain to provide a better ambulance and health system could have been spent on solving the difficulties the

government is now facing with extended waiting lists and the like. What sort of incompetence is that?

Why did the government try to bury the whole process by saying it was the royal commission that made the decision? Previous speakers have referred to this aspect. What I find extraordinary is that if one listens to the comments of the Premier on radio and to the answers he gave in the house yesterday and today, it is obvious the Premier is attempting to imply that it was the commission's decision to gut itself. Why would a royal commission gut itself?

There is a good reason why no judicial body would ever, halfway through its procedure, stop without concluding its inquiry. The reason is natural justice. Natural justice means everybody is entitled to put a defence. What happens in a court trial, whether it is criminal or civil, if it is decided that the trial will be aborted? The first thing the court does is dismiss the charges or the action. In most cases, even in criminal cases, the court orders that the costs will be borne by the prosecution or the plaintiff.

This judicial tribunal has been forced to abandon its inquiry, therefore understanding — I know it understands this — that those against whom allegations have been made now have no hope of putting their defence. The allegations just sit there. If the government had a skerrick of integrity it would, firstly, apologise to the people who have been dragged through the process. It should also make a statement that the charges are dismissed and that it withdraws the allegations. It is essential that the government do that to preserve the integrity of the royal commission. It should also pay the costs people have had to incur as a consequence of defending themselves.

This is an extraordinary saga. How is it that the Premier can come in here and totally contradict the press release put out by the royal commission itself? Let's face it, when a royal commission puts out a press release, a bunch of skilled lawyers have looked at every single word of it. There is no doubt that every single word is important. When the press release said it was a government decision, that is what is meant. If we look at the Premier's own press release, we see he said it was a government decision. The whole thing stinks of a lack of natural justice and incompetency and judicial interference by the executive.

### **Northern suburbs: government services**

**Mr HAERMEYER** (Minister for Police and Emergency Services) — I grieve about the neglect and contempt the previous government demonstrated

towards the northern suburbs of Melbourne. During the seven-year reign of the previous government, in my electorate alone four schools were closed, including the Wollert Primary School, the Plenty Primary School and the Hurstbridge Secondary College. Local schools were deprived of teachers and resources. Ambulance turnout times across the northern suburbs typically were around the 40-minute to 45-minute mark after the former government cut the ambulance service to ribbons. Police were short staffed and unable to attend urgent callouts. There was a plan to close police stations around some of the fringe areas of Melbourne.

The local roads were an absolute disgrace. Despite being in Melbourne's second-fastest growth corridor, the local roads in the northern suburbs were appallingly neglected, to the extent where they were a serious risk to lives.

Just 12 months after the election of the Bracks government things have changed dramatically. This year there have been some encouraging moves. The government has acted quickly. I place on record my appreciation for the decisive action on the part of the Minister for Health in announcing the decision to locate ambulance services at two of our most outlying suburbs, Craigieburn and Diamond Creek, as of November or December this year.

Those are two outlying areas, and the areas to the north of Nillumbik were identified last year by the ambulance service itself as having the worst ambulance response times and being the most underserved areas anywhere in Melbourne. The nearest ambulance stations to Craigieburn were Epping, which is 15 minutes away, and Glenroy, which is also some 15 to 20 minutes away. Ambulances located in those suburbs give a big boost to those communities, and I appreciate the decisiveness of the Minister for Health in taking that decision. The location of mobile intensive care ambulance services at Coolaroo and Bundoora places them closer to people in the outer northern suburbs than previously.

**Mr Lenders** — Labor cares.

**Mr HAERMEYER** — Labor certainly does care. Honourable members have heard about the black hand of the Kennett government. I turn now to the golden hand of the Bracks government so far as the northern suburbs are concerned. This year alone one of the much neglected schools in the electorate of Yan Yean, St Helena Secondary College, which is on the border of both my electorate and that of the honourable member for Eltham, has received a boost of \$1.7 million to its building program. Epping Secondary College has

received approval to plan for infrastructure improvements of \$502 000. Epping Primary School, a historic first-class school in the area, has a growing demand for places but has been overlooked during the past seven or eight years. It will receive \$300 000 to upgrade infrastructure. Planning approval has been given for a \$650 000 infrastructure upgrade at Yarra Glen Primary School and \$400 000 has been approved for the school at Diamond Creek.

It is interesting to note that prior to the last election the Liberal candidate for Yan Yean threw promises around like confetti, and two of the schools I have referred to were promised money for major upgrades. After the election I went to the Minister for Education with my hand out and was told that the former government had made no entry in the books and no budgetary provision for the upgrade of those schools. I thank the Minister for Education for making good the false promises of the former government to the people of Yan Yean.

In addition, I am pleased to see the provision of a new primary school at the new and growing suburb of Roxburgh Park. It already has the Homestead Primary School, which is an excellent school bursting at the seams because of the popularity of the area and the new primary school is welcomed.

I turn now to roads across the north. People in the outer north are highly dependent on motor vehicles as their major means of transport. Pascoe Vale Road is a necessity for people living in Craigieburn, Roxburgh Park, Greenvale and Coolaroo. The road is heavily overcrowded and is one of the most dangerous in the state. I was pleased to see the announcement in the budget this year of an allocation of funds for the duplication of Pascoe Vale Road at long last.

Cooper Street, which is the main east-west thoroughfare linking Craigieburn, Greenvale, Meadow Heights and the Epping area is a further issue. Much traffic commutes every day from Epping down to the industrial areas in the Hume corridor and from the eastern side from the Craigieburn and Roxburgh Park areas to Epping Plaza, the magnificent new shopping centre, and the Northern Hospital at Epping. Cooper Street carries most of that traffic. It is now the major east-west corridor in the north, yet it is still a rural-standard road comprising one lane each way. The Labor Party has campaigned for several years for an upgrade, and I have petitioned heavily for it. Unfortunately the Kennett government was not forthcoming with any money. All we got from the former government prior to the last election was a big sign that read 'Building better roads'. Frankly, the sign should have read 'Building bigger signs'.

What the former government committed to was that over a six-year period, in three stages, it might complete that urgent piece of infrastructure. The upgrade is urgently needed for a major economic and industrial zone to the north and as a road safety initiative. We on this side of the house are sick of people dying unnecessarily or being involved in serious maiming accidents because the road has not been properly duplicated. The decision of the Minister for Transport to bring the issue forward and to do it in one stage is greatly appreciated.

Not satisfied with the fact that that urgent project was delayed for so long the Liberals are still trying to spike it. Mr Tom Love, a prominent local Liberal, has objected to the duplication of Cooper Street on the ground that it might obstruct his capacity to build a quarry in the Epping area. People in Epping are sick of being the quarry in Melbourne's north. They want industrial and commercial development in Epping and for the quarrying to end. Having lost government the Liberals are still treating the north with contempt.

I turn now to policing. I indicated that the former government had deprived police stations of staff and resources and there was even a plan to close the Hurstbridge police station.

I am pleased to say that the Hurstbridge police station will remain open — it will not be closed — and it will be supplemented by a new police station in the Kinglake district, which is in the electorate of the honourable member for Seymour. The honourable member for Seymour has lobbied very hard to have a police station located in Kinglake. The development will ensure that that area, which is a good 25 minutes from the nearest police station in any direction, will at last have a police presence.

The Hurstbridge area will also be supplemented by the construction of a new police station that will be part of a 24-hour police and emergency services complex that will include a new Country Fire Authority station in the same location at Diamond Creek.

These are important service and infrastructure developments that will benefit people not just in my electorate of Yan Yean but also in surrounding northern districts. Things are certainly looking up for the north.

The government is committed to providing appropriate public transport infrastructure by the way of the electrification of the train line from Broadmeadows to Craigieburn, with two new stations to be constructed at Roxburgh Park and the upgrade of the Craigieburn station. The district is not big enough to have all the

resources young people want access to. These developments will address a lot of the social problems that have arisen around Craigieburn because young people are unable to travel into or out of the area unless they have access to motor vehicle transport. An electric train service will give them access to a full range of educational, employment and recreational opportunities.

The extension of the train line from Epping to South Morang to cater for the growing areas to the north in Mill Park and around South Morang will also make an enormous difference.

The north was neglected appallingly over the past seven to eight years, just as it was for the 27 years of the preceding Liberal government, but the Bracks government is committed to ensuring that the north catches up with appropriate infrastructure and requisite services.

Although there is still a lot to do, I congratulate all the ministers who have been involved on a really great start.

### **Taxation: relief**

**Ms ASHER** (Brighton) — I grieve for Victorian taxpayers. Victorians have seen the Bracks government in office for almost 12 months and it has established, as all Labor governments do, a tradition of being a big-spending, high-taxing government.

It inherited a great legacy from the previous government — a surplus in 1998–99 of \$1.7 billion and an estimated surplus of \$1.3 billion for the 1999–2000 financial year, although the opposition believes that could be greater, and very strong growth revenues in its forward estimates, but it has been spent.

In short, the government inherited a lot of money and will have expended \$2.5 billion extra over four years. It did what Labor governments do — that is, received and spent money, although money was previously borrowed by the former Labor government.

The government has not delivered a tax cut despite its rhetoric. It said it may deliver a tax cut; there was not a definite tax cut in the last budget. A mooted tax cut was predicated on a \$100 million surplus. I call on the government to at least have the decency to announce that the tax cut is definite.

The government has a review of business taxes for the \$100 million. Given the amount of money it has expended, \$100 million is a fairly small sum. I suggest

that the government look at areas such as payroll tax or stamp duties on commercial transactions.

I call on the government, even if it does not want to make a decision now on what type of tax cut it would like, to actually announce that the tax cut is definite, just as a first step.

The government is presiding over significant expenditure blow-outs. It is showing that it is in the grand tradition of its fiscally delinquent predecessors and is proving already to be particularly reckless in its handling of money.

I will refer to a number of instances of recurrent expenditure blow-outs over the top of the budget documentation that was presented in May. As I said, Labor governments traditionally are experts at achieving high recurrent expenditure. That is their forte; that is what they do.

Contrary to what the Treasurer indicated in question time today, in the budget papers there is provision for a 3.5 per cent wage increase over the next four years. On 24 May in this place the Treasurer reiterated that wage increases would be kept to that level 'or below', obviously completely forgetting at least temporarily the Labor Party's debt to the union movement at the last state election. However, there are a couple of agreements where the wage costs are over 3.5 per cent — —

**Mr Holding** interjected.

**Ms ASHER** — I agree with the honourable member for Springvale that the budget blow-outs are terrible. He should use all the influence he possibly can to persuade the Treasurer to get a grip on his portfolio.

**Mr Holding** interjected.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Springvale is out of his seat and is disorderly.

**Ms ASHER** — The Australian Education Union has secured an agreement that on the face of it the minister tried to present as a 3 per cent increase over three years. Honourable members have heard in the house today confirmation that on top of that increase there will be another \$75 million of costs relating to the top-teacher category.

The union has boasted that it has received an 11 per cent increase over three years. It has further boasted that some members will receive up to 17.8 per cent in wage increases. The Minister for Education said

'potentially everyone' could have more than 3 per cent. Indeed, the minister refers to taxpayers' money as 'largesse', a word she has used in the house frequently. It is not largesse; it is taxpayers' money that should be spent in a responsible manner.

The Community and Public Sector Union has negotiated an agreement that on the face of it the Minister for Industrial Relations says is 3 per cent, but with the bonus agreements most people will receive a 4 per cent salary increase.

Likewise, on the face of it nurses have a 3 per cent increase but the effect will be in the categorisation of those nurses. Honourable members will learn in the future — from December onwards — what budget blow-outs will occur in the health sector because the categorisation will kick in and there will be wage increases in excess of those allowed for in the budget.

At the moment kindergarten teachers are also negotiating a pay increase. They have also been offered a one-off payment, which again is over the budget forecast. Indeed, today during question time we learnt about an extra 650 public servants who will be employed under a traineeship program, again with recurrent budgetary ramifications.

The budget is very vulnerable. I direct the attention of Labor members to a sensitivity analysis on page 179 of budget paper 2. In its own papers the government indicates that a 1 per cent increase in wages — and at this stage we are seeing more than 1 per cent over the 3.5 per cent — will lead to a reduction in the surplus of \$71 million this year. The budget is particularly sensitive to other factors being altered — for example, a 1 per cent decrease in growth would take the surplus down this year by \$400 million. While the Labor government is intent on offering wage increases as political payback to many of its friends in the trade union movement there are enormous budgetary ramifications because the budget is so sensitive to any increases over 3.5 per cent.

I have given just those few examples of recurrent expenditure. There is a whole range of examples of one-off expenditures where the government is showing itself to be most reckless in its early stages. An order in council was tabled in this Parliament providing for a maximum of \$10 million expenditure on the Metropolitan Ambulance Service royal commission. Now honourable members are hearing figures of \$15 million, \$20 million and \$1 million a month. It is yet another cost blow-out. The Minister for Sport and Recreation has said he needs more money for the Commonwealth Games. Every item of one-off

expenditure is being blown out because the government says it needs more money. Money is no object because it inherited a lot of it.

I return in particular to the government's capital budget and its approach to capital expenditure, where it has been extremely reckless. Not only have there been cost blow-outs of \$75 million at Federation Square — the government will blame it on others, but it changed the design and sacked the management committee — but there will be further budget blow-outs at Docklands, in particular over the flight of private investment from that program.

The most obvious example of capital budget blow-out relates to rail, in particular the rail projects in Bendigo, Ballarat, Geelong and Traralgon. During the election campaign the government indicated that the taxpayer contribution would be confined to \$80 million. This month the government issued a press release saying that the taxpayer contribution will be \$550 million. In the *Australian Financial Review* of Tuesday, 3 October, the Minister for Transport is quoted as having said that if the private sector is not interested the taxpayer will pick up all \$800 million of the project. The project started with a proposed taxpayer contribution of \$80 million, has blown out to \$550 million, and now there is the possibility of an \$800 million contribution from the taxpayer to the project.

I particularly refer to the Growing Victoria Fund, which was announced in the last budget. I place on record that the fund is showing all the appearances of turning into a slush fund for the Labor Party. There is no accountability for the fund and no transparency. What is known about the fund? It was set aside from the 1999–2000 surplus as a top-up capital funding program of \$1 billion. Page 154 of the budget statement indicates that the government intended to spend \$64 million this financial year and \$312 million in each of the following three years. That much is known, but where has the \$1 billion gone? The government is fairly shy about saying how the money has already been allocated — and that is just the \$64 million to be allocated this year!

The opposition learnt from page 16 of budget paper 2 that \$64 million has been allocated this financial year for either schools or rail projects — the documentation is unclear. It also learnt from page 49 that in this and the next financial year \$110 million has been allocated to schools. That much again can be found in the budget paper. Budget information paper 1 indicates that \$64 million has been funded in 2000–2001, \$83 million in the following year and \$43 million in the year following that for schools and rail. Again there is no

precision in the figures. Line items in the budget documentation indicate that significant sums of money have been allocated.

However, most alarmingly, honourable members learnt from a press release on the rail announcement issued on 5 September that the government will provide \$550 million from the Growing Victoria Fund for rail projects. The Premier indicated in that press release that \$80 million has already been allocated for the project in the 2000–2001 budget. On the other hand the budget papers show that only \$64 million has been allocated for schools and rail.

I am concerned about the Growing Victoria Fund. The Premier indicated to the Public Accounts and Estimates Committee that the fund would be transparent, yet there is absolutely no parliamentary scrutiny of it at all. Having one line in an appropriation document is insufficient; it is buried in one line of the budget, and there can be no scrutiny. I call on the government to come clean on the slush fund that I am sure will be allocated via the use of a whiteboard and a Mackerras pendulum.

No wonder Access Economics has walked away from its audit of the government. Most interestingly, where Access Economics was previously silent it has now confirmed in a letter to me dated 18 September that it did not audit the capital component of the Bracks budget. It implies that in the letter that was the face sheet of that budget. It would appear that the Premier has stapled a capital component onto Labor's budget statement, which he waved around prior to the last election.

Given the government's record on capital expenditure, the blow-outs and the nature of hidden expenditure we are now seeing in the Growing Victoria Fund, it is no wonder that Access Economics is running a mile from commitments it made previously. As I said, Access Economics was previously silent on the matter but has now written to the opposition making it absolutely clear it played no role whatever in any costings in Labor's capital budget.

### **Austin and Repatriation Medical Centre**

**Mr LANGDON** (Ivanhoe) — I grieve for the state in which in the Austin and Repatriation Medical Centre was left by the Kennett government, and my electorate grieves for the years of neglect, untruths and misleading information circulated by the previous government.

**Mr Lenders** — The Kennett junta!

**Mr LANGDON** — As the honourable member for Dandenong North says, the Kennett junta — that is today's term!

There are two aspects to the neglect: the cutbacks in funding and the redevelopment. I refer first to the funding cutbacks.

The opposition often bleats about how it left the government with millions if not billions of dollars; but if it had spent some of that money on health services over its period of office it may not be in opposition today. I am more than pleased to say that the Bracks government under its Minister for Health is now addressing the issue of health funding.

The problem started at the former Austin hospital in the days before it joined with the repatriation hospital. In July 1993 the Kennett government announced a cut of \$6 million in funding and a reduction of 270 staff for the Austin hospital. The staff affected by cuts included nursing, catering, cleaning and scientific staff. We have nursing shortages today, as all honourable members know, but we should remember that those shortages started back in 1993 with the Kennett government cutbacks.

