PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

23 November 2000

(extract from Book 8)

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By authority of the Victorian Government Printer

The Governor

His Excellency the Honourable Sir JAMES AUGUSTINE GOBBO, AC

The Lieutenant-Governor

Professor ADRIENNE E. CLARKE, AO

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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

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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. NAPTHINE

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 [4]	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 [3]	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
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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 [2]	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, 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	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 3 November 1999
[2] Elected 11 December 1999
[3] Resigned 12 April 2000
[4] Elected 13 May 2000

CONTENTS

THURSDAY, 23 NOVEMBER 2000

QUESTION ON NOTICE

THURSDAY, 23 NOVEMBER 2000

Thursday, 23 November 2000

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.39 a.m. and read the prayer.

PETITIONS

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

Rail: Albury–Wodonga service

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

The humble petition of the undersigned citizens of Victoria respectfully requests that the Albury–Wodonga passenger train currently servicing Violet Town twice a day should increase its availability by stopping during the day as well as the morning and night to and from Melbourne.

Currently this train service does pass through Violet Town daily at approximately 9.45 a.m. and 1.51 p.m. to Albury, Monday to Friday and 1.45 p.m. and 5.33 p.m. to Melbourne, Monday to Friday, but does not stop to pick up or drop off passengers. These trains currently stop at Benalla and Euroa. Given the high cost of petrol in rural areas rail travel should be encouraged.

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

By Ms ALLEN (Benalla) (924 signatures)

Bridges: Geelong

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

The humble petition of the undersigned citizens of the state of Victoria sheweth the urgent upgrade of Breakwater Road, Geelong.

Your petitioners therefore pray that the upgrade of Breakwater Road with a bridge linking to Fellmongers Road, Geelong, will be an urgent priority with the appropriate minister.

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

By Mr TREZISE (Geelong) (693 signatures)

Laid on table.

PARLIAMENTARY DEPARTMENTS

Annual reports

Mrs MADDIGAN (Essendon) presented reports for 1999–2000 of:

Department of the Legislative Assembly
Department of the Parliamentary Library
Department of Parliamentary Debates
Department of Parliamentary Services

Laid on table.

PAPERS

Laid on table by Clerk:

Austin and Repatriation Medical Centre — Report for the year 1999–2000 (two papers)

Bethlehem Hospital Inc — Report for the year 1999–2000 (two papers)

Consumer and Business Affairs Victoria — Report for the year 1999–2000 — Ordered to be printed

Corangamite Catchment Management Authority — Report for the year 1999–2000

East Gippsland Catchment Management Authority — Report for the year 1999–2000

Financial Management Act 1994:

Report from the Minister for Agriculture that he had received the 1999–2000 Annual Report of the Murray Valley Wine Grape Industry Development Committee

Report from the Minister for Agriculture that he had not received the following 1999–2000 Annual Reports:

Australian Food Industry Science Centre

Murray Valley Citrus Marketing Board

Northern Victorian Fresh Tomato Industry Development Committee

Reports from the Minister for Environment and Conservation that she had received the 1999–2000 Annual Reports of the:

Alpine Resorts Coordinating Council

Yarra Bend Park Trust

Report from the Minister for Environment and Conservation that she had not received the 1999–2000 Annual Report of the Melbourne Parks and Waterways

Glenelg Hopkins Catchment Management Authority — Report for the year 1999–2000

Goulburn Broken Catchment Management Authority — Report for the year 1999–2000

Housing Guarantee Fund Ltd — Report for the year 1999–2000

Inner and Eastern Health Care Network — Report for the year 1999–2000 (two papers)

Intellectually Disabled Persons' Services Act 1986 — Report of the Community Visitors for the year 1999–2000

Interpretation of Legislation Act 1984 — Notice under s 32(4)(a)(iii) in relation to Amendment No 7 of the Building Code of Australia 1996

Legal Ombudsman — Report of the Office for the year 1999–2000 — Ordered to be printed

Mallee Catchment Management Authority — Report for the year 1999–2000

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 1 October 2000 and 22 November 2000 — Ordered to be printed

North Central Catchment Management Authority — Report for the year 1999–2000

North East Catchment Management Authority — Report for the year 1999–2000

North Western Health Care Network — Report for the year 1999–2000

Peninsula Health Care Network — Report for the year 1999–2000

Port Phillip and Westernport Catchment and Land Protection Board — Report for the year 1999–2000