In an article of 27 July 1995 the *Age* reported:

The Austin and Repatriation hospitals have revealed they would close 54 beds and reduce surgical services, following recent claims by unions and the state opposition that government funding cuts would cause closures and staff cuts.

Members might think that by 1995 the Kennett government would have been coming into some money, considering all those billions it seemed to have. Nevertheless, the *Age* of 21 June 1997 reported that:

The Austin and Repatriation Medical Centre has ordered all departments to cut spending, banned overtime and warned that the hospital runs the risk of significantly over-spending its budget.

The *Age* has obtained a 23 April memo by the Austin's general manager, Mr Paul Solomon, which says he must approve all spending, or 'we could significantly exceed our overall revenue'.

Revenue and spending, again. Hospitals were not considered to be about health and patients; they were about revenue and spending. It is obvious today that the former government did not care about patients.

Quotes from other articles of the time will help to show honourable members that not only the then opposition but the community in general knew what was happening. An article in the *Age* of 11 December 1997 indicated that:

A big Melbourne hospital is canvassing former patients for donations to buy beds, as new figures show public hospital waiting lists have blown out to a record 41 174.

I saw those letters sent out by the Austin hospital trying to get money from former patients for funding of future beds. That is another appalling example of the way the previous government operated. The hospital waiting list period at 1 September 1997 was more than six months and there were 1012 patients on the list. Obviously the hospital had not received enough money from former patients to buy beds!

The *Age* of 13 March 1998 revealed that:

Victoria's second-largest hospital, the Austin and Repatriation Medical Centre, has a budget shortfall of at least \$2.2 million and is set to cut more than 60 jobs.

Bearing in mind the previous cuts of \$6 million I have just read into *Hansard*, consider the effect in 1999 of another \$2.2 million cut and a further loss of 60 jobs. The article continues:

The centre's chief executive officer, Ms Jennifer Williams, has ordered the immediate cutbacks — including a round of voluntary departures and cutting overtime, casual staff and the average length of stay — to deal with the crisis.

In a notice issued to staff last week Ms Williams said she realised the cutbacks would be 'challenging' to implement but if present spending continued, this year's budget targets could not be met.

A litany of cutbacks, abuse and funding shortfalls.

An article in the *Age* of 9 May 1998 under the heading 'The Austin has been running on empty, writes Shane Green' states:

Clinging to the side of the Burgundy Street hill in Heidelberg, the Austin hospital has been an enduring, comforting symbol to the people of the north-east suburbs of what has been good about the public health system. One of Melbourne's biggest hospitals had a deserved reputation for excellence in health care.

But behind the doors of the rambling campus, an intense struggle has been played out in recent years, as the hospital has battled to maintain its standard of care while coping with cuts and the new order of health funding stringency. In financial terms, the hospital was close to being declared dead earlier this year, revived only by emergency funding from the state government.

So the state government had started, after years of cutbacks, to put some money back in. The article goes on:

In an 18-month period from June 1996 to the end of last year, the hospital went through all but \$2 million of its \$25 million cash reserves.

That is, the previous state government came in only after the hospital had used up most of its cash reserves, putting the hospital in a very cash-strapped position. The article continues:

That the Austin was in financial trouble is acknowledged by all concerned. Finding out exactly why it reached that point is a harder question. The government maintains it simply failed to meet the cost benchmarks for the delivery of services. End of story.

That is a prime example of the Kennett government's behaviour.

*Government members interjecting.*

**Mr LANGDON** — Indeed, as the honourable member for Dandenong North says, only Labor cares. He is a very good interjector!

The *Age* of 18 November 1998 carried an article headed 'Bed closures hit Austin', which begins:

Six emergency beds are being 'de-staffed' for hours each day.

One of Melbourne's busiest hospitals is closing six emergency beds for up to 6 hours a day to save precious hospital funds.

The Austin and Repatriation Medical Centre emergency department, which last year closed its doors 115 times to ambulances, leaves the beds closed, or 'de-staffed', from 7 a.m. to 1 p.m.

That was in 1998. These days we hear the shadow Minister for Health carping and moaning about the state of the hospital; and so he should — he caused it at the time as parliamentary secretary.

An *Age* article of 30 April 1998 headed 'Job losses in store as Austin hits cash crisis' — note the similar headline — states:

Melbourne's second-biggest hospital, the Austin and Repatriation Medical Centre, is in worse financial strife than previously thought and might have to consider private sponsorship of services and facilities to keep operating.

The hospital will have to find \$19 million savings to balance its budget next year.

This will involve the loss of the equivalent of 200 full-time jobs and comes in spite of the \$7 million emergency package agreed to by the state government last month and reported in the *Age*.

The true extent of the hospital's budget woes is revealed in a memo to staff from the hospital's chief executive, Ms Jennifer Williams, in which she admits that achieving the savings will be difficult.

The staff knew more about what was happening than anybody else because they were suffering the cutbacks. Previously I detailed cuts of about 320 staff; now

another 200 staff were to be cut. No wonder there are no nurses left!

An article in the *Age* of 9 January 1999 stated:

Three bidders have been short-listed for the privatisation of the Austin and Repatriation Medical Centre despite a consultant's report warning that —

the private sector could not manage the system.

Another article in the *Age* dated 11 February 1999 stated that the hospital had blown its budget after treating too many patients. How dare it treat too many patients and blow its budget. The hospital should have been reprimanded! The article continues:

Hundreds of patients will have their surgery delayed after Melbourne's second-biggest hospital announced it was suspending all but emergency and urgent elective operations for two months.

The shadow Minister for Health is harping about delays of three weeks on medical grounds, but in February 1999 it was two months. He did not tell the house about that!

In May 1999 the government's privatisation plans were beset by delays and soaring bills, and the Austin hospital suffered many cutbacks. The Austin is a great hospital, but it was tormented by the previous government, and the cutbacks were severe.

I turn to the redevelopment of the hospital. An interesting notice was put out by my upper house colleagues, the Honourables Carlo Furletti and Bill Forwood, the headline of which was 'Don't let truth be a casualty'. That was amazing, because the history of the redevelopment of the Austin hospital shows that the previous government was anything but truthful. The leaflet states:

The redevelopment is not the 'closure of the Austin' ...

Documents prove that that was the previous government's exact intention. Minutes of a meeting between Linton Ulrich from the Department of Human Services, Sherryl Garbutt, the then shadow minister, a staff officer from Jenny Macklin's office, and me state:

Austin hospital may be sold in total or in separate lots (decision still to be made).

But don't let truth be a casualty!

A leaflet distributed in late 1996 said that the redevelopment would cost \$150 million over three to five years, but it never happened. Through the Department of Human Services the Austin hospital was very good at telling the public of Ivanhoe what it was

doing — but only when it wanted to. A leaflet dated 26 March 1996, which as honourable members might recall was four days before the general election, told the public how good the Austin hospital was, but there was no word about privatisation. However, when asked on local radio whether the Austin hospital would be sold, the then Liberal member for Ivanhoe, announced that it would not close. That was clearly an ambiguous answer.

Another leaflet was distributed in May 1999, as soon as the former Premier was able to announce the date of a general election. Again it made no mention of privatisation and talked only about redevelopment. None of the information distributed by either the hospital or my upper house colleagues mentioned privatisation. There was mention of redevelopment, but not privatisation.

The previous government's endeavours at privatisation were hopelessly out of whack. They were delayed by consultants and other problems. The Austin hospital suffered years of cutbacks, yet the Kennett government did not mind spending millions of dollars to discuss the hospital's future — so long as it was privatised. One example was its spending \$733 100 in consultants' fees just to sell off the hospital.

**Mr Wynne** — How many acute beds would that fund?

**Mr LANGDON** — Quite a few, but the Kennett government was not worried about patients. The hospital was told off for delivering services to patients because its budget was blowing out.

Under the new Minister for Health the Austin hospital is now in safe hands, and I commend the minister for his efforts. The first thing the Labor government did was to dismiss the idea of privatising the Austin. When I visited the hospital I saw the relief on everyone's face. Nine months later the Premier and the Minister for Health visited the hospital to announce its redevelopment, at a cost of \$320 million.

Under the black hand of the Kennett government there were cutbacks and misleading information. The former government should be ashamed of what it did, and the opposition should now apologise.

#### **Member for Benalla: electorate officer**

**Mr McARTHUR** (Monbulk) — I grieve for the electors of Benalla, who have been cruelly deceived. They have been told by their local member that she will represent them and advocate on their behalf. The honourable member claims that her electors can trust her with their problems, promising that they will be treated professionally and, where appropriate, in confidence.

People in the Benalla electorate are led to believe that information they provide to the honourable member's office will not be used for party-political purposes without their express consent. Let us look at what has happened. I have information about an issue being raised by Cr Mike Dalmau when he went to see the honourable member for Benalla on 8 August. The honourable member was not there so he spoke to her electorate officer and provided certain information to him.

I have a statutory declaration from Cr Dalmau which I seek leave to incorporate. Mr Acting Speaker, I have discussed the incorporation with the Leader of the House, the Speaker and the Editor of Debates, and all have given their agreement.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Monbulk seeks leave to incorporate the document. I understand the Speaker has viewed the document and deemed it suitable for incorporation. Is leave granted?

**Mr Cameron** — Leave is granted to incorporate the statutory declaration of the person who wants to be the next Liberal candidate in Benalla.

*Leave granted; document as follows:*

**STATUTORY DECLARATION**

I, Michael John Dalmau, of 5270 Maroondah Highway, Alexandra, 3714, Victoria, Gentleman, do solemnly and sincerely declare:

That I wish to make the following statement to record events that took place on Tuesday, the 8th August 2000, and Wednesday, 9th August 2000.

In my role as an elected councillor for the Shire of Murrindindi, I received a phone call from a concerned resident. This call was received at around 10.00 a.m. on Tuesday, 8th August.

The resident was concerned with the large amount of water (4,000 megalitres) that was being released from Lake Eildon and sent down the Goulburn River. I was asked to try and do something to try and stop it.

This was a very important issue due to the drought and the subsequent low water levels in Lake Eildon.

I then phoned the office of our local member for Benalla in the state Parliament, Ms Denise Allen, MLA, Mr Andrew MacLeod, stating that I had rung the office of Denise Allen, MLA, for Benalla, answered the phone call.

Then I asked to speak to Denise Allen. Andrew MacLeod informed me that Denise was not in the office and asked me for the details of my call. I then gave Andrew MacLeod the details of the issue. He informed me he would follow up the issue and get back to me.

After 11.00 a.m. Andrew MacLeod rang me and informed me of the results of his enquires.

The following day, Wednesday 9th August, the weekly edition of the local newspaper, the *Standard*, was published.

In this was an article from a press release from Mr Andrew MacLeod, the ALP candidate for the federal seat of McEwan. This article contained the information I as a councillor had made available to him as the representative for the state local member for Benalla, Ms Denise Allen.

At no time did Andrew MacLeod make it known to me that he was going to use this information as part of his federal electioneering campaign.

I believe this is a most improper and inappropriate use of the office of the member for Benalla, Ms Denise Allen, MLA. As a councillor for the Shire of Murrindindi, I brought the concern of a ratepayer to our local state member and a federal candidate, as part of his election campaigning, used the information.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act of Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Declared at Alexandra in the  
state of Victoria this 25th  
day of August, 2000  
Before me:

Martin Robert Hunt  
81 Grant Street, Alexandra 3714  
A natural person who is a current  
practitioner within the meaning of the  
Legal Practice Act 1996.

**Mr McARTHUR** — Cr Dalmau says that immediately after making the information available to the electorate officer, Mr MacLeod, he was advised that he would investigate the issue, which was the release of 4000 megalitres per day from Lake Eildon at a time when it was at a record critically low level of storage. Cr Dalmau also said that Mr MacLeod later phoned him back to give him advice. Cr Dalmau was surprised — indeed shocked — to discover the next day that Mr MacLeod, as the federal Labor candidate for McEwan, had issued a press release on the issue which was published in the local press without telling Cr Dalmau that he was doing so and without seeking his permission.

That raises a series of important matters. Mr MacLeod misused Cr Dalmau's information without his consent and knowledge. The honourable member for Benalla failed to act on Cr Dalmau's request — —

**Ms Allen** — On a point of order, Mr Acting Speaker, the councillor to whom the honourable member is referring is a potential Liberal candidate for the seat of Benalla. Also, the honourable member's facts are totally and utterly incorrect.

**The ACTING SPEAKER (Mr Kilgour)** — Order! There is no point of order.

**Mr McARTHUR** — Her electorate officer then went on to use the information provided by Cr Dalmau for ALP election campaign purposes.

**Ms Allen** — On a further point of order, Mr Acting Speaker, the councillor also rang the honourable member for Monbulk, who spoke on 3AW about the issue.

**The ACTING SPEAKER (Mr Kilgour)** — Order! There is no point of order.

**Mr McARTHUR** — Mr MacLeod's position differs from that of his employer. Victorian taxpayers' resources have been — —

**Mr Haermeyer** — On a point of order, Mr Acting Speaker, I seek your guidance as to whether it is appropriate for the honourable member for Monbulk to use the forms of the house to attack an electorate staff member who is unable to make his point and defend himself in the chamber.

**The ACTING SPEAKER (Mr Kilgour)** — Order! There is no point of order.

**Mr McARTHUR** — If the honourable member for Benalla was unaware of Mr MacLeod's actions, she

should counsel and discipline him; if she was aware of his actions, she should apologise to the people of Benalla!

**Question agreed to.**

## UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN

### Amendment

**Mr THWAITES (Minister for Planning)** — I move:

That pursuant to section 46D(1)(c) of the Planning and Environment Act 1987, amendment no. 113 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

**Mr CLARK (Box Hill)** — This is the second occasion on which a motion of this sort has come before the Parliament, the first occasion having been on 9 December last year. On that occasion I referred to opposition concern about the short notice provided to it about the motion and the short period within which a briefing was provided to the opposition. At that time the minister undertook to look at ways of doing things better and I said that it was perhaps understandable that protocols had not been worked out because that was the first instance on which such a motion had been moved by the new minister.

The second occasion has gone slightly better in that the minister's office foreshadowed some weeks ago that a motion of this sort was working its way through the system. However, the first knowledge the opposition had of the actual motion was the tabling of the relevant papers yesterday and the moving by the minister of the motion before the house. I was able to obtain a briefing on the motion from the minister's adviser late yesterday. That is again not a satisfactory procedure for the bringing of such motions before the house. The minister has foreshadowed to me that there might be ways of doing it better in future. I welcome that indication and hope it will be a case of third time successful in the arranging of a reasonable process for such motions.

The opposition is in the fortunate position that the amendment to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan, which is the subject of the motion, affects an area that falls within the electorate of the honourable member for Monbulk. As I said on a previous occasion the honourable member is, as one would expect from such a capable local member, very familiar with issues of this sort and has some

familiarity with the proposal contained in the motion. The opposition is therefore prepared to allow the motion to proceed and be agreed on without opposition.

As the motion states, the matter comes before the house under section 46D of the Planning and Environment Act 1987. Section 46D is part of part 3A of the act which was inserted in 1994 and which requires the minister to cause:

... each approved amendment to the approved regional strategy plan to be laid before each House of Parliament within 7 sitting days of that House after the amendment is approved under section 35; and

... an approved amendment does not take effect unless it is also approved by a resolution passed by each House of Parliament within 10 sitting days after it is laid before that house.

There is a responsibility on both houses of Parliament to take those matters seriously. The matter was forwarded to the house by the minister under cover of a letter dated 13 September addressed to Mr P. Mithen, Clerk of the Legislative Assembly. It is perhaps worth noting in passing that Mr Mithen retired as Clerk of the Legislative Assembly on 18 November 1998. While all of us are prone to those sorts of oversights in signing correspondence, it is another straw in the wind that indicates that the minister is having difficulty coping with both his portfolios when he signs a letter addressed to a person who retired as a Clerk of the Parliament such a considerable time ago.

The area affected by the amendment is described in the explanatory report as being land at Kilsyth South which is generally bounded by Liverpool Road, Pavitt Lane, Sheffield Road and Glasgow Road and which is currently designated as a rural landscape 1 policy area.

The amendment proposes some rezoning of that land. The explanatory report goes on to say:

The land forms an isolated portion of rural land use which is unlikely to be suitable for ongoing agricultural production due to the proximity of rural residential development in adjoining areas. The amendment will facilitate subdivision of the land for rural residential use at densities which will generally protect the landscape character of the area and minimise environmental impacts on the adjoining national park.

That places the proposal in a category the community is frequently called upon to address — that is, the issue of the rural–urban interface and how to deal with land that has previously been rural where there are proposals to convert it to some form of rural living. That is a very important issue to which the community needs to have regard.

There is an interesting contrast to the attitude of the now government to this issue compared with the attitude it took in opposition. I can well imagine that had the positions of the respective parties been reversed, the Minister for Planning would have been following the course of his predecessor, Mr Dollis, and would have raised all sorts of concerns about the proposal. I will not take up the time of the house in quoting some of the statements of Mr Dollis, but interested honourable members and others may care to refer to *Hansard* of 11 November 1997 to understand exactly what I mean.

I conclude by reiterating the fact that better protocols need to be put in place to deal with matters of this sort. I welcome the indication by the minister that he will try to do it better the third time around. I also reiterate the fact that the minister and the house are fortunate that this area falls within the electorate of the honourable member for Monbulk, who has considerable familiarity with the issue.

**Mr McARTHUR** (Monbulk) — As the member for Box Hill has mentioned, I know the area well, and I welcome the fact that the Minister for Planning is agreeing to the amendment to the regional strategy plan. It is sensible. I live within 500 or 600 metres of most of the land in question and at one stage when I was still trying to stay fit I used to jog along Liverpool Road at the back of the land. I know the area fairly well, and I also know the family that owns most of that land. They are members of the Chandler family. Doug Chandler's father, Sir Gilbert Chandler, was a distinguished member of this Parliament for many years. I believe he was the longest serving agriculture minister in Victoria's history. The Chandlers are a very well-known family in and around the foothills of the Dandenongs and across Victoria.

As the minister's notes make clear, while the land was used for flower growing and nursery operations in the past, given the spread of rural residential development into 2.4 hectare lots and the sorts of pressures that puts on agriculture pursuits, it is becoming very difficult for people who own this sort of land to continue with their farming operations.

If the government lived up to its promise to act on right-to-farm legislation, perhaps such places could continue to operate. However, as it has done nothing about it so far, people in these sorts of situations find it almost impossible to continue with traditional farming operations, whether they be horticultural, livestock farming or viticultural operations. There are plenty of other examples of this situation in the green wedge in the eastern suburbs and through the Yarra Valley where

there is enormous pressure on landholders undertaking normal farming operations. Perhaps the minister will do something at some stage to honour the government's promise about right-to-farm legislation. We will have to wait and see.

The amendment to the regional strategy plan is sensible. It will not pose any environmental threat to the land. The land has been intensively farmed for many decades and while there is some area of remnant vegetation along the verges, it is certainly not in its normal state.

It has been an intensive horticultural property for a long time. It will give a number of people an opportunity to enjoy a rural residential lifestyle, something that is popular among many families, as you would know, Mr Acting Speaker. There is an increasing demand for that in and around the Dandenongs and the Yarra Valley.

I pick up the point made by the honourable member for Box Hill: it is intriguing to see the difference in attitude between the Labor Party in opposition and the Labor Party in government. Every time the former Minister for Planning, the honourable member for Pakenham, brought one of these amendments into this place he was universally condemned by the Labor Party, even though to a large extent his amendments reduced the potential for development. We now have the spectacle of those who loudly decried that sort of activity seeking the support of the Liberal Party for similar actions.

I am happy to support the amendment. I welcome the Labor Party's change of attitude, and I hope the minister takes the same sensible approach to future amendments.

**Motion agreed to.**

## HERITAGE (AMENDMENT) BILL

### *Introduction and first reading*

**Mr THWAITES (Minister for Planning) — I move:**

That I have leave to bring in a bill to amend the Heritage Act 1995 and for other purposes.

**Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the bill.**

**Mr THWAITES (Minister for Planning) (By leave) —** The bill contains some relatively minor changes to the Heritage Act. Some of the provisions come from the results of the national competition policy review. They set out the criteria for decision

making by the executive director, as well as a number of other matters that streamline heritage applications.

**Motion agreed to.**

**Read first time.**

## DUTIES BILL

### *Introduction and first reading*

**For Mr BRUMBY (Treasurer), Mr Thwaites introduced a bill to create and charge a number of duties, to repeal the Stamps Act 1958, to make consequential amendments to other acts and for other purposes.**

**Read first time.**

## CRIMES (AMENDMENT) BILL

### *Introduction and first reading*

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

That I have leave to bring in a bill to amend the Crimes Act 1958, to make consequential amendments to the Education Act 1958 and the Sentencing Act 1991 and for other purposes.

**Dr DEAN (Berwick) — I ask the Attorney-General to give a quick summary of the bill.**

**Mr HULLS (Attorney-General) (By leave) —** The bill will increase the penalties for the possession of child pornography, clear up an anomaly in the law with regard to the sexual penetration of a child under 16, and create a new offence of rape in relation to men.

**Motion agreed to.**

**Read first time.**

## WRONGS (AMENDMENT) BILL

### *Introduction and first reading*

**Mr HULLS (Attorney-General) introduced a bill to amend the Wrongs Act 1958 with respect to the apportionment of damages in claims arising from breach of contract and for other purposes.**

**Read first time.**

**TRANSPORT ACCIDENT (AMENDMENT)  
BILL***Introduction and first reading*

Mr CAMERON (Minister for Local Government) introduced a bill to amend the Transport Accident Act 1986 to increase certain compensation payments, to provide for improved access to benefits and to revise claims procedures, to amend the Accident Compensation Act 1985 and the Dangerous Goods Act 1985 and for other purposes.

Read first time.

**AGRICULTURAL INDUSTRY  
DEVELOPMENT (AMENDMENT) BILL***Introduction and first reading*

Mr HAMILTON (Minister for Agriculture) — I move:

That I have leave to bring in a bill to amend the Agricultural Industry Development Act 1990 and for other purposes.

Mr McARTHUR (Monbulk) — I ask the minister to give the house a concise explanation of the bill.

Mr HAMILTON (Minister for Agriculture) (*By leave*) — The bill is part of the government's progression towards deregulation in the wine grape industry and forms part of a process that has the agreement of the industry.

Motion agreed to.

Read first time.

**MINERAL RESOURCES DEVELOPMENT  
(AMENDMENT) BILL***Introduction and first reading*

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That I have leave to bring in a bill to amend the Mineral Resources Development Act and the National Parks Act and for other purposes.

Mr McARTHUR (Monbulk) — I ask the minister for a brief explanation of how the Mineral Resources Development Act will be amended by the bill.

Ms GARBUTT (Minister for Environment and Conservation) (*By leave*) — The bill proposes numerous changes as outlined by the Minister for

Energy and Resources in her ministerial statement in the other place earlier this year and in line with the discussion paper on the issue that has been publicly circulated.

Motion agreed to.

Read first time.

**FISHERIES (AMENDMENT) BILL***Introduction and first reading*

Ms GARBUTT (Minister for Environment and Conservation) introduced a bill to amend the Fisheries Act and for other purposes.

Read first time.

**INTERPRETATION OF LEGISLATION  
(AMENDMENT) BILL***Second reading*

Debate resumed from 29 August; motion of Mr HULLS (Attorney-General).

Dr DEAN (Berwick) — I could speak for hours on this bill, but luckily for you, Mr Acting Speaker, I will not. If this matter came up in court it would probably be a long debate.

The Interpretation of Legislation (Amendment) Bill will undoubtedly enthrall the house with its detail. I will put it in context. It has always been a central part of the purpose and procedures of the courts to determine the intention of legislation. As you would well understand, Mr Acting Speaker, we communicate through the English language — it is not a perfect language, and, therefore, sometimes communications and intentions may get lost.

The art of determining what was intended by Parliament is a difficult process in which the courts must engage. Over the hundreds of years that the courts have done that they have developed an extensive set of principles for interpretation. One of the marks of a great lawyer is to know those particular rules of interpretation. Such matters may seem trivial, probably because they certainly are trivial to the lay observer, but they are not necessarily trivial to the person hoping to get the right interpretation of an act — for example, a comma, or whether the heading of a section should be taken into account can occupy great legal minds for hours and hours.

One may jump to the conclusion that those matters simply increase the costs of the hearing procedures, but they do not. Often the appearance of a comma will result in a plaintiff winning or losing — it can come down to that. So, while on the surface those matters may seem trivial, if an act is not interpreted in the way a person hopes it will be interpreted, that person may lose hundreds of thousands of dollars. Those sorts of cases end up in the High Court.

It has been a while since I practised as a solicitor and got to my feet — —

**Mr Steggall** interjected.

**Dr DEAN** — It has not been a while since I have done that, but it is certainly a while since I have spoken for only about 5 minutes!

It has always been clear to me — and I think it is true to say — that considering whether a comma or heading or whatever should be taken into account has always been a bit of a trial for the courts. There are guidelines, but there has been no legislative statement about whether such things should or should not be taken into account. It is always a grey area.

Second-reading speeches have been taken into account when interpreting legislation only recently in legal terms — which may be hundreds of years. Taking them into account could make a huge difference to the way an act is interpreted. A second-reading speech could change the interpretation a person is hoping for completely. That is why speeches have to be so accurate and carefully worded, as we all know they are! We must realise that courts may use the speeches to try to fathom what it is that a member of Parliament was trying to say or to get an understanding of what Parliament intended.

I have sat in this house and listened to many second-reading speeches, and I must say that often I have had no idea what the speaker means. Some may say the same about my speeches, but I doubt that very much. It is an issue for all of us when we stand in this place and do ‘our thing’, because ‘our thing’ may be read by a court when trying to determine someone’s rights.

The bill attempts once and for all to set out what should and should not be taken into account. Basically, you begin with a document with a whole lot of writing on it. You look at it and ask what commas and headings should be taken into account in determining what the section means, because the English language is imperfect. The bill tells you to start with the title and go right through until you get to the double lines at the

end, because every bill has double lines at the end, which represent the stop sign.

**Mr Ryan** — Don’t cross the double lines!

**Dr DEAN** — Thank you. Obviously someone thought of that when they put double lines at the end of bills. Someone reading a bill knows where to start and where to finish, and must and should take into account everything in the bill except marginal notes and footnotes. Basically, that means punctuation will be taken into account.

I was never really sure to what extent punctuation should be taken into account. One of the great arts of legal drafting was to try not to use punctuation. If you used punctuation you could tie yourself into all sorts of knots. If you did not use punctuation you could argue one way or the other so that at least the interpretation you intended could not be wrecked by the fact you put the comma in the wrong place. These days there is not much punctuation in deeds, which is a bit of a cop-out. Punctuation gives meaning and therefore should be taken into account. The inclusion of punctuation is an important step.

Until now the headings of sections were not taken into account because they were basically a quick indication of what was there. They were of assistance to the reader but did not affect the substance of the section. That has been changed. From now on headings will be taken into account. That puts a great burden on the draftspeople. The parliamentary draftspeople will have to be careful about headings because if they take the view that a heading is just a description, they could end up changing the overall intention of a section. It puts the acid on the people who are drafting legislation.

The contents page and the index are outside the title and the double lines, so they are not taken into account. That is helpful.

These days parliamentary draftspeople put examples into acts. I am all for the inclusion of examples. When I started practising law, if an example was put into the statute the judge would have a heart attack, because it would be regarded as totally trivial and flippant. Nowadays, because there is a drive to help people who are not lawyers to understand the legislation that affects them, examples and little comments are put in. These will now be included in the interpretation of the section. Not only that, but to the extent that the example is specific — and because it is specific it actually takes the meaning beyond what it would be if you looked at the section without the example — it will have priority over the generality of the section.

As a lawyer, at first blush I thought this was a bit strange. However, when you think about it you realise that is why you include an example. You say to yourself, 'When people read this section generally they may not realise we want to extend it to a certain point', so you put in an example that makes it clear. A judge cannot say, 'That is only an example so I will look at the generality of the section and say that is what counts and not the example'. The example will count over the section. Strange as it may seem, it is a good thing to do.

The bill adds another mechanism to the way legislation can be structured through the addition of chapters. I do not know whether that is a great step forward. At the moment there are parts, divisions, subdivisions and sections. Now we will have chapters, parts, divisions, subdivisions and sections.

**An honourable member** interjected.

**Dr DEAN** — No, they are headings; the division is separate.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member should ignore interjections.

**Dr DEAN** — Of course. It was a very easy interjection to ignore and I am happy to run with that.

I suppose the argument one would run is this, and it is probably right: the parliamentary draftsman needs to be given the greatest flexibility possible if the desire of modern legislation is to make it easily understood and as transparent as possible. That is not easy, and I do not think that was the object in days gone by. I am not saying it was deliberately made complicated; I do not think anyone cared whether the general public could understand it or not because it was done for lawyers. With that object in mind, the parliamentary draftspeople should be given as many tools as possible to make it simpler. If they want to put in chapters because they think they will help, they might as well put in chapters.

Victorian legislation hardly ever contains examples. Federal legislation does. I hope Victoria gets into the swing of things because examples are helpful. Also, I am all for courts having flexibility. The move in courts these days is to be as flexible as possible and to give them discretion.

I just lost another one of my audience so I will close my contribution. The opposition supports the bill for the reasons I have set out.

**Mr RYAN (Leader of the National Party)** — I am pleased to make a brief contribution to debate on the

bill. This is one of those bills that can easily slip through the Parliament, but it has great significance to the overall way in which the legislative program functions, not only here but in the interpretation of legislation at large, which is precisely why, of course, we are talking about the Interpretation of Legislation (Amendment) Bill.

Interestingly enough, whereas legislation is normally driven by members of Parliament, this bill is more the product of parliamentary counsel and is intended to achieve an outcome whereby the interpretation of legislation can be effected in such a manner as to give better outcomes for the purpose of that process.

I take up one of the points the honourable member for Berwick made. I agree with him entirely about the notion of a court having flexibility in the way it is able to function. It is terrific to see the amendments that relate to punctuation and all that travels with it. They are the provisions that come within part of clause 7. The notion of flexibility is important. I strongly support the notion that a court ought to have as much capacity in its own right in the conduct of its own affairs to run its court as it sees fit. On the other hand, where there are constraints in the way a judge is able to conduct his court it is unfortunate and sometimes leads to poor outcomes. Therefore I agree with the general notion that courts need flexibility to better conduct their affairs.

There are a couple of things I particularly want to refer to in my contribution. One relates to clause 5, which describes the notion of what one might term 'incorporation'. The explanatory memorandum states:

Clause 5 amends section 32 of the principal act to allow subordinate instruments to incorporate commonwealth acts or statutory rules without the need to lodge the commonwealth acts or statutory rules with the Clerk of the Parliaments.

That is a terrific initiative. At the time I was chairing the Scrutiny of Acts and Regulations Committee in the last Parliament there were — —

**Mr Nardella** interjected.

**Mr RYAN** — I thank the honourable member for Melton. I will take his comment in the manner in which it was intended.

At times the situation arose where the committee wanted to have legislation from another jurisdiction incorporated and was faced with a conundrum as to how it could be introduced into this place. I recall discussions entailing the prospect of incorporating the legislation that applied to the other jurisdiction into a schedule to a bill. That often occurred in instances

when the committee was discussing national schemes of legislation, and while I was chair the committee, including the honourable member for Melton, did much to overcome the problems with and worked to improve the introduction of national scheme legislation, particularly from a Victorian perspective. The provision will overcome the problem because instead of the legislation to be incorporated having to be tabled it will now be able to be done by way of reference. It is a good idea.

I raise for consideration by the Attorney-General and parliamentary counsel the question of why the proposition refers only to commonwealth acts and statutory rules. There may be a perfectly reasonable answer to that question, but the National Party believes there is much to be said for the notion of extending the principle to enable the incorporation by reference of legislation from any other jurisdiction. In terms of the development of national scheme legislation an extension beyond the relatively narrow confines of the clause as it currently stands has much to offer. I offer that suggestion for consideration.

The other specific issue I now refer to was touched on earlier by the honourable member for Berwick. It is the incorporation in legislation of diagrams and the like. Again that is a great idea. Importantly, the issue was discussed back and forth during the constructive briefing I received. It emerged that a diagram or example, in whatever instance it might be used, will not be able to be used to read down the provision, which will always be interpreted by the court in its broader sense. That is a good thing. The notion of having examples in the legislation is a great idea.

As does the honourable member for Berwick, I see it as an extension of the general notion that over the past 10 years or thereabouts courts generally have become more accustomed to getting into the real world and using various aids to enable both the courts themselves and the trials they conduct to function so much better. An extension of that is that as legislation catches up it becomes more understandable and people at large will find it easier to interpret.

The provision for chapters in legislation is a good idea so long as it is applied in a measured way. Legislation is often bulky and there is a place for the studious use of chapters, as opposed to the current system. The use of chapters in that manner is a good idea. Having made that brief contribution, I wish the bill a speedy passage.

**Mr WYNNE** (Richmond) — I am pleased to follow the honourable member for Berwick and the Leader of the National Party in the debate. As a new member of

Parliament and having no legal background, I have found trying to get on top of legislation intimidating. I well recall that the first piece of legislation on which I had the pleasure of leading the debate on behalf of the government was a complex bill about cross-vesting rules. In attempting to get on top of the parliamentary process one must carefully examine legislation to understand the genesis of what is being debated.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Richmond may like to contemplate the remainder of his speech during the dinner break. He will have the call at its conclusion.

**Sitting suspended 6.30 p.m. until 8.03 p.m.**

**Mr WYNNE** — I am delighted to see such a full attendance by my colleagues on this side of the house to deal with this extraordinarily riveting piece of legislation.

As the honourable member for Berwick said, the Interpretation of Legislation (Amendment) Bill is extremely important. It seeks to bring further clarity to the legislative process by dealing with the structure of legislation and the issues of punctuation.

Honourable members who have an interest in the question of punctuation and commas would be most concerned about the roving apostrophe, which is an annoying phenomenon found in many journals and newspapers in daily circulation. It is most irritating that the roving apostrophe far too regularly creeps into — —

**Mr Hulls** interjected.

**Mr WYNNE** — Yes, the lexicon, thank you. I have had the opportunity to do some research.

**Mr Hulls** interjected.

**Mr WYNNE** — I thank the Attorney-General for his support of this legislation, which he is sponsoring because it is an Attorney-General's bill. I look forward to his summation in closing the debate.