Prevention of Cruelty to Animals Act 1986:

Code of Practice for the Welfare of Rodeo and Rodeo School Livestock (Victoria)

Revocation of Code of Accepted Farming Practice for the Welfare of Sheep

Code of Accepted Farming Practice for the Welfare of Goats (Victoria)

Code of Practice for the Welfare of Animals at Saleyards (Victoria)

Code of Accepted Farming Practice for the Welfare of Sheep (Victoria) (Revision Number 1)

Southern Health Care Network — Report for the year 1999–2000

Victorian Catchment Management Council — Report for the year 1999–2000

Victorian Health Promotion Foundation — Report for the year 1999–2000

West Gippsland Catchment Management Authority — Report for the year 1999–2000

Wimmera Catchment Management Authority — Report for the year 1999–2000

Women and Children's Health Care Network — Report for the year 1999–2000.

Mr Doyle — On a point of order, Mr Speaker, I draw your attention to the provisions of the Financial Management Act 1994 and in particular section 46, 'Tabling requirements'. I note that the papers presented today — our last sitting day — do not include the annual report of the Metropolitan Ambulance Service which has thus far not been tabled, despite the fact that according to section 46 of the Financial Management Act that annual report was due to be tabled on 31 October.

I ask you to inquire of the Minister for Health why one of the statutory authorities under his control and the control of the Financial Management Act has not met its requirement to table its annual report. I also ask you to inquire of the minister whether any other such annual reports not yet tabled are due.

Mr McArthur — On the point of order, Mr Speaker, it is possible that the minister has the report and that through inadvertence it has not been tabled. If the minister has the report the opposition will be happy to grant leave later this day for it to be tabled.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Malvern. The tabling requirement for the report he referred to is the responsibility of the minister and not the Chair. Having said that, I remind the house that there have been occasions in previous years when a second tabling of reports has occurred during the course of a parliamentary sitting day.

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Transport) — I move:

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

Motion agreed to.

MEMBERS STATEMENTS

Laurie Gillham

Mr WILSON (Bennettswood) — I pay tribute to a constituent, Mr Laurie Gillham, who has recently been honoured by the commonwealth government as part of its Recognition Awards for Senior Australians program. Honourable members will be aware that the awards were implemented during the 1999 International Year of Older Persons as an initiative of the federal government.

For more than 50 years Laurie Gillham has worked tirelessly in different voluntary capacities. He has been a prolific fundraiser for the Anti-Cancer Council of

Victoria. As a seller of raffle tickets for that organisation, Laurie has broken all records for the number of tickets sold every year since 1997. He has also been a regular blood donor since 1953.

Laurie has served as a justice of the peace from 1979 to 1991, and from 1997 to date. In that capacity he has served on the bench and at various times as chairman of the court at Springvale, Camberwell and Footscray. He has also had a long involvement with Australian Rules Football at a senior umpiring level. Laurie Gillham is a worthy winner of the commonwealth's award and I offer him my heartiest congratulations.

Electricity: Basslink

Mr RYAN (Leader of the National Party) — I again bring to the attention of the house the concerns of Gippslanders about the Basslink project. Recently I received an email from Madelon Lane, who is a most concerned Gippslander. She wrote to me following her walk in the area on 5 November, when she was accompanied by about 90 other Gippslanders, including councillors Peter Garlick, Brian Lee and Keith Boyd from the Shire of Wellington. All expressed concern about the proposal to build Basslink either overground or underground through the Mullungdung Forest.

I implore the Premier to get involved in the issue. He cannot allow the situation to continue where the concerns of Gippslanders are so dismissively dealt with as they were by the Minister for State and Regional Development during yesterday's question time. I fear for the project's future unless the Premier takes an active role in overseeing what happens with it.

I and many other Gippslanders support the project in principle but we are concerned that because of the government's inaction over its management, the project will be put at risk. There is a growing concern that the project will be opposed and not proceed. The solution lies in the government's hands. It is able to and should become involved in handling the project.

Former Premier: Greek-Australian committee

Mr HOLDING (Springvale) — I am concerned about a function that is now being promoted throughout the Greek community. I received a copy of an invitation promoting a reception to be held in honour of the former Premier, Jeff Kennett. The organisation running the function calls itself the Greek-Australian Committee for the Reception in Honour of the Honourable Jeff Kennett.

I provide for the benefit of honourable members a copy of the invitation to the function; it has no name identifying an organiser and only a facsimile number for reply. I refer honourable members to two promotional articles for the function on pages 5 and 4 of the Greek newspapers *Neos Kosmos* and *Ta Nea* respectively. Neither advertisement names an organiser, but each provides a telephone number.

Who are the anonymous organisers of the event? Why are they unwilling to identify themselves in either *Neos Kosmos* or *Ta Nea*, or on their invitation? Who is paying for the free cocktail reception? Who comprises the mysterious Greek-Australian Committee for the Reception in Honour of the Honourable Jeff Kennett? Are they members of the Liberal Party? If so, why are they unwilling to identify themselves on the invitation? What have they got to hide? Are they ashamed to give their names and be identified with the event?

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Warrandyte!

Crisis lines: funding

Ms BURKE (Prahran) — My office has been contacted by a volunteer to a crisis line service provider. She expressed concern that despite the voluntary nature of her role, the organisation for which she works requires her to pay a fee for her training; she feels that cost should be absorbed by the organisation. I am concerned that services such as that may lose the support of the community because they are abusing the goodwill of people such as my constituent.

The organisation in question is partly funded by the Department of Human Services, and it seems there is a role the government can play in further assisting such organisations by providing sufficient funding to enable them to absorb training costs rather than passing them on to the volunteers. It would be extremely unfortunate if the goodwill of the Victorian community were squandered through the imposition of a financial burden on the civic-minded individuals who wish to help.

Public Accounts and Estimates Committee: meetings

Ms DAVIES (Gippsland West) — I would like the house to note the unprofessional, churlish and unacceptable conduct of the Liberal members of the Public Accounts and Estimates Committee. The time frame enabling the tabling of the report on the budget estimates today was tight. Committee members have had to have breakfast meetings.

Mr Perton — I raise a point of order, Mr Speaker. This statement ought not be permitted to be made. Firstly, it is referring to the proceedings of a parliamentary committee before the committee has reported. Secondly, it is quite clear that the honourable member intends to cast aspersions on other members of the house. On both bases you should rule out her statement.

The SPEAKER — Order! I am not prepared to uphold the point of order at this time. However, I ask the honourable member for Gippsland West to refrain from reporting to the house upon the proceedings of the committee until such time as it has formally reported to the house. The honourable member is entitled to make general comments about the committee without reflecting upon its members.

Ms DAVIES — I accept your ruling, Mr Speaker. It is now common business practice to have breakfast meetings, and it is a useful exercise to have those meetings before the start of normal proceedings. With goodwill and the pre-preparation of material for any business meeting that members wish to attend, a great deal of business can be accomplished in a short time.

I suggest that the Liberal members of the house had better get used to getting up early and functioning properly at business meetings, particularly those who wish to have positions of responsibility that would involve them in discussing matters of business in the community in the future.

Mr Thompson — On a point of order, Mr Speaker. Honourable members would be aware that standing order 108 states that imputations of improper motives and personal reflections upon members are deemed to be disorderly. I ask you, Sir, to rule that the honourable member is out of order at this stage.

The SPEAKER — Order! I do not uphold the point of order. I am of the opinion that the honourable member for Gippsland West was not impugning members.

Ms DAVIES — The other prerequisite for being able to function correctly with the business and professional community — —

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

Jason Phillips

Mr SAVAGE (Mildura) — Last Thursday the Minister for Workcover and I attended the Mildura Chamber of Commerce awards night. I wish to acknowledge the young employee of the year for 2000, Jason Phillips. Jason is employed by Muller's Butchery in San Mateo Avenue. Although a trainee, he supervises two apprentices and has brought quality assurance standards to the shop. He has undertaken a training certificate in meat processing and retailing. He painted the shop in his own time, he has changed the furniture and introduced new initiatives to improve the business, such as putting names on shirts.

It was an old shop with a dwindling clientele, and through his initiatives Jason has lifted both the clientele and the shop image. He has identified products as a means of value-adding and tapped into a new market by creating dinner party menus. In 18 months he has increased the shop's turnover by a staggering 480 per cent.

I congratulate Jason; he is a credit to the people of Mildura and a credit to employees in general.