**The ACTING SPEAKER (Mrs Peulich)** — Order! I ask honourable members to keep their voices down. There is a little too much audible conversation in the chamber.

**Mr WYNNE** — I look forward to the learned legal opinion of the Attorney-General in his summation of this important bill.

I have had the opportunity to do some primary research on the legislation and have referred to a report of the

Law Reform Commission of Victoria entitled *Plain English and the Law*.

Today is a significant day for the Bracks government because it finalised the appointment of the new Law Reform Commissioner, Professor Marcia Neave, who by any estimation enjoys an excellent reputation and is highly respected on both sides of the house. Her appointment will be widely supported.

The former Law Reform Commission undertook some interesting and important work on the matters covered in *Plain English and the Law*, which was commissioned by the Honourable Jim Kennan in his capacity as Attorney-General. He has been followed, of course, by the current Attorney-General, who is also an excellent reformer in the legal profession.

Mr Kennan gave the commission a reference to consider the abandonment of long titles, the insertion of a statement of purpose of objects, the simplification of formal enacting words, the removal of archaisms including reference to regnal years and the abandonment of unnecessary qualifications such as 'in this act', 'notwithstanding anything in the act' and 'subject to this act'.

*Honourable members interjecting.*

**Mr WYNNE** — If the honourable member for — —

**The ACTING SPEAKER (Mrs Peulich)** — Order! While the honourable member for Richmond is playing to his audience, I ask other members to resist the provocation.

**Mr WYNNE** — If the honourable member for Berwick wishes to make a further contribution to this evening's debate, the government looks forward to his comments.

I encourage people who are interested in the drafting of legislation to read the Law Reform Commission's report. It is an interesting read. At page 19 it states:

Numerous factors have led to the development and retention of such drafting styles. They include the:

early use of Latin and French in legal documents ...

I pursued the scholarship of Latin for a number of years in my education through the Christian Brothers. As honourable members would be aware, I bring to the house significant impediments and baggage, one of which is having had to study Latin for seven years. I feel very much at home when I read legislation that contains sprinklings of Latin.

The bill attempts to streamline the way the drafters are able to interpret the legislation. I recall an earlier contribution by the honourable member for Berwick in which he said that in some pieces of legislation it is important to have a preamble. Preambles are a useful tool that parliamentary draftspeople could use to put a context around legislation. It would certainly make the legislation more accessible to the community.

This is an important measure going to the question of how legislation is drafted, interpreted and made more accessible to the community. I commend the bill to the house.

**Ms DUNCAN** (Gisborne) — As previous speakers have said, the Interpretation of Legislation (Amendment) Bill is a riveting measure. I feel sorry for the gentleman behind me who is hearing us make light of an amendment that he has probably spent considerable time drafting. On behalf of the house I apologise for some of the frivolity shown in approaching the bill.

The detailed folder that accompanies many bills usually has a number of sections — and there may be aspects of a bill that are controversial. The briefing notes on the bill before us include no key issues. The bill has no key issues, full stop.

**Mr Robinson** — It is succinct.

**Ms DUNCAN** — It is very succinct. It is a lot easier to speak on a bill that has no controversial issues. Essentially the bill tries to do a good thing. The purpose of the bill is to make it easier to read acts or subordinate instruments. In part it aims to do that by allowing them to be organised into chapters, which is an excellent idea, particularly for long pieces of legislation. Chapters create an expectation and keep the reader interested. It is an excellent proposal.

**Mr Robinson** — Pictures would help, too.

**Ms DUNCAN** — Pictures would help, but they could include all sorts of interesting things that previously have not necessarily been considered parts of acts.

The bill lists what will be in and what will be out when legislation is drafted. Honourable members may be interested to know that headings are in, and as I said, the bill allows for chapters. Examples and notes will now be in, and the contents page, indexes and end notes will be out. In case honourable members have in the past wondered about such matters, now we know what will be in and what will be out.

Making sense of what parliamentarians intend when drafting legislation is a very big ask. Acts are again and again challenged in court, so it is important to know that a comma is not there inadvertently or that an apparently roving apostrophe has not slipped in but is there for a purpose and adds meaning to an act. I am not sure that this amending measure will make legislation that much easier or that much more riveting to read, so I am not sure that it will achieve everything it seeks to do.

As honourable members know, amendments to acts can create legal challenges, which are costly and time consuming, so it is important to get it right. If the bill assists in that process it is an excellent measure. I commend the bill to the house

**Mr HULLS** (Attorney-General) — I thank all honourable members for their worthwhile contributions to this very important measure. It is important to introduce bills in an attempt to make other pieces of legislation more readily accessible to the general community and acts of Parliament more readable and more readily understood.

It is interesting to note that, apart from anything else, the bill inserts a number of new definitions, including a definition of ‘Australia’, of all things. It is appropriate that we are debating such a bill tonight when today the Australian Olympians were in the city and were heartily congratulated on winning 58 medals — the highest number ever won — 30 of which were won by Victorian Olympians. That was a great effort. I am sure all honourable members congratulate all the Olympians who won medals, including Cathy Freeman and Tatiana, who of course — —

**The ACTING SPEAKER (Mrs Peulich)** — Order! I ask the Attorney-General to return to the bill.

**Mr HULLS** — The bill has been introduced in an attempt to make the reading of acts of Parliament far easier. It was requested by the parliamentary draftsman and it is a sensible albeit small measure that will have substantial ramifications. I thank all honourable members for their excellent contributions to the debate on the bill.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## ANGLICAN TRUSTS CORPORATIONS (AMENDMENT) BILL

**The ACTING SPEAKER (Mrs Peulich)** — Order! I have examined the Anglican Trusts Corporations (Amendment) Bill and in my opinion it is a private bill.

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

That this bill be treated as a public bill and that fees be dispensed with.

**Motion agreed to.**

*Second reading*

**Debate resumed from 29 August; motion of Mr HULLS (Attorney-General).**

**Mr SMITH** (Glen Waverley) — As the Attorney-General says, this is a private bill. I am pleased that the government will waive the fees because otherwise the Anglican Church would have had to pay for the bill to go through the house.

The principal act was Act No. 797, which was passed in 1884. It can be assumed it was the 797th piece of legislation passed in Victoria following the passing of the first legislation in this chamber in 1856. No record can be found of any bills passed before then.

One of the amendments is to give the act a new name, which appears on the front of the bill. The purpose of the bill is to enable each of the dioceses in Victoria, including the dioceses of Melbourne, Wangaratta, Bendigo, Ballarat, Gippsland and others, to vary the number of members of its trusts corporation. Previously the number was restricted to four or five, as was provided in the 1884 act.

It also enables its corporations to enter into sharing agreements with other denominations. So, for example, a local congregation of the Anglican Church can invite other denominations to share its facilities. While that might already be going on in some areas, the legislation formalises the arrangement and makes it legally watertight. The opposition applauds that provision because it gives the Anglican Church the right to use its church facilities to the benefit of the Uniting Church, the Catholic Church or any other Christian denomination that might want to use them.

Other minor amendments include changing the name of the governing body from ‘church assembly’ to ‘synod’ and the original name of the church from ‘Church of England’ to ‘Anglican Church’. Another small amendment removes the expression ‘the colony of’

from in front of the word 'Victoria'. Honourable members will be aware that before Federation in 1901 Victoria was known as the colony of Victoria.

The Liberal Party has sought wide consultation on the bill, and the proposed legislation has received support wherever we have taken it. The Liberal Party, like the government, has no qualms about giving the legislation its wholehearted support. The main aim of this private bill is to facilitate the administration of the Anglican Church.

When the bill has passed through all stages I hope the Anglican Church will continue to conduct its business with care and that its property dealings will be conducted in the proper way. A number of allegations currently circulating seem to indicate that the church has experienced some financial difficulties. As widely reported during the last couple of years, for example, the church apparently attempted to sell off part of Bishopscourt, the residence in East Melbourne where the archbishop lives. That proposal was knocked back in the planning process as inappropriate, because Bishopscourt is a heritage building of Victoria. We have also heard of failures of stocks and shares the church invested in. Some people are concerned that the church may be financially strapped.

Another matter that has come to my attention in the past few weeks is a decision of the Anglican Church to close down a parish church in Middle Park. The decision has caused a great deal of consternation to the parishioners and residents of the area. The church, known as St Anselm's, has been in existence since 1891 and is one of the landmarks of the area. It has a long history of financial difficulty, but until recently has always managed to pull through.

The matter came to a head last Sunday when Bishop John Wilson ordered that that would be the last service conducted at the church. The *Herald Sun* had published a lengthy article on the matter the previous day.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mrs Peulich)** — Order! The honourable member on his feet is finding the interaction between honourable members a distraction. I ask them to cease.

**Mr SMITH** — The article set out the whole process of closing that historic church that had taken place over the previous six months. Bishop Wilson had, as I understand it, given an undertaking in writing in January of this year that a decision on the church's destiny would be made by the whole of the parish by means of a parish vote.

Apparently on Sunday after the last service had been held, Mr Frank Webber, the vestry secretary, came in with a locksmith and had the locks of the church changed so that people would be denied further use of it. Obviously he had the intention of putting the church up for sale. The article published on Saturday indicates that the property is valued at about \$2 million. The Anglican Church, which some say is cash strapped, may have thought the sale would help to alleviate any financial problem it might find itself in.

On the other hand, however, most of the parishioners at St Anselm's are elderly. The picture published in the *Herald Sun* was of three people who had been attending the church for a combined total of about 150 years. Two of them were in their 80s, and the third lady had been attending for over 30 years.

There are a lot of angry people in Middle Park. I have spoken to the local member who is the Minister for Planning and he said he will write a letter to try to ensure the continuing use of the church hall. It is at the back of the church and used by a number of community organisations.

**An honourable member** interjected.

**Mr SMITH** — The parishioners want to fight on their own without unnecessarily involving the minister. However, if he is able to add his support to keep the hall open without embarrassing the position of Minister for Planning, perhaps there is some hope for the rest of the church.

Some weeks ago I wrote to the newly appointed Anglican archbishop, Peter Watson. To date I have had no response, and neither have a number of other people trying to save the church. One of the archbishop's assistants, Bishop Wilson, has the financial power within the bishop-in-council, but the archbishop has appointed Fr Tom Brown to act as — —

**An honourable member** interjected.

**Mr SMITH** — As the honourable member says, it is part of the high Church of England and there has been some controversy in that regard. Fr Brown's job is to mediate or try to resolve the matter. Unfortunately the secretary of the vestry, Mr Frank Webber, has taken it upon himself — whether it is at the behest of Bishop Wilson I do not know — to change the locks.

**Mr Maclellan** interjected.

**Mr SMITH** — I am quite sure the honourable member for Pakenham will have plenty of time later to

make his contribution, but I would appreciate a bit of courtesy while I make my speech.

Fr Brown's work is being pre-empted by this decision because his appointment was made about the time he was meant to be mediating with the parishioners. The parishioners will have to travel at least 1½ kilometres to their nearest Anglican church. A parishioner told me when I visited last Thursday that she used to live 200 or 300 yards from the current church but 45 years ago had moved three doors away to be closer. These people take their religion seriously and want the church to continue. It is not as though the church is not viable.

**The ACTING SPEAKER (Mrs Peulich)** — Order! The Deputy Leader of the National Party is being consistently disorderly. I ask him to keep the level of conversation down.

**Mr SMITH** — It is heartbreaking for the parishioners. On Sunday they intend holding a service outside the church. An ordained Anglican priest will conduct the service and the parishioners are looking for as much publicity from the media as possible.

Six ordained priests in the area have volunteered to continue the church services. The church has \$78 000 in the bank and there is a viable vicarage next door that could be let out and the rental used to cover the church's maintenance.

The petitioners are mostly elderly and without the facilities to fend for themselves in pursuing their religion. They want to know why Bishop Wilson will not listen to them when they have a viable parish. The bishop said earlier this year that he would allow a vote on the matter and when one was held in the vestry a month or two ago, the vote for the retention of the church was 5 to 4 in favour. That has been completely disregarded, together with the January promise that there would be a vote allowing the parishioners to decide the future of their church.

It is a perfectly good old building and six different priests are prepared to give their services free. One is currently a chaplain at a private school on the peninsula. There is \$78 000 in the bank and a vicarage with three or four bedrooms that could be let.

**Dr Dean** — How big is the congregation?

**Mr SMITH** — The honourable member for Berwick asks about the size of the congregation. I understand that last Sunday 60 people attended the church and that 39 parishioners attend regularly. Many other parishes around Melbourne with fewer facilities and smaller congregations are continuing while that

church is being singled out for closure because, it seems to me, of the value of the land in the area.

It is heartening to know that the Minister for Planning as the local member will try to save the hall. I hope that will in some way thwart the ability of Bishop Wilson and Mr Webber to sell the site for its real estate value. One of the things that some of the parishioners, including Mrs Jenny Bond, are doing at the moment is preparing a heritage listing, which is a very complicated form that they found they could do only this week.

The church is a brick structure with all the trimmings required for a viable parish. The congregation has been offered the parish of St Silas, which is more than a kilometre and a half away. That is an unreasonable distance for elderly people to travel, and there is a large number of steps for them to climb when they get there. It is not what they are used to.

An article in the *Herald Sun* of 30 September states that the argument could be between the High Church and the evangelical side of the Anglican Church. Let us hope it is not. Bishop Wilson claims it is not, but there is enough feeling among the locals that such factional pressure is being exerted to shut down that worthy church within the diocese of Melbourne.

The bill will let the church hierarchy know that if Parliament is going to support a private member's bill, honourable members will be watching very carefully how the Anglican Church is running its finances. I was described in the newspaper as an 'Anglican practitioner', whatever that is meant to mean.

**Mr Cooper** — An operator!

**Mr SMITH** — Whatever. I am proud of the fact that I have been a member of the church all my life. However, the point is that people in public life from time to time are asked by people who are disadvantaged, as is the congregation at that church, to come to their assistance. In this day and age the only way to get a message across to people such as those in the hierarchy of the church is through the media. Fortunately that article was run last Saturday and I hope the television media will pick up the issue on Sunday at the 10.30 a.m. service. Let us hope it will not be raining on the morning, because it will certainly deter many of those poor old people from turning up and supporters of the church want to see a large congregation.

The only other way to get a message across to the hierarchy of the church is through the Parliament in a reasonable and moderating way. The bill, which I hope other members on this side of the house will speak to, will send a message to the hierarchy of the Anglican

Church that, 'Okay, we are prepared to help you to best run the administration of the church by updating an antiquated act of last century and bringing it into the modern era while at the same time increasing the number of trustees on the boards of the various dioceses'. The hierarchy will then take it seriously when people decide to fight to retain something they have had for many years which they love and want to continue.

If the Anglican hierarchy can give the church a stay of execution, they will be following some of the tenets of what they set out to do. For example, Matthew 17:24 says:

It is easier for a camel to go through the eye of a needle than for a rich man to enter the kingdom of heaven.

It would seem that the rich man in this case is the hierarchy trying to boost its coffers with the sale of the church that will break the hearts of scores of people in the area.

The real message is that contained in Matthew 28:19 and part of verse 20:

Go to the people of all nations and make them my disciples ... and teach them to do everything I have told you.

In other words, surely the message of any Christian church is to go out and evangelise and try to get people into the church. I believe that what is needed in a church like St Anselm's is a vibrant young clergyman with a young family who can knock on doors and get people to come back to the church, which is the way any church should operate, whether it be Anglican, Catholic, Uniting or whatever. The message should be there.

Let us get behind some of those churches rather than break the hearts of those old folk who will not have anywhere to go. The coffers of a church in financial trouble — the bill would not be before the house if it were not — could be filled by carrying the true message out to the world to get people to worship in the churches rather than shutting them down and selling them off. Is this the beginning of the end of everything?

**Dr Dean** — It is a corporatisation.

**Mr SMITH** — Whatever. The point is that we as members have a responsibility to take up the causes of people who are less privileged or less able to fend for themselves. I believe through the bill the hierarchy of the Anglican Church will see —

**The ACTING SPEAKER (Mrs Peulich)** — Order! The level of audible conversation is a little high.

I ask honourable members to keep their voices down because the honourable member for Glen Waverley is finding it a distraction.

**Mr SMITH** — People who have a degree of influence in the community, such as members of the house on both sides, should be getting the message across to the hierarchy by saying, 'Let's not sell off the family silver in order to sort out some bad financial problems', such as what occurred with the sale of the former Gas and Fuel Corporation and the investment of that money in stocks and shares, which I am told went down the drain.

Let us not take it out on the old people in the area of Middle Park who attend St Anselm's Church. Surely the aim should be, as contained in the two pieces of Scripture I quoted, to go out and bring people in so that they feel their religion is worth while and that the church cares about them, rather than saying, 'Not enough people are coming. What is the point?', as Bishop Wilson said to me on the telephone. Would all churches get congregations of between 38 and 60 people at services as St Anselm's has in the past few weeks? That shows that people care.

The bill will become something of value to honourable members rather than being just a piece of legislation that we conveniently pass through the house for the convenience of the Anglican Church. It was gracious of the Attorney-General to say that the bill is a private bill but that he has waived the charges. That is symptomatic of the attitude of honourable members to a bill such as this.

While I have much pleasure in supporting the bill on behalf of the opposition, I hope the message I have tried to put across is taken seriously by the Anglican Church and that there is a reprieve for St Anselm's that will allow the old folk in the area and others who travel long distances to go there to have what they want and to worship the way they want to.