Member for Gippsland West: conduct

Ms ASHER (Brighton) — I refer to the Independents charter drafted by the honourable member for Gippsland West and signed off by the Labor Party, which called for individual members of Parliament to be treated with courtesy and respect. I remind the honourable member for Gippsland West that she might like to adhere to her own charter in her general behaviour.

I also take this opportunity to suggest on the issue of professionalism and arriving at meetings punctually that the greatest thing the honourable member for Gippsland West, and indeed members of the Labor Party, could do if they wish to form quorums is to buy the Honourable Theo Theophanous an alarm clock.

Ballarat: Aboriginal flag

Ms OVERINGTON (Ballarat West) — Today is an historic, proud and important day for Ballarat, Victoria and Australia. This afternoon at 2.30, Cr John Barnes, the mayor of Ballarat, and Dr Evelyn Scott, deputy chairwoman of the Council of Aboriginal Reconciliation, will raise the Aboriginal flag to its permanent position on the west tower of the Ballarat Town Hall.

Honourable Members — Hear, hear!

Ms OVERINGTON — The Aboriginal flag will fly alongside the Australian and Eureka flags and will send a clear message that Ballarat is committed to embracing the spirit of reconciliation.

On 25 October the Ballarat City Council, after seeking permission from Aboriginal elders, moved unanimously to fly the flag permanently above the town hall. I congratulate the council and the elders for taking Ballarat on the first step to reconciliation and making this such a public statement of the city's commitment to it. The council's decision is a public acknowledgment of Aboriginal settlement in Ballarat over thousands of years and of the importance and contributions of the Aboriginal community.

Ballarat has proudly flown the Eureka flag, one of the proudest symbols of challenges to the system, and now the Aboriginal flag will fly alongside it. I take this opportunity to encourage other councils, state governments and the federal government to take Ballarat's lead in acknowledging and — —

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

Victorian Parliamentary Friends of Israel

Mrs SHARDEY (Caulfield) — It is with great pleasure that the opposition supported the establishment of the Victorian Parliamentary Friends of Israel on Tuesday of this week. I was particularly pleased by the large number of my Liberal colleagues who attended the launch of the bipartisan group.

The Victorian Parliamentary Friends of Israel has been established to continue the level of awareness of Israel and further the already established relationships in areas such as environment and information technology. I particularly wish to thank the Honourables John Brumby and Peter Katsambanis for hosting the function and the many Jewish community leaders and parliamentarians involved for attending.

As has been previously stated, the Liberal Party has long recognised the right of Israel to exist as a Jewish homeland and it supports every effort being made toward the achievement of peace in the region so that the people of Israel can live with security and in harmony. That position was reinforced last night at a function held by the United Israel Appeal and the Australia Israel Jewish Affairs Council to recognise the Prime Minister, Mr John Howard, for making his trip to Israel.

Geelong Community House

Mr TREZISE (Geelong) — I take this opportunity to congratulate the Geelong committee of the Leukemia Foundation of Victoria on the recent opening of its Geelong Community House, which aims to provide long-term and short-term accommodation for families supporting a loved one who is undergoing treatment for leukemia at the Geelong Hospital. The house also aims to provide information, education and community awareness about leukemia and its effects on not only the individuals concerned but also their supporting families.

In congratulating the Geelong committee I make special mention of Greg and Judy Ollis — their daughter, Lauren, is currently in remission from leukemia — who had the vision and the commitment to get the community house past the point of just being an idea.

At the opening, Olympian cyclist Tracey Gaudry of Geelong spoke to the gathering about her personal battle with leukemia. Her speech described her feelings when she was first diagnosed and the battle she had in ensuing years. Tracey's experience and personal achievement since is truly inspirational.

I commend the Geelong committee of the leukemia foundation on the establishment of its Geelong Community House and I look forward to working with the house for many years to come.

Children: protection services

Mr SPRY (Bellarine) — I take this final opportunity in the spring sessional period of Parliament to raise for the urgent attention of the government one of the most serious issues I have been asked to deal with in my eight years as a member of Parliament. It concerns the welfare of children in an inner urban area of my electorate. The secretary of a local primary school council wrote to me last week expressing deep concerns about the effectiveness of the Department of Human Services and police in dealing with child protection issues.