**Mr STEGGALL** (Swan Hill) — I congratulate the honourable member for Glen Waverley on his contribution on behalf of St Anselm's Anglican Church and the issues that are present in that diocese. It is interesting to see how different communities handle problems that come before them and their churches. I am a member of the Swan Hill Anglican Church which has been without a minister now for two years.

**Mr McArthur** — Has it got a congregation?

**Mr STEGGALL** — Yes, it has. Honourable members will be pleased to know that next Friday night the congregation welcomes its new minister to Swan

Hill — the first one in two years — and I hope from there we will be able to start rebuilding. From the story we have just heard from the honourable member for Glen Waverley, it seems that the rebuilding process is very difficult.

It is not very often that an Anglican bill comes before the Parliament, and being the only Anglican in the National Party I thought I should put my hand up to speak. There was a time when Anglicans dominated the National Party, but not these days. The original legislation was passed in 1884, a very interesting time. I say that because the Steggalls were at Rutherglen then, before the Jaspers ever turned up! The honourable member for Murray Valley and his family did not turn up to Rutherglen until the Steggalls were well gone. I come from a religious background of another denomination. In 1884 my grandfather, a bank clerk at Rutherglen, became a minister of the Congregational Church and spent 10 years in Castlemaine. In 1899 he became the head of the Melbourne City Mission and was there until about 1917. Both my parents gave me a very strong Christian upbringing and background to face life with, and the values that come with that are something one carries all the way through life.

The original legislation was amended in 1985 when the Anglican Church was given the power to mortgage property. Similar legislation dealing with the Uniting Church was before Parliament in 1971, so it has taken we Anglicans a little while to get to this stage. I remind the Catholic Church that it has not yet fronted with its amendments along the lines contained in the bill.

The bill allows Anglican churches to share their property with other denominations. Some people would ask why the legislation is necessary and why a church would not have that right. The main reason for the legislation is that governments of the last century made Crown grants to the churches so that they were able to bring the Christian faith into our various settlements as they developed. The diocese of Melbourne was established in 1847 and the diocese of Ballarat was established in 1855. The remaining diocese of Bendigo, Gippsland and Wangaratta make up the province of Victoria under the Anglican Church.

**An honourable member** interjected.

**Mr STEGGALL** — No, there is not a diocese of Geelong.

The bill cleans up many of the old bits and pieces, as the honourable member for Glen Waverley has explained. For example, it changes the term ‘Church of England’ to ‘Anglican’ and ‘the colony’ to ‘the State of

Victoria’ It also gives the right to change the composition of the trust corporation, which it renames.

It deals with a subject which in country Victoria is a very interesting issue — that is, the sharing of facilities among the Christian denominations. That has gone on for many years in country Victoria, but the Anglican church has had to share with the Uniting Church because that was the only church it could legally share with.

Where, for example, there are joint Anglican and Uniting churches, it should be — and I assume it is — the Uniting Church property that is being used. The legislation provides the opportunity for Anglican Church properties to be used by other denominations. There are lots of examples in country Victoria of the Anglican and Uniting churches joining together to share the same buildings. This will become more prevalent as time goes by.

The Catholic Church is also looking at the same sort of operation. It cannot do so at present, and it will probably be some time before it seeks the same type of legislation, which is in many ways a pity.

The honourable member for Glen Waverley gave the house a passionate description of an Anglican church in the city of Melbourne. I say to him that many members of our Christian community are facing the same pressures. For two years my church has suffered the pressures resulting from the lack of a minister and survived. However, in more general terms, one of the things we have not been able to do is maintain a participation in Christian churches from one generation to the next. It seems the Catholic Church has been able to do it, but many of the Anglican churches are having trouble making the transition.

The belief structures on which our society has been based are being challenged. Christian churches and the other churches in our multicultural society need to approach each other in tolerant and interesting ways so that we can all learn to understand the various religious beliefs.

In 1884, when this law was first written, Australians had not yet moved, as they did in 1900, to rid Australia of certain ethnic groups. We have now created a multicultural society that is blessed with many religions. In the city of Melbourne the Christian religion no longer dominates as it did, although in most areas of country Victoria the Christian churches are by far the most dominant. I hope we will continue to show the acceptance we have shown of migrants and their religions. When researching my contribution I was

interested to find out why only the Christian denominations are referred to in the legislation.

The Anglican Church has a proud record in Victoria, which in many ways is now under challenge. I welcome the approach of the new Archbishop of Melbourne, Dr Peter Watson, to meeting that challenge. In my meetings with him I have found him to be an interesting character who may help the Anglican communion by drawing more people into it.

Each day business in this place starts with the Lord's Prayer, which I hope most of us mean when we say it. We need a spiritual basis to and a spiritual wealth in our lives. Our society is based on a belief system, and the Anglican Church in Australia has played an important role in that regard.

Listening to the honourable member for Glen Waverley makes one realise the extent to which people in some areas fail to make the transition from one generation to another and then get into trouble and look to outside people for assistance and support.

Country areas are also suffering. The populations of many small country towns are dwindling, along with the number of church-goers. So it is that the Anglican Church has asked Parliament to give it permission under the land grant provisions of the last century to share its facilities with other denominations — and that, of course, will happen.

Because the Minister for Education is in the chamber I will mention a problem in many of my small towns that is of concern to me. It involves the situation where a town has, say, 45 students in a state primary school and 30 students in a Catholic primary school and the two schools are weakening each other. It is a serious problem.

I have taken the matter up a few times with the schools concerned. The Catholic system will look at taking the Catholic students on to its secondary colleges, which in my electorate are very successful. However, as the population of those communities is dwindling, the ability of the primary schools to survive will be a big issue. It would be nice if the primary sectors of the Catholic and government systems could work their way through the problem and the requirements of the Catholic Church could be met to allow an amalgam of those two schools.

I honestly believe that we will lose the Catholic school and the state primary school in the Swan Hill electorate because of a lack of numbers and the inability to supply a curriculum. That is the challenge we face in many areas of the state.

The bill presents a challenge to the Anglican Church to change its structures within its synods. It is interesting that the synods of the Anglican Church resolve issues of discipline and administration. I do not know whether it has resolved many issues of discipline recently, but the synods have been set up with the bill changing the term 'church assembly' to 'synod'. The role of the synods is the discipline and the administration of the church diocese.

I trust the bill will assist in what is being sought by the Anglican Church. I do not know where the future lies. The changes from generation to generation present enormous difficulties, and there may be a need for a renewal within the Anglican Church. Tolerance and understanding of other denominations will help. Cooperation will certainly help. The Catholic Church is negotiating with the Uniting Church and the Anglican Church in some areas of Victoria for the use of joint facilities. I welcome that, because as we move ahead in the world the Christian churches in Australia will face many challenges from the multicultural structure and systems we have in place and the tolerance that is attached to them. Our churches will need to react to those changes.

The belief systems that the Christian church has given to our society over the centuries have been extremely good — they have shown us a great way to live and given us a great standard by which to set our rules and laws. However, those standards are being challenged, and we as a society face many challenges in the future.

The National Party supports the bill. It wishes the Anglican Church well in its deliberations and challenges along with the other Christian denominations and the other churches that make up our society. We look to the religious base of our society for our values and the value systems that every society requires. As the honourable member for Glen Waverley said, those values are being challenged and threatened, but we have to be able to cope with that. The National Party supports the bill and wishes it well. In so doing, it also wishes the belief systems of our society well for the future.

**Mr WYNNE** (Richmond) — I thank the honourable member for Glen Waverley and the Deputy Leader of the National Party for their contributions to the debate and their obvious heartfelt concerns for the future direction of the Anglican Church. I acknowledge the importance of institutions such as the church to community life. The church plays a fundamental role in the lives of many people and community service.

It is important to acknowledge that one of the significant arms of the Anglican Church is Anglicare, which has a proud history of work with the most disadvantaged people in our community. It is important to acknowledge that work in this place this evening. As other honourable members have pointed out during their contributions to the debate, the principal act is old — it dates back to 1884, 17 years before Federation.

**Mr Steggall** interjected.

**Mr WYNNE** — Sixteen years? It was a boom time for Melbourne, and the city was called ‘Marvellous Melbourne’. Melbourne was then regarded as one of the great metropolises of the world. It was compared with Chicago in terms of its population and urban conurbation, and the two cities shared similar levels of growth. The 1880s saw boom-time Melbourne, with the construction of some of our finest buildings, such as the T & G building and the Manchester Unity building in the heart of our great city. It was a time when the Anglican Church was seeking to establish the structures with which to provide governance and leadership in its own way to the community of Melbourne.

It is clear that the legislation has been requested by the archbishop of the Anglican Church. He wrote to the Attorney-General requesting amendments to be made to act no. 797, which provides for the legal structures under which most Anglican Church property in the various dioceses in Victoria is held and managed. The act enabled each diocese to establish a corporate body of trustees and provided for the transfer of church property that had been held by many separate groups of non-corporate trustees to the corporate body. The dioceses have recently reviewed the operation of the act, and while the act generally continues to serve well there are some changes that are desirable and would enable the dioceses to improve the management of their properties.

As the Deputy Leader of the National Party and the honourable member for Glen Waverley indicated in their contributions, these are difficult times for all church denominations. We have seen dwindling attendances in a whole range of churches. It has proved difficult for churches of all denominations to maintain their properties, especially large cathedrals, particularly in the inner city, that were built for large congregations in the 1880s — and earlier in some cases — because they are capital intensive and difficult to maintain without a large congregational base.

The act brings into the next century an opportunity for the Anglican Church trust to deal with significant

property issues that no doubt they have to confront. In his eloquent and passionate contribution, the honourable member for Glen Waverley outlined some of the difficulties that are obviously being confronted by the Anglican Church in seeking to manage its property and recognising the real impact that has on communities as well. That balancing is a message that, while it is important for the act to facilitate property matters for the Anglican Church trust, it must not forget it also has a community to serve.

Under the act, the number of trustees is determined by the number of trustees that were initially appointed when the diocesan trusts corporation was first established in accordance with the act. The number differs in the dioceses and varies between five and seven, with some ex officio and some appointed members. It is a bit all over the place because of the way the structure was established. It has proved difficult in some cases for the trusts corporations to function efficiently with a restricted number of members. Clearly, when dealing with the major property portfolios that most of the church organisations have, one would seek to bring to the trusts structure a level of expertise and advice to guide the decision-making processes of the church. This is obviously a sensible way forward.

There have been occasions when a diocese has entered into arrangements with other denominations for the sharing of facilities, particularly in country areas. As the Deputy Leader of the National Party indicated, that is obviously a sensible working arrangement that occurs in a number of country areas. It is obviously a much better use of resources, thereby freeing up, presumably, redundant property that can be reutilised by way of sale, and the proceeds can be utilised by the church for other more productive activity.

The Anglican Church in New South Wales and the Uniting Church in Victoria, in their acts regulating their trusts corporations, have power to use trust property for joint arrangements between churches. The Anglican Church in Victoria under the act is not so empowered. That is a significant restriction on the activities of the church. It has therefore proved difficult to make satisfactory arrangements with other denominations where Anglican Church property is sought to be used on a joint basis. The bill amends the act to enable diocesan synods to approve the joint use of church property in appropriate circumstances.

There are other minor amendments in terms of name changes including ‘Church Assembly’ to ‘Synod’ and ‘Church of England’ to ‘Anglican Church of Australia’.

The bill is important. As indicated by the Attorney-General in his opening remarks, it is a private bill. A private bill is a bill for the particular interests or benefit of any person or body of persons and is therefore to be distinguished from legislation dealing with public policy which is of general application.

It is important that the Anglican Church bring its administrative arrangements into a more efficient form, and in that respect the legislation goes a long way to assisting the church with difficult property matters. I commend the bill to the house and wish it a speedy passage.

**Mr MACLELLAN** (Pakenham) — During this debate I hope honourable members will make clear the willingness of all sides of the house to attend to facilitating legislation such as this, not only for churches, but for newly emerging communities that might also wish to organise property matters on a similar basis, whether they be Muslims or whether they come from some other tradition. We should not be talking about it as if it is solely an Anglican or traditional church issue. It is an issue for community organisations.

Indeed, if the lead given by the Parliament in creating a church trusts corporation had been attempted earlier in relation to Aboriginal communities, and we had given Aboriginal communities the structure to organise church-type structures with elders and community representatives, perhaps we would not have faced some of the situations we have faced in modern times in organising help for the Aboriginal community.

This is a facilitating bill and it makes a number of minor amendments at the request of the church. The name of the Church of England is changed to the Anglican Church of Australia. The church in its various dioceses will have the opportunity to vary the number of trustees who are responsible for the church trusts corporation, which manages property, investments and gifts made to the church.

The management of property is difficult and the honourable member for Glen Waverley illustrated that with a speech that I thought would have been an excellent speech for the synod. I hope he has the opportunity to repeat his remarks in synod, because they are certainly the sorts of arguments that should be put there.

I wonder when we are passing facilitating legislation for a Christian church — or for the Muslim community or any other community organisation — and simply saying we as a Parliament are willing to establish a

basis on which they may legally proceed safely, assuredly and legally on behalf of their community, whether it is appropriate for us, no matter what our personal views are, to use the opportunity or the vehicle of the legislation to lecture them about how they may or may not manage an individual property, or how they might go about their affairs. I do not say their business because they are not in business. They are non-profit community organisations, on which this sort of facilitating legislation is based. We are making assumptions that they are not in business. Therefore we should be willing to pass legislation to facilitate.

The Deputy Leader of the National Party clearly outlined the issues in the country concerning the need to share the physical structures among various churches that might wish to cooperate in a district, whether it be the Uniting Church and the Anglicans or the Anglicans and the Catholics. What the local communities wish to do should not be inhibited by the legislation. That is what is now being shifted out.

We ought to signal again during the debate a willingness to do it for any other denomination, Christian or otherwise, that similarly may wish to have the opportunity to cooperate. We have done it for the Uniting Church, we are now doing it for the Anglican Church, and we should stand ready to do it for any other church or similar organisation that wishes to have cooperative arrangements, undertaken by itself, with other denominations in areas where cooperation is appropriate.

Cooperation is appropriate not only in country areas, where there might be a part-time and visiting church service on a monthly basis, but equally in the outer suburbs. I am sure the honourable member for Richmond would not have excluded the opportunities — his insight would allow him to understand that it would be even more appropriate — in the outer suburbs, the expanding areas where the facilities are needed. With cooperation the facilities may be obtained earlier to enable all communities to be serviced by what they need in spiritual leadership.

I wish the bill well. Nobody will suffer from shudders or have difficulties with changing 'colony of' to 'state of' Victoria. The argument is long over about whether the title is the Church of England or the Anglican Church. At the time one might have felt that the choice of the word 'Anglican' was a little racist, but that would depend on the backgrounds of members of the Anglican Church. In my case, as a sort of Scots Episcopal my grandfather would have had difficulty had he believed he would be associated with the Anglican Church. His forefathers spent much time

fighting the English. It is no longer an issue for me and I doubt it will be an issue for anyone else.

If the church through its various diocesan authorities wants to vary the number of trustees of the trusts corporations to allow for better management, that is fine with the opposition. The former honourable member for Bellarine was the professional manager of the Church of England Trusts Corporation, so we had in the house a person with great experience of the very issues addressed by the trustees appointed under those sorts of bills.

I welcome the bill and wish it a good passage through the house. I signal my willingness to participate in the encouragement of any other religious and community organisation that may wish to have similar facilitating legislation. I hope that Parliament will signal back to the community its willingness to do that, whether it be for the traditional Christian churches and denominations or for newly emerging groups in the community, and that honourable members should see nothing strange with community organisations being given a secure and reliable legal framework on which to base their efforts in the broader community.

An emerging school system in the Muslim community should not have to face difficulties because it does not have the gift from this Parliament of a trusts corporation basis on which to hold property as a common community property. A willingness to go beyond the 1880s and into the 2000s and beyond by saying that the bill is symbolic of the willingness of Parliament to go beyond the Catholic, Anglican and Uniting churches and other traditional denominations that have used the trusts corporation system and offer that same opportunity to broader and new communities as they go about the creation of their spiritual and other services should be quickly signalled.

That willingness should apply not only to education but also to health services, community services within and beyond the church community and the ownership and management of property. I stand apart from any argument about whether a particular church building should or should not be kept and leave the issue to be sorted out by the local church community with its synod and those who have the responsibility. In the case of my electorate of Pakenham, the Anglican Church has sold its former church. It became a funeral parlour and is now owned by the municipality. A new church was built in the grounds of the Beaconhills College, which is a multid denominational school. The church is being taken into the school community and it is also a community church for the Anglican community.

When I was the member for Cranbourne the Catholic Church sold its church building in High Street because it was appropriate to have a new church, which was built in a school community around the corner. However, its reuse presented difficulties. To see the former Catholic Church in High Street, Cranbourne, now dispensing 'heavenly pancakes' comes as a shock to many people who have more traditional beliefs about what is appropriate.

Problems arise when 15 000 Muslims go to a small school mosque and upset the surrounding community by having their Ramadan night occasions, which are not traditional for the surrounding community. People must ensure that their expression of multiculturalism is more than skin deep and involves a depth of understanding and appreciation that is expressed in part in legislation of this kind. It would be better expressed if support for the Anglican Trusts Corporations (Amendment) Bill indicated a willingness to support similar legislation for other community groups within Australian society.

**Ms BEATTIE** (Tullamarine) — It is a pleasure to support the Anglican Trusts Corporations (Amendment) Bill. As the honourable member for Pakenham verbalised, of the many reasons for the legislation, the main one is to improve the management of church properties, and the bill should not be seen in the light of the old days where churches amassed large property holdings.

Sunbury has a community church that purchased an old warehouse for its religious worship and its pastoral services. There is also a community church in the southern end of my electorate that practises its religion out of a neighbourhood house on Sundays. I understand in the seat of Broadmeadows there is agreement between the Catholic and Islamic communities about sharing property.

It is interesting to hear honourable members state their allegiances. I wish they would be a little more forthright and tell us whether they are in the Kennett or Kroger camps. That would be a bit more enlightening.

**Mr Maclellan** — On a point of order, Mr Deputy Speaker, I was not aware that being a supporter of either Mr Kennett or Mr Kroger was a denominational matter, or indeed anything else. I would have thought the honourable member might have found it better to have avoided factional and divisive matters rather than risking offending other honourable members.

**The ACTING SPEAKER (Mr Nardella)** — Order! There is no point of order.

**Ms BEATTIE** — Amending the 1884 act, Act No. 797, for the first time in its history means that it will now have a short title — namely, the Anglican Trusts Corporations Act. That will allow easier identification of the legislation. I am sure previously nobody understood the original title.

In his second-reading speech the Attorney-General painted a clear picture and gave honourable members a potted history of Melbourne in 1884. He also said the winner of the Melbourne Cup in that year was Malua.

**An honourable member** interjected.

**Ms BEATTIE** — That's right. I am hoping the Attorney-General can provide the house with the name of the winner of the Melbourne Cup this year rather than in 1884. It would be much handier, particularly as the house will soon be debating the Public Lotteries Bill.

The statistics reveal that when the principal act was proclaimed more than half of all Australians identified themselves as Anglicans. Just as time has moved on, the Anglican Church needs to move on and improve its functionality. Clause 6 inserts proposed section 8A and deals with the number of trustees constituting the trusts. It states:

The Synod of a diocese may, by Act of Synod, alter the composition, including the number, of trustees ...

Clause 7 inserts proposed section 12B, which deals with property. As I said earlier, these days churches are more ecumenical in their aims and outcomes — thank goodness for that. In 1884 we were a very sectarian society and there were particular professions that were not open to one denomination or another, which caused great divisiveness within the community.

It has been put to me that in this ecumenical age we all pray to the one God but we knock on different doors. That sums up the situation nicely. Churches now act in a more cooperative way. They share property, respect each other's religious festivals and do not seek to interfere with religious expression at all, which is not the way it was back in 1884.

Proposed section 12B(2) determines that the proceeds of sale or mortgage or any other dealing with church property referred to in proposed subsection (1) may be applied in such manner as may be determined under the scheme.

I will touch on country areas, as did the Deputy Leader of the National Party. In country areas some churches are asset rich and cash poor. There need to be

arrangements that enable churches to enter into facility sharing. The Anglican Church in New South Wales and the Uniting Church in Victoria already have that facility, but in the past it has proven difficult to make satisfactory arrangements with other denominations where Anglican property is sought to be used on a joint basis.

In commending the bill to the house I express my congratulations to the Anglican Church on some of the fine pastoral and community programs it organises, with special thanks, as mentioned by the honourable member for Richmond, to Anglicare for the fine services it provides.

**Mr WELLS** (Wantirna) — It gives me a great deal of pleasure to join the debate on the Anglican Trusts Corporations (Amendment) Bill. The Anglican Church plays a significant role in the pastoral and social lives of many Victorians.

The bill gives the principal act the short title of 'Anglican Trusts Corporations Act 1884'. Proposed section 8A deals with the flexibility of the management of churches' corporate structures by allowing the synod of a diocese to change the number of its serving trustees. Proposed section 12B allows individual dioceses to enter into a scheme of cooperation with a church of another denomination to jointly use or own property.

That becomes very relevant in country areas with declining congregations where many years ago they would have had four different churches. As congregations diminish there is a need for maybe only one church to cover the religions of Church of England, Roman Catholic, Uniting Church and perhaps one other.

I join other honourable members in congratulating the Anglican Church on the enormous amount of work that Anglicare does. I do so as the chairman of the Victorian Homeless Fund, which position I took over in 1995 from a former member of this place, Ian Cathie, who did an excellent job in pulling that fund together. I mention that because the fund is a significant contributor to the youth education and specialist support (YESS) program, which assists homeless and at-risk young adolescents.

Anglicare maintains firmly that there is a strong relationship between education failure and homelessness, and the YESS program is a response to that belief. In preparing the 1995 document entitled 'The national census of homeless school students', Anglicare found that in May 1994 there were about

11 000 homeless school students, that in one year approximately 25 000 to 30 000 students are likely to experience homelessness, that most students have their first experience of homelessness while they are still at school, that 70 to 80 per cent of schools probably encounter homeless students at some point during the year, and that most homeless students drop out of school before year 12.

In 1995 in a discussion paper entitled 'The improving outcomes for students who are homeless', the Council to Homeless Persons stated:

... there is considerable concern that many young people in residential care and other out-of-home care require services additional to those in educational or training organisations if they are to benefit from such activity.

A significant number of young people who are homeless or at risk from homelessness will require intensive intervention from a range of services if they are to participate in education.

The Victorian Homeless Fund provided \$20 000 to establish what is now the YESS program and over the past few years has contributed grants totalling \$90 000. Initially the YESS program, which is located in the Preston area, aimed at assisting young adolescent women. The program's success has led to Anglicare extending it to young adolescent men. The YESS program is highly regarded in the field. Recently Karen Hagen, the program coordinator, was invited to Government House because the program is considered to be innovative and an example of providing services with the assistance of volunteers.

The target group of the YESS program is young people aged 12 to 20 years who are at risk of homelessness and who either currently or historically have resided in Anglicare's range of out-of-home care placements. Unfortunately most are under court protection orders. The aim of the program is to provide opportunities for the social, emotional and educational development of young people to maximise and enhance their access to and participation in the broader community. The program has three full-time and two part-time workers, and as I said it has been very successful.

I refer to one girl who was put through the program. She was 19 years old and attended the University of Melbourne, and her studies were becoming more and more difficult because of substance abuse and mental illness. She was in the YESS program for a couple of months, working with a mentor who was an older girl who assisted her, including in her work as a research assistant in the program. She is now off the program and free of substance abuse. Recently she completed her university degree and is seeking a position as a

social worker so she can put back into other programs what she got from the YESS program.

I wish the bill well. I thank my colleagues on the Victorian Homeless Fund who work so hard to ensure that money is available for the Anglicare YESS program.

**Mr MAXFIELD** (Narracan) — As a member of the Anglican Church I have great pleasure in contributing to the debate on the Anglican Trusts Corporations (Amendment) Bill. The bill amends some quite old legislation — certainly old to me given my tender age of 41. Honourable members are debating legislation prepared in 1884, in a different era when the horse reigned supreme and most of our modern technologies had not been thought of. The principal act is very old legislation that was debated many years ago by our forefathers.

In the short time available to me I will touch on a couple of issues that are very relevant in today's society, particularly to the Anglican Church. I am a member representing a rural electorate. Honourable members will be conscious that the Bracks government has raised to prominence the importance of maintaining and looking after rural areas, and so it is with the Anglican Church, which has had a tremendously strong commitment to and has supported rural areas. From my involvement in the Gippsland Anglican diocese I know that meeting the need for spiritual guidance and support has been at the core of many of Victoria's small communities. The Anglican Church's involvement should be highly regarded and commended.

In part the bill reflects issues that arise in country areas because of shortages there. For example, some parishes have joined with the Uniting Church to provide the spiritual guidance and assistance they desperately need. As the current legislation is very old it does not allow for cooperation between churches. In Neerim South in my electorate there is cooperation between the Anglican Church and the Uniting Church. John Delzoppo, a former honourable member for Narracan and former Speaker, and a man of integrity whom I hold in high regard, is an Anglican Church member of a cooperating parish and an active member of the synod. My mother has been a member of the bishop-in-council with Beth Delzoppo, John's wife, so the issue is close to my heart. The church has functioned very well for the community of Neerim South.

The current legislation is not appropriate. The bill recognises the reality that different churches can work together to provide spiritual support and assistance for those in the community who want and need the support

of a great church community such as that at Neerim South, where people are very proud of their church. I have a very high regard for the support the Anglican Church has provided to communities in my electorate. The Anglican Bishop of Gippsland, the Reverend Arthur Jones, has provided tremendous support in the electorate. In the 12 months that I have been a member of this place I have encountered him many times at a variety of functions, as well as at activities carried on in my church. I place on record my admiration of him. He has carried out some tremendous work during his time as our bishop. The passage of the bill tonight will no doubt please him.

The bill recognises the realities of a modern society. Honourable members cannot sit back and rest on the laurels of the past 100 years. We must accept change. Another example of a necessary change concerns the name of the Anglican Church. The old act refers to the Church of England. Those who have been involved in the Anglican Church know that the name changed many years ago to properly reflect the church today as a church that operates very much in Australian society, not as a church that looks to England. The Anglican Church of Australia is the correct name and a term those in the church value and hold dear. The old legislation did not recognise the changes in modern society, and the word 'Anglican' better reflects the nature of the church than the term 'Church of England'. Australia is a modern and vibrant country.

Rural Victoria needs the support of churches like the Anglican Church. Where it is amalgamating with other churches, as in Neerim South, its actions should be supported and encouraged. It is with great pleasure that I support the bill.

**Mr STENSHOLT** (Burwood) — I rise with pleasure to speak on the Anglican Trusts Corporations (Amendment) Bill. In my electorate there are a number of Anglican churches including St Dunstan's and St Faith's, Glen Iris, which is just around the corner from my Burwood electorate office. A large proportion of the people of my electorate belong to the Anglican Church.

The bill relates back to the act passed in 1884, which is quite a long time ago. That serves to remind us of the long history of extraordinary service to the citizens of Victoria by the Anglican Church. The history of the Anglican Church is one of service, and service is a word that well befits any description of the Anglican Church, both past and present. Think of the work of the Brotherhood of St Laurence, the Christmas and Easter appeals and, as has been mentioned by a number of speakers, Anglicare. One of my closest friends, Russell

Rollason, is the executive officer of Anglicare Australia. He and other members of that organisation confront social issues and consider their impact on the lives of ordinary Australians. The church is at the forefront in that area.

It is symptomatic of the contemporary relevance of the church today that it is even involved in the GST issue. It has faced the question of whether members of the Anglican clergy should turn themselves into small businesses and acquire ABNs so they can lodge GST returns on the very small stipends they receive. Anglicare ran a successful campaign to achieve an appropriate change to the arrangement in recognition of the selfless service and sacrifice provided continuously by the Anglican clergy and other supporters of the church in Victoria today.

The act, as other honourable members have observed, makes provision for modernisation of trust structures. The membership composition of the trusts that look after church property in the various synods and dioceses throughout Victoria can now be altered. The legislation also provides that synods can, in an ecumenical spirit, approve joint use of a church property by other churches.

I am reminded of my time as a Catholic seminarian when, along with my Anglican, Uniting Church and Baptist colleagues, I was deeply involved in ecumenical activities. Those provisions in the bill are appropriate to the unifying forces and the spirit of reconciliation alive in Victoria. They also reflect the efforts of our reforming Attorney-General to hew out, with the strong support of the Anglican Church, a path of reconciliation with the Aboriginal and Torres Strait Islander communities.

The bill is modernising legislation and underlines the contributions of churches and various other faiths throughout Victoria, including Buddhism and Islam. All of them make an absolutely marvellous contribution to the life of Victorians. They are the backbone, the steel in the community of Victoria. I commend the bill to the house.

**Mr HULLS** (Attorney-General) — In summing up I wish to thank the honourable members for Glen Waverley, Swan Hill, Richmond, Pakenham, Tullamarine, Wantirna, Narracan and Burwood for their contributions. I listened to most of them.

The honourable member for Glen Waverley expressed some concern about a local church he knows about. He was concerned to see the proposed legislation used to enhance the Anglican Church. I agree with that

sentiment and certainly hope that will occur. The bill makes it quite clear that its provisions should enable, but not enforce, the transfer of property.

I thank the honourable member for Swan Hill, who gave a very interesting history of the bill and how it came about. I share his sentiments and, like him, hope the bill will operate to enhance the Anglican Church. It is interesting to note that the legislation enables the church to use its property to the benefit not only of the Anglican Church but of other denominations as well. That is to be welcomed, particularly in country areas.

He is right when he says the Catholic Church has not yet moved in that way. It would not surprise me if, in the not-too-distant future, the Catholic Church attempts to move with the times. Being a Catholic myself I am prepared to say the Micks will get a decent hearing when they start to move.

I will not go over all the contributions, save to say that the bill will assist the Anglican Church to continue to modernise itself. It is something all churches ought to do. They need to keep up with the times and attract more people into the fold, particularly young people. If the legislation assists in that regard, it will be a good thing.

I thank all the honourable members who contributed to the debate.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## TATTERSALL CONSULTATIONS (AMENDMENT) BILL

*Second reading*

**Debate resumed from 7 September; motion of Mr BRUMBY (Treasurer).**

**Ms ASHER** (Brighton) — The opposition does not oppose the Tattersall Consultations (Amendment) Bill, which results from the intergovernmental agreement between the commonwealth and the state governments that implements the goods and services tax. I refer to clause 5(viii) of part 2 of the IGA entitled ‘Commonwealth–state financial reform’, which says that as part of the agreement the states and territories will adjust their gambling tax arrangements to take

account of the impact of the GST on gambling operators.

Because gambling operators are taxed at a particularly high rate and state governments benefit substantially as a result, the clause was introduced by the commonwealth to ensure that the arrangements for the states would be revenue neutral. State revenue should be unaffected and the players should be unaffected as a consequence.

The National Taxation Reform (Consequential Provisions) Act gave effect to that and other clauses in the IGA. The second-reading speech on the National Taxation Reform (Further Consequential Provisions) Act, which was considered by the house in a previous session, said in part that the government believed the GST was excluded from Tattersalls commissions. The bill reverses the provisions of the previous legislation.

The bill has been introduced because the Australian Tax Office (ATO) has reversed a previous tax ruling. The bill does three things. Prior to the introduction of the GST on 1 July, the Department of Treasury and Finance believed all Tattersalls lottery sales would be subject to the GST. The fact is that a small percentage of lottery sales are in territories defined as being overseas. I am advised by Tattersalls that of total sales of \$925 million, tickets worth \$4 million are sold overseas. Lest honourable members think that the tickets are sold on the European market, I point out that they are sold in such jurisdictions as Nauru, Christmas Island, Norfolk Island and Fiji.

The ATO has now ruled that Tattersalls lottery tickets sold in Christmas Island, Norfolk Island and Fiji are exports and not subject to the GST. The bill applies retrospectively to 1 July and technically reinstates the 36 per cent tax rate for lotteries and 34 per cent rate for soccer pools. Tattersalls does not sell soccer pools overseas, but in future it may wish to do so and the legislation anticipates that event.

Because of the earlier interpretation by the ATO there have been some unintended benefits to Tattersalls, which will now pay of the order of \$150 000 back to Victoria, given the requirement in the bill that that be paid within seven days of the commencement of the act.

The second feature of the bill that is a trend in the reverse direction to the one I have already mentioned is the treatment of commissions. The ATO has now advised Tattersalls that commissions will be included in the calculation of GST. That overturns the circumstance that applied when the house previously passed

legislation on this matter. In practice it will result in a retrospective reduction in lottery and soccer football pools tax rates from 1 July. In specific numbers, the rates will be adjusted by 0.7 percentage points to 31.66 per cent for lotteries and 28.76 per cent for soccer pools. As a consequence, the Department of Treasury and Finance expect that Tattersalls lottery taxes will be reduced by about \$6 million per annum.

Tattersalls will have refunded the money it has overpaid because of the ruling. While the amount has not been calculated precisely I believe the government is of the view that the Tattersalls refund will be greater than the amount it owes the government as a result of the two-way transactional arrangement introduced by the bill. I observe that although the government has obligated Tattersalls to pay the money it owes within seven days, there is no seven-day rigour on the government to refund the money it owes to Tattersalls as a consequence of the bill.

The government's argument is that it needs to wait for the assessment of the amount owing to Tattersalls, and, as one would expect any government to do, to verify that assessment. The government further claims that it is not usual practice to commit governments to seven-day refunds and that there is always a presumption that a government will act in good faith. However, I am not sure that business regards government good faith as sufficient in the return of money and the payment of bills. If the government owes money it should repay that money promptly. I make the point again that when money is owed by Tattersalls to the government because of one set of circumstances, the bill requires the money to be handed over within seven days of proclamation; yet when the government owes money to Tattersalls the very same bill places no rigour on the government to pay back the money to Tattersalls. One cannot help but be amused at the rigour the government wishes to impose on others — a rigour that it is not prepared to impose on itself.

I stress the point made in the minister's second-reading speech that as a consequence of the bill the Victorian taxpayer will not be worse off because all GST revenues are returned to the state.

The third component of the minor bill is a technical amendment of clarification — I love it when the bureaucrats use the word 'clarification' — regarding telephone and Internet sales. Basically, that arose because the Kennett government introduced a 10 cent ticket tax on Tattersalls which was later expanded to be a 10 cent levy on all Tattersalls sales. However, Victoria does not have a constitutional capacity to apply

a Victorian tax to non-Victorians. While in Victorian jurisdictions there is a 10 cent tax or levy on Tatts tickets, whether they are issued by ticket, by phone or by Internet, in non-Victorian jurisdictions the government does not have the constitutional power to impose that tax on non-Victorians.

The proposed amendment clarifies the situation. If a person who acquires a ticket is a non-Victorian, no tax is paid. I am sure all honourable members will ask the same question I did — that is, would Victorians not simply say they were non-Victorians? However, Tattersalls and the Department of Treasury and Finance advise that there is a mechanism in place to identify who is Victorian and who is not.

I am told that under the Internet playing system players are required to designate a postcode, and if they designate the wrong postcode they do not get the prize. Tattersalls tells me that that is sufficient incentive not to avoid the 10 cent tax. According to my advice from Tattersalls, those who wish to participate in lotteries by telephone must have a Tatts card, which identifies the state in which the holder is resident. I have not bought a lot of Tattsлото tickets in my life so I have to operate on advice in all these instances.

Tattersalls further advises me that 98 per cent to 99 per cent of its sales are made in Victoria and that the amount of money involved is minuscule.

**Debate interrupted pursuant to sessional orders.**

## ADJOURNMENT

**The ACTING SPEAKER (Mr Nardella)** — Order! Under sessional orders the time for the adjournment of the house has arrived.

### **Rescode: Bayside**

**Ms ASHER** (Brighton) — I refer the Minister for Planning to Bayside City Council's residential code (Rescode) submission and ask the minister to not only read the carefully crafted submission but also to give it serious consideration. Brighton has been a key area in the planning debate. So far a number of multi-unit developments in the electorate have been controversial and a number have been beneficial. The Bayside council has studied the area with considerable intensity and councillors of varying political persuasions have agreed on the Rescode submission that was put to the minister's advisory panel. I understand the minister will make a decision on the submission in December.

I stress that Bayside City Council is not anti-development. Page 13 of its submission states:

Council does, however, want to ensure that development is appropriate and responsive to its local context.

I could not agree more with Bayside City Council that development must be appropriate and responsive to local context.

I raise a number of key concerns that are in the council's submission, many of which I agree with strongly. As I said earlier, I ask that the minister give those views particular consideration because of the role that medium-density development has played in Brighton and because of the expertise of Bayside City Council in those areas. Density, much to the council's chagrin, has been removed as a key element from the Rescode draft program. That is a fundamental issue of concern to Bayside council. It does not want designated density standards but density as part of the program.

The council is opposed to as-of-right dual occupancy, although I acknowledge it is subject to certain conditions. The council has gone to great lengths to make its point that there should be appeal rights. It is very concerned that no appeal rights are contained in the current program.

The council also wants provision for local variation, which is again something I strongly support. Council is also concerned about solar access and the issue of sunlight going through people's windows in high-density areas. I strongly support the council on that matter also. The Bayside council is also concerned about the issue of its C2 amendment and wants that to be part of the overall program.

### **Housing: walk-up estates**

**Mr WYNNE** (Richmond) — I refer the Minister for Housing to an issue involving public housing. Honourable members would be aware that the Richmond electorate hosts the largest concentration and density of public housing in the inner city of Melbourne. Public housing is important as a form of secure tenure for many and has played an important role since the 1950s when some of the worst excesses of a former Liberal government in the slum reclamation program saw the construction of more than 50 high-rise tower blocks and a range of walk-up concrete three and four-storey estates in the inner city of Melbourne.

Indeed, while that social policy was misguided, it is important to recognise that location is fundamental to people getting a start in this community. Public housing has played an important role in the lives of new

migrants to this country. Indeed, my colleague the honourable member for Sunshine enjoyed some of his early years at the Flemington public housing estate. Honourable members will recall that the former honourable member for Melbourne, who had a very distinguished career in this place, came from that area.

The walk-up estates in Richmond are in very poor condition. They are part of the run-down stock in that area — a legacy of the former Kennett government which did nothing for public housing for seven years. Those estates are in a disgraceful condition. I ask the Minister for Housing what action she will take towards achieving a fundamental redevelopment of the walk-up estates, not only in Richmond but all over the inner city area. It is a vast challenge for the minister to deal with those concrete walk-up estates, but I know the minister is concerned about the issue because it is one she studied on her recent overseas trip. I look forward to learning what action she will take to ensure that the stock is redeveloped to the high-quality public housing that tenants in Victoria deserve.

### **Disability services: Interchange program**

**Mr MAUGHAN** (Rodney) — The Minister for Community Services will be well aware of the Interchange program, a community-based not-for-profit program providing support to families with children or young persons with disabilities.

Interchange provides much needed respite and social support through a wonderful network of volunteer host carers. The program matches a child with a volunteer host carer, who has a child to stay on a regular basis — usually one day a fortnight or a weekend every month. The program extends the child or young person's social contacts and experiences, increases community awareness of the needs and rights of people with disabilities and, through understanding, increases tolerance and creates friendships.

Much more importantly, it provides a much needed break for the parents or regular carers. There are 17 independently managed Interchange programs throughout Victoria. Some are with community management committees and others are managed as part of a multiservice agency. Interchange provides services to approximately 2000 children statewide at any one time, but there are currently over 1000 families on the waiting list for this vital and important service which assists families of children with disabilities to cope in their normal daily lives.

In the Loddon–Mallee region — and I presume it is the same in other regions throughout the state —

Interchange has had no increase in home and community care (HACC) funding for the past three years in spite of increasing demands for its services.

Interchange has now been forced to increase its charges to clients in line with HACC funding and service agreements, which has the inevitable consequence of reducing services to the very families who need them most.

I seek from the minister a commitment that she will investigate as a matter of urgency the possibility of providing increased funding to this very valuable service for people with children with disabilities.

### **Maribyrnong Harm Reduction Coalition**

**Mr MILDENHALL** (Footscray) — I request the Minister for Health to meet with and consider an initiative from the Maribyrnong Harm Reduction Coalition, which consists of the following groups: Western Region Health Centre, Maribyrnong City Council, the Centre for Harm Reduction at the Macfarlane Burnet Centre for Medical Research, the Western Region AIDS Prevention Program, the North Western Health Care Network Drug and Alcohol Services and the Western Melbourne Division of General Practice.

The coalition is headed by the eminent Dr Nick Crofts, a deputy director of the Macfarlane Burnet Centre for Medical Research. The research that has led to the development of the coalition's work has been assisted by two generous grants from Dame Elisabeth Murdoch.

The model prepared by the coalition for consideration by the minister is of a primary health care service to deal with the multiple problems of street-based drug users — the chaotic street users as Dr Penington would call them. I have seen this model overseas, with multiservice treatment centres that successfully engage chaotic street users and effectively direct them into rehabilitation and treatment services, and I am hopeful it could be successful in Victorian communities. The overseas models were generally supported by police, business, municipal authorities and health services.

I am confident the model will be endorsed by the Maribyrnong Drugs Reference Group headed by the former secretary of the Premier's department, Mr Bill Scales.

It goes without saying that the street drug scene is the most difficult problem facing the Maribyrnong community and the Footscray electorate. Despite the success over the past few months, a fair bit of evidence is emerging to suggest that drug activity is returning to

the streets. We need to consider these long-term, multifaceted treatment services to engage with chaotic drug users to help them out of their destructive and dangerous lifestyles.

### **Hospitals: elective surgery**

**Mr COOPER** (Mornington) — I draw to the attention of the Minister for Health the chaotic and disgraceful blow-out in the elective surgery waiting list throughout Victoria. I want to find out what the minister intends to do about it.

In particular, I draw to the attention of the minister the situation of a constituent who needs a triple bypass operation and has been on the elective surgery waiting list at Monash Medical Centre for 12 months. On two occasions his admission to the hospital has been cancelled at the last minute. About eight weeks ago he was no. 3 on the waiting list but four weeks later found he was no. 25. With the three-week ban placed on elective surgery by the minister he is now clearly many more months away from his operation.

He is a person with a significantly reduced quality of life. He has a wife and family who are extremely worried about his health and his ability to see out the waiting-list time he is now confronting. The minister needs to do something about this man and the many other people who are in a similar situation.

Today I received a letter from another constituent, a 74-year-old lady, which says:

I have been informed that I need urgent cataract surgery.

It has been relayed to me that as I am a pensioner with no funds available to pay for surgery I will have to wait 24 months for admittance to Frankston, or 6 to 12 months at the eye and ear hospital.

This is because cataract operations are apparently elective surgery.

I cannot believe that any government of any persuasion could consider this the case — who on this earth would consider having surgery to their eyes when it was not necessary — no-one in their right mind.

... I think the time has come that government took a cold, hard look at the people like myself who are in this invidious situation. I need my eyesight so I am not a burden on society — I guess it would be good if all pensioners were blind.

These are the messages coming through loud and clear from a great many people who are now on long — and getting longer — waiting lists for elective surgery, which is a euphemism for 'pain-relieving surgery'.

The term 'elective surgery' makes it sound better, but many people, like this lady, need cataract surgery and, like this gentleman, need bypass operations. Many thousands of others need hip replacements, knee replacements and other pain-relieving surgery. The government has overseen a blow-out in the elective surgery waiting list that is much longer than it was when the government came to power just on 12 months ago. The Minister for Health is overseeing a disaster in the health system.

### **Villamanta Legal Service**

**Mr TREZISE** (Geelong) — I raise a matter for the Minister for Community Services, who is to some degree aware of the Villamanta Legal Service, which is based in my electorate. The service is vital to the people of Geelong and to people Victoria wide. It is vital because its main purpose is to ensure that people with disabilities know about the law and use it to protect their rights.

This vital legal service to people with disabilities across Victoria provides free telephone information and advice; free legal assistance; and community education in state schools and across industry. This demonstrates the need for the service to people across Victoria.

Villamanta Legal Service is in need of further essential funding in order to improve its services Victoria wide. Such funding will enable it to continue to provide its telephone services and put in extra hours in the field.

Although I recognise that Villamanta Legal Service is essentially the responsibility of the federal government, I request that the minister take appropriate action to provide it with some form of assistance to ensure its services do not decline in the coming years.

Finally, I stress the need for action to be taken by the Minister for Community Services by referring to the range of services and purposes offered by the Villamanta Legal Service. Its web site states:

Villamanta Legal Service ... are committed to the rights of people who have a disability. We believe that people who have a disability have a right to be treated in ways that are fair and reasonable, and which result in opportunities, freedoms, and a standard of living that are equal to those existing for people who do not have a disability.

We aim to make it possible for people with a disability to use the law to make sure that these rights are recognised and acted upon by others.

Villamanta Legal Service provides a vital service to people with disabilities, and I look forward to some form of action being taken by the minister.

### **Moorabbin Airport: helicopter training**

**Mr LEIGH** (Mordialloc) — On 13 April I wrote to the Minister for Environment and Conservation about an issue that our community regards as significant. I am a member of the Moorabbin Airport consultative committee. The number of training helicopters that operate in and around the Mornington Peninsula freeway reservation cause a significant amount of noise for the residents of Dingley and other areas. The committee cannot understand why it is not possible to move the helicopter training operations from the airport to the green belt corridor so that it would not affect other residents. The helicopters could return to the airport after training. In other words, they could still operate from the airport without disturbing anyone.

After a lengthy investigation the Moorabbin Airport Corporation, other parties and I came up with the idea of using the Greens Road purification plant area in Dandenong, which would affect no-one. I wrote to the minister on 13 April seeking advice about whether she would help us.

**Mr Perton** — Has she written back to you?

**Mr LEIGH** — No. This is not a political issue. The former ALP campaign manager for the Labor Party in my electorate, Mr Brian Pullen, and many other Labor people are supporting me. I have the bipartisan support of the Labor Party on this issue, yet this ridiculous minister does not even have the ability to respond, carry out an investigation or do anything.

I subsequently wrote to her on 13 September. I have not publicised the issue or done anything other than see whether we could come to an arrangement that would solve the problem on behalf of the community. I am disappointed that a minister of the Crown — a new minister of the Crown — could behave and treat us with such — —

**Mr Perton** — Five months!

**Mr LEIGH** — Five months. Given that the local Labor Party people are lobbying with me on this issue, it would seem that the minister could take the trouble to come into the house — —

**An honourable member** interjected.

**Mr LEIGH** — They are the same faction. At least the minister could come into the house and say she will investigate the matter. We do not want the relocation to affect other residents. It would be a great way to keep the facilities at the airport, advance the community

from an economic point of view and improve the noise problem for residents.

I remind the house that I wrote to the minister on 13 April. I have heard of long correspondence, but this is getting ridiculous. It is time the minister showed that she has been to her desk and responded to my correspondence. The minister should investigate the matter and do something.

### **Multicultural affairs: funding**

**Mr LANGUILLER** (Sunshine) — I ask the Minister assisting the Premier on Multicultural Affairs to inform the house of what the Bracks government is doing to support Victoria's multicultural communities.

Given that it is now almost a week since the end of the best ever multicultural Olympic Games, it is appropriate for me to reflect on the first book I read when I came to Australia in 1974. It was about the last Tasmanian Aboriginal Truganini, written by Bernard Smith. When I read the book I learnt that Australia was a multilingual, multi-ethnic, multiracial, multicultural society a long time before European settlers came to Australia, because at the time the Aboriginal and Torres Strait Islanders were of a multicultural nature and remain so today. I raise this issue because I was proud to see Cathy Freeman and so many Australians of diverse ethnic and linguistic backgrounds do so well in the Olympic Games. The Olympic Games made all of us proud.

I represent one of the most multicultural electorates in Australia. Some 90 nationalities are registered in the municipality of Brimbank, and about the same number of languages are spoken in the electorate. It is important to remind ourselves that we should be proud to be part of a government that is the most supportive of multiculturalism in the history of Victoria. The Australian Labor Party has held its nerve when it comes to ethnic communities and multiculturalism, unlike the Howard government. It has had no hesitation in continuing to support ethnic and multicultural affairs. The Liberal Party has offended the Chinese and Asian communities, but it always changed its mind when the elections came around.

I put on the record that I am particularly proud to be part of this multicultural government. I am glad that after the seven years of contempt and neglect by the previous Victorian government, and that of the Howard government over the past few years, the Bracks government is getting on with the job.

### **Wilson's Promontory National Park**

**Mr PERTON** (Doncaster) — I raise a matter for the attention of the Minister for Environment and Conservation. Like the honourable member for Mordialloc, I, too, am having to serve as a postman because the minister does not seem to be willing to answer her correspondence or deal with her ministerial duties. I am still waiting for an answer to an adjournment matter I raised during the last week of sitting.

The matter I raise is on behalf of the Prom Campers Association and the Friends of the Prom relating to a number of promises the minister made when she was the opposition spokesman. The first promise the minister made was that the lighthouse precinct would be incorporated into the national park. At the same time she promised there would be no luxury accommodation in Wilson's Promontory and that Prom accommodation would be affordable to all Victorians. Sadly, we find the minister's statements are a matter of complete hypocrisy. On investigation of the complaint by the Prom campers, we find that Parks Victoria is advertising the Prom walk and accommodation overnight at the lighthouse at \$245 per head per night. One could stay at the Park Hyatt Hotel in Melbourne or on Sydney Harbour for that amount of money. That is the position in relation to the pamphlets produced by Parks Victoria.

Further investigation revealed that a young journalist who is a member of the Prom campers sought accommodation mid-week, and for overnight accommodation at the lighthouse was quoted \$99 per head per night, with a continental breakfast thrown in. Again, a couple could stay at the Hyatt, the Hilton, or even the Sheraton overnight at a more affordable cost than that.

I call on the minister to answer the correspondence and the requests of the Prom campers; to act on her promise to make sure accommodation at Wilson's Promontory is affordable; and to comply with her promise that there will be no more hard-roofed accommodation within the Prom. In essence, the minister seems to be incapable of answering her correspondence or keeping her promises. I call on her to implement the ALP's election policy in respect of the Prom and to stop delaying her responses to those who are interested in protecting that park.

**The ACTING SPEAKER (Mr Loney)** — Order! The honourable member for Bendigo East has 2 minutes.

### Bendigo: dialysis services

**Ms ALLAN** (Bendigo East) — I refer the Minister for Health to dialysis services in the Bendigo region and seek a response on the action the government will take on dialysis services. I have been contacted by two constituents from my electorate regarding the matter. The first wrote to me directly. She has a serious illness and requires haemodialysis three times a week. Her difficulty is that she has to travel to Melbourne to receive this treatment, although there are already facilities established at the Bendigo health care group.

According to my constituent, the Bendigo facility is currently at full capacity. She was reported in the *Bendigo Advertiser* of 25 September as saying that in order for her to be able to access the treatment in Bendigo, the service run by the health care group would need to put on extra staff. At present the health care group runs five services each week in the mornings. They are fully booked, forcing people to travel to Melbourne, where they can access more regular services.

This has a serious impact on my constituent who, as I said, has to travel to Melbourne three times a week to receive this treatment. She then has to undergo 5 hours of a gruelling procedure. The problem is also exacerbated for people who live in outlying areas of Bendigo who have even further to travel.

Since the article appeared in the paper I have been contacted by another constituent who has been receiving services from the health care group. He knows of two other patients in Bendigo who have to travel to Melbourne for this service. It is an important service. There is an excellent facility in Bendigo but unfortunately the people needing the service outnumber the — —

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

### Responses

**The ACTING SPEAKER (Mr Loney)** — Order! The Minister for Housing will reply to a matter raised by the honourable member for Richmond and will then respond on behalf of the Minister for Planning to a matter raised by the honourable member for Brighton; the Minister for Health will respond on matters raised by the honourable members for Footscray, Mornington and Bendigo East; the Minister for Community Services will respond on matters raised by the honourable members for Rodney and Geelong; the Minister for Conservation and Environment will

respond on matters raised by the honourable members for Mordialloc and Doncaster; and the Minister assisting the Premier on Multicultural Affairs will respond on a matter raised by the honourable member for Sunshine.

**Mr Leigh** — On a point of order, Mr Acting Speaker, it is early in the session and there are only two ministers in the house.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Loney)** — Order! There is no point of order. I ask the honourable member to take his seat.

**Mr Leigh** — On a point of order, Mr Acting Speaker — —

**The ACTING SPEAKER (Mr Loney)** — Order! There is no point of order.

**Mr Leigh** — There is a point of order. It is required that ministers be here.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Loney)** — Order! The honourable members for Mordialloc and Doncaster will come to order immediately.

**Mr Perton** interjected.

**The ACTING SPEAKER (Mr Loney)** — Order! The honourable member for Doncaster is now deliberately defying the Chair. Does he wish to continue?

**Mr McArthur** interjected.

**The ACTING SPEAKER (Mr Loney)** — Order! Does the honourable member wish to continue? Thank you!

**Ms PIKE** (Minister for Housing) — The honourable member for Richmond raised with me the matter of the condition of public housing in his electorate. On becoming Minister for Housing I was absolutely appalled at the parlous state of public housing.

**Mr McArthur** interjected.

**The ACTING SPEAKER (Mr Loney)** — Order! Would the honourable member for Monbulk care to repeat his remarks to the Chair?

**Mr McArthur** — Happily, Mr Acting Speaker. I said tablets put under the tongue act more rapidly, and that is the advisable or preferable place to put them.

**Mr Cooper** — You do not want to go on with this.

**The ACTING SPEAKER (Mr Loney)** — Order! That is the question I wanted to ask the honourable member.

**Mr Cooper** interjected.

**The ACTING SPEAKER (Mr Loney)** — Order! The honourable member for Mornington! I take it that the honourable member for Monbulk does not wish to pursue that matter.

**Mr McArthur** — Mr Acting Speaker, you simply asked me to repeat what I said. I repeated it. I am complying with a request from the Chair.

**The ACTING SPEAKER (Mr Loney)** — Order! I know what I said.

*Honourable members interjecting.*

**Ms PIKE** — When I became Minister for Housing I was appalled at the parlous state of public housing, particularly in the inner city, because the previous government absolutely neglected public housing over the past seven years. One of the first actions I undertook was to begin a systematic review of public housing, particularly in the inner city areas, and I have made several announcements about impending redevelopments of those estates. It is the walk-up blocks that have been particularly neglected, and they provide unsuitable accommodation for people. Of course, the previous government was happy to allow people to continue to live in dilapidated environments with rust on the walls and things falling down. People were living in abominable conditions.

I have already announced that the Richmond estate will be redeveloped. We will be pulling down the walk-ups. As part of that redevelopment we will be inviting a number of members from the broader community to be engaged in the process. I am pleased that the honourable member for Richmond has agreed to chair the group that will work with consultants, architects and planners to ensure that people on low incomes who live in public housing have access to high-quality, secure and affordable accommodation.

The government is concerned that people of whatever means should have the opportunity to participate fully in the community, and housing is a fundamental plank of that participation. I am pleased to reaffirm that the

redevelopment strategy report being worked on together with the community-based group will be released in March. At that stage several creative redevelopment options will be considered and the works will commence.

**Mr PANDAZOPOULOS** (Minister assisting the Premier on Multicultural Affairs) — The honourable member for Sunshine is a strong supporter of multiculturalism, and I thank him for raising the issue. All honourable members have people with diverse backgrounds in their electorates, which makes Victoria an outstanding state — the most multicultural and tolerant in Australia.

It is important that the right comments are made about multiculturalism and that it is not just paid lip-service. People must practise it and live it, a key part of which is ensuring that the community enjoys appropriate support. The government recognises that a multicultural and linguistically diverse community is a social and economic asset that adds strength to the state, and it will ensure that communities receive appropriate resource support.

I am pleased that the Victorian Multicultural Commission has utilised well the increased resources provided in the government's first budget. I advise the honourable member for Sunshine that this financial year in addition to the extra resources given to the commission to enable it to carry out its work as an independent arm of government in supporting communities and advocating for their needs, more resources will again be available as part of the small grants program and the new community building grants program.

I remind all honourable members — they will have received an email on the subject — that the Victorian Multicultural Commission is hosting a forum on the new grants program at 10 o'clock tomorrow morning in room K. The forum was advertised in the ethnic press and in the *Age* and *Herald Sun*. Unlike the former Kennett government, the Bracks government wants all honourable members to understand the program and how they may gain access to it on behalf of their communities. The government wishes all honourable members to have the opportunity to participate in this extended program on behalf of ethnic community organisations in their electorates that have carried out such fantastic work.

When the Labor government came to power the allocation to the small grants program was \$750 000. It is now \$1 million, and the new community building grants program has been increased for the second time

by \$250 000. Together with the money allocated in the first round, on its own that program funded 25 ethnic community organisations that own their own properties to help upgrade kitchens and improve access for disabled people. The additional funding provided through the small grants program funded an additional 150 ethnic community organisations, bringing the total number of such organisations to receive funding support to more than 1000.

The honourable member for Sunshine is a strong advocate for residents of the City of Brimbank. He is right about the Olympic Games reminding people about the diversity and strength of Victoria, given that so many people who are good Australians also support teams from their countries of origin. All Victorians take pride in that. It was fantastic that 65 000 people attended a soccer match between Chile and Cameroon.

I was pleased to be at the biggest multicultural event in the world. I thank the honourable member for Sunshine for his interest and his support of ethnic communities.

**Ms CAMPBELL** (Minister for Community Services) — In following up the matter of Villamanta Legal Service raised by the honourable member for Geelong, I endorse his strong words of support for its fabulous service to people with disabilities, their families and carers. As he acknowledged, although the service is geographically located in Geelong it provides a wonderful statewide service, both through casework and through telephone advice that is freely provided via its 1800 number.

The Villamanta Legal Service is one of the services funded by the federal government to provide legal support to Victorians who may not have the means to access legal advice. The house has heard of the penny-pinching attitude of the federal government to community legal services and its failure to uphold the rights of people to access the law on many occasions. In sharp contrast the Bracks Labor government strongly supports community legal services. Having visited Villamanta on a couple of occasions I can only endorse the strong words of support expressed by the honourable member for Geelong. I have also had correspondence from the honourable member for Burwood in support of the Villamanta Legal Service.

I take quite seriously the point concerning the state government's practical support to Villamanta. I do not want to get into the recurrent expenditure required to provide legal services for people with disabilities, because that is rightly the responsibility of the federal government, but I want to ensure that there is some support from the state government in a very practical

way on a one-off basis for the Villamanta Legal Service.

I advise the honourable member for Geelong that I will approve the sum of \$18 000 as a one-off grant to Villamanta that will enable it to carry out its telephone and computer upgrades and assist it in cataloguing resources that are invaluable not only to people with disabilities who access Villamanta but also other legal services that require advice and resources for people with disabilities.

The honourable member for Rodney raised a matter concerning Interchange. I am very familiar with Interchange, which is a wonderful organisation. There is an Interchange based in my electorate, and I have had the privilege of attending it on a couple of occasions. As outlined by the honourable member for Rodney, Interchange supports young people with disabilities. Social support is an invaluable means of providing respite to families who have young disabled members. At the same time young people with disabilities enjoy the opportunity to share their lives with other families at the weekend.

The Interchange annual general meeting was held recently in Hawthorn, and the state government was represented at that meeting by the honourable member for Burwood, who informs me that it was the first time in 10 years that any member of Parliament had attended that sort of meeting. That was a sign that the Bracks government supports Interchange.

I understand that not only do the honourable member for Rodney and other honourable members have a strong knowledge of Interchange, the honourable member for Burwood has the Interchange president living in his electorate and his daughter is the captain of the Ashwood Special School.

I will take up with my department support for Interchange on matters where funding falls within my portfolio. However, issues relating to home and community care (HACC) funding are best directed to the Minister for Aged Care, who has primary responsibility for HACC. If Interchange has issues relating to HACC I suggest it writes to the relevant minister.

**Mr THWAITES** (Minister for Health) — The honourable member for Brighton referred to the submission on Rescode by the Bayside City Council and asked that it be given full consideration. I assure the honourable member that that will occur.

An independent advisory committee headed by Chris Wren, who is a distinguished barrister, is receiving

submissions on Rescode. The committee is going through the many submissions that have been received. Bayside has made an oral presentation to the advisory committee. I too will review the submission, although I already have some awareness of it. I know Bayside has done a lot of work not only on the submission on Rescode but on its own planning for residential development in its area. The Bayside council, like many others, should be congratulated on the amount of work it is doing in this field.

Bayside council has faced a number of major planning matters, which are continuing, and many of them involve heritage issues. The council has accepted the government's view that we should have an overall strategy on heritage rather than the voluntary heritage approach that was being proposed at one stage. Bayside council's submission will be given serious consideration by the advisory committee and by me.

The honourable member for Footscray asked that I meet with the Maribyrnong Harm Reduction Coalition. I am happy to advise the honourable member that I will arrange that meeting. The Maribyrnong Harm Reduction Coalition has done some good work in the past and has looked at the health and welfare needs of drug users, particularly street users whose health needs are not being met through mainstream services.

I note that these research projects have been funded by Dame Elisabeth Murdoch, whom I am sure the honourable member for Mornington would be well aware of. Dame Elisabeth would have to be one of the greatest living Australians. The fact that she is funding this sort of work is an indication of her continuing interest in and devotion to the needs of disadvantaged members of the community. That is an additional reason why I would want to meet with the coalition to hear its concerns, but the most important reason is to be able to implement some of the ideas its members are proposing.

I note that the coalition's research indicates that hundreds of street drug users are not receiving reasonable access to mainstream health services. I will be happy to meet with the coalition. The delegation will be led by Dr Nick Crofts, who has a very high reputation in this field. I congratulate the honourable member for Footscray on raising the issue.

Similarly I am keen to examine the dialysis service the honourable member for Bendigo East has raised, and I will be having further discussions with her about that.

The honourable member for Mornington raised the issue of elective surgery in a particular case. I will be

happy to look at the details of that case. He has raised it in the context of the Frankston Hospital. I point out that the Bracks government is not only rebuilding the health system overall but is building an extra 60 beds for the Frankston Hospital.

*Honourable members interjecting.*

**Mr THWAITES** — Honourable members opposite are talking about current problems, but the problems at Frankston will not be addressed until more beds are built there. That should have bipartisan support. The former government had the opportunity to build those extra beds but did not do so.

**Mr Cooper** — What about Monash?

**Mr THWAITES** — We are opening additional beds at Monash, as we are throughout the whole health system. One of the major problems in the delivery of health services is that the delays in the health system are very much linked to the fact that there are large populations in the Mornington Peninsula and Cranbourne areas that are trying to get access to beds and cannot do so because the Kennett government did not provide enough beds at the Frankston Hospital. That is why I am very pleased — —

**Mr Cooper** — It has got worse.

**Mr THWAITES** — Of course the beds are not built yet. You cannot build them overnight! You did not build them in seven years!

The previous government — —

**Mr Cooper** — You've got a blown-out waiting list. It's got worse. You're a disaster, that's what you are! You're laughing about it. You think it's funny, don't you?

**The ACTING SPEAKER (Mr Loney)** — Order! I ask the honourable member for Mornington to stop interjecting.

**Mr Cooper** — He is making a joke of a serious matter.

**The ACTING SPEAKER (Mr Loney)** — Order! I ask the honourable member for Mornington to come to order. I ask the minister to complete his response on the matter.

**Mr THWAITES** — Once again the honourable member for Mornington is attempting to mislead the house, as he has for many years. In no way does the government laugh about the serious problems facing our — —

**Mr Cooper** — On a point of order, Mr Acting Speaker, I object to the minister saying that I have attempted to mislead the house. I raised a very serious matter about pain-relieving surgery for two of my constituents that involved the Frankston Hospital, the Monash Medical Centre and the Royal Victorian Eye and Ear Hospital. The minister in his response has tried to turn it into a joke and then has accused me of misleading the house. I object to that, and I ask him to withdraw.

**Mr THWAITES** — There is no requirement to withdraw. I did not — —

*Honourable members interjecting.*

**Mr THWAITES** — There was no imputation.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Loney)** — Order! The honourable member for Mordialloc will come to order. The honourable member for Mornington has taken objection to words used and has asked for a withdrawal. I ask the minister to withdraw.

**Mr THWAITES** — I am happy to withdraw anything that offends the honourable member for Mornington. I point out to the house that the member — —

*Honourable members interjecting.*

**Mr THWAITES** — It's been done — shut up!

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Loney)** — Order! The house will come to order. The honourable member for Mornington has sought a withdrawal and the minister has made a withdrawal. The house will now come to order.

**Mr THWAITES** — I point out that the honourable member alleged that I was laughing at or making a joke of elective surgery, and that is a completely misleading and untrue statement. This government, unlike the previous government, takes very seriously the problems that the Kennett government caused to the health system.

**Mr Cooper** — On a point of order, Mr Acting Speaker, having raised a point of order and your having finally dragged a withdrawal from the minister, he has now repeated it. He said he was not laughing. He was laughing about the matter and now he has said again that I attempted to mislead the house. That is not so. He

withdrew it once. I ask him to withdraw it a second time.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Loney)** — Order!

**Mr Leigh** — Bring back the Speaker.

**The ACTING SPEAKER (Mr Loney)** — Order! The honourable member for Mordialloc will observe the forms of the house.

On the point of order, the honourable member for Mornington previously raised a point of order, said that he had been offended and asked the minister to withdraw. I asked the minister to withdraw, and he did so.

**Mr Leigh** — He repeated it.

**The ACTING SPEAKER (Mr Loney)** — Order! He did not repeat the original words that the honourable member claimed to be offended by but was responding to an accusation made by the honourable member for Mornington. However, the minister has now withdrawn. I ask him to come back to responding to the matter raised by the honourable member for Mornington.

**Mr THWAITES** — As I was saying, the problems at Frankston will not be fixed until the new beds are built. The government is building the beds. The previous government could not do it in seven years.

**The ACTING SPEAKER (Mr Loney)** — Order! The Minister for Housing, on behalf of the Minister for Environment and Conservation responding to matters raised by the honourable members for Mordialloc and Doncaster.

**Mr Leigh** — On a point of order, and with the greatest respect, Mr Acting Speaker, I have tried for five months to get an answer. I have raised the matter in this chamber. I know the minister is here. My community wants an answer. It does not take much to bring the minister into this chamber. I want the minister responsible to fix the problem.

**The ACTING SPEAKER (Mr Loney)** — Order! There is no point of order. The honourable member for Mordialloc has been in this place long enough to know that it is not within the power of the Chair to do what he is asking.

**Ms PIKE (Minister for Housing)** — The honourable member for Mordialloc raised with the Minister for Environment and Conservation a matter regarding

Moorabbin Airport. I will certainly be happy to forward that matter to the minister and ask her to respond to him.

The honourable member for Doncaster also raised a matter for the Minister for Environment and Conservation about camping at Wilsons Promontory. Again I will forward the matter to the minister for her response.

**Mr McArthur** — On a point of order, Mr Acting Speaker, I seek clarification on the matter of how long it is reasonable for an honourable member to wait for a response to a matter referred by a minister at the table to an absent minister.

In the time since this evening's responses began I have done a brief poll of some other Liberal Party members. A number of them, including a few who were in the house this evening, have raised matters on the adjournment debate, some going back a considerable time. Those honourable members have had matters referred by the minister at the table to the responsible minister and have had no response or even the courtesy of an acknowledgment.

I do not expect you, Mr Acting Speaker, to rule on this matter now. I ask you to take the matter up with Mr Speaker and ask him to advise the house what is a reasonable amount of time to wait for the responsible minister to finally get around to responding to a matter referred to him or her by the minister at the table. Is it a week, a month, a year? What is reasonable? All honourable members in this place are entitled to raise matters with ministers for action or redress on behalf of their constituents and are entitled to a response in due course. It would be contempt of the house for ministers to fail to respond.

All I am seeking is a reasonable estimate of what is responsible and proper in this matter.

**Mr Hulls** — On the point of order, Mr Acting Speaker, all honourable members know the honourable member for Monbulk is simply grandstanding. He has obviously not got used to being in opposition. Members on this side of the house are still waiting for responses from the previous government. I am still waiting for responses to half the stuff I raised with the Honourable Jan Wade! This is not a point of order, and now is not the appropriate time to engage in such pathetic, puerile political grandstanding. I urge you, Sir, to rule that there is no point of order.

**The ACTING SPEAKER (Mr Loney)** — Order! On the point of order raised by the honourable member for Monbulk, I am not in a position to rule on the matter

itself or on whether it constitutes a legitimate point of order. I will raise the matter with Mr Speaker and he can rule on whether it constitutes a point order and, if so, what the clarification is.

The house stands adjourned until next day.

**House adjourned 11.03 p.m.**