A paragraph from the letter illustrates the school's concerns. It states:

> It would appear that the legislation that determines the powers of both the DHS and police is so ineffective that we wonder why these departments are in service. For example — although schools are mandated to make notification of concerns to DHS, in reality the DHS is powerless to ensure the issue is resolved unless it is a 'life and death' situation.

I implore the Minister for Community Services to take immediate action to protect the already fragile welfare of these endangered children. I use the word 'endangered' in the context of the very real possibility of brutal and debased abuse — —

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

HEALTH RECORDS BILL

Second reading

Mr THWAITES (Minister for Health) — I move:

That this bill be now read a second time.

This important bill is a significant step forward in strengthening the rights of users of health services. It will —

give individuals a legally enforceable right of access to their own health information which is contained in records held in the private sector; and

establish health privacy principles that will apply to personal health information collected, used and held in both the public and private sectors.

This bill is a companion to the Information Privacy bill, which the government introduced into Parliament in autumn 2000. That bill applies to all personal information other than health information.

Through both of these bills the government has introduced a comprehensive legislative package to apply across the public sector.

In addition, whereas the government decided to confine the operation of the Information Privacy Bill to the public sector and funded agencies, it has taken the view that in the case of health information broader legislation is required.

A key reason for the broader scope of the bill is the need to ensure uniformity of standards across the public and private sectors. The health industry consists of a vast array of health service providers, with many different kinds of organisations, professions and specialities within professions. One patient may attend a public hospital for treatment of a particular condition, whereas another may attend a private hospital for the same treatment. Similarly, both private practitioners and community health centres provide general practitioner services.

Further, many patients move between the two sectors in relation to the ongoing treatment of a chronic condition. For example, a cancer patient may receive treatment at a public hospital, attend a specialist for follow-up monitoring who may be a private practitioner, and have tests performed by a private pathology laboratory for tests.

The same information may be held by a number of providers, and in principle should generally be subject to the same kind of privacy protections.

It is also the view of the government that in the case of health information the legislative standards must be tailored to health information, and they should not be capable of variation through codes of practice. In essence, the modification of general privacy principles has already been undertaken in the drafting of the health privacy principles contained in this bill. As such, further modification should not be required.

This broad application of these principles will give consumers certainty about the manner in which their health information is collected, used, disclosed and stored.

Health information is arguably the most sensitive category of personal information that exists about an individual. The government considers that regulation of the private sector in this particular area is warranted, especially in light of the failure of the commonwealth government to take action to adequately protect health information to date.

In sponsoring this bill and the Information Privacy Bill, the government recognises, and is responding to, community concerns about the threat to privacy posed by the exponentially increasing capacity of modern technology. While new technology brings many benefits for individuals and the community as a whole, the potential exists for technology to be misused, and for people to suffer discrimination or other kinds of harm as a result.

Nowhere is this more evident than in the case of health information, particularly in light of the increase in the use of genetic tests to predict the likelihood of future illness.

While the bill provides strong legal rights of access to, and privacy of, health information, such rights of access and privacy are not, and cannot be, absolute. These rights must be balanced against other important public policy considerations. The bill endeavours to strike an appropriate balance between the desire of consumers for privacy on one hand, and the need to safeguard the health and safety of individuals and the public, and promote safe and effective health service delivery, on the other.

For instance, in circumstances where providing a person with unfettered access to his or her health records would pose a serious threat to his or her life or health, or the life or health of another person, or where granting access to certain information would have an unreasonable impact on the privacy of another person, the bill permits access to be denied in order to protect the person at risk.

Although the consent of an individual to whom information relates is generally the basis on which the bill enables health information to be collected, used and disclosed to another organisation, the bill also recognises that there are situations in which it is not practicable to obtain specific consent in each case.

I will now provide a general overview of the bill.

Scope of the bill

The bill applies to health information held by organisations in Victoria. It covers:

all personal information collected to provide a health service by a health service provider, be they a public or private sector organisation; and

all health information held by other organisations, both public and private.

The bill applies to health information, which is a subset of personal information. Personal information is information about an individual whose identity is apparent or can reasonably be ascertained from that information.

The bill applies to a number of different kinds of personal information relating to health.

It applies to traditional medical records including information about a person's physical, mental and psychological health. It also extends to information about donation of body parts, and genetic information that is in a form that is, or could be, predictive of the health of an individual or their descendants.

The bill refers to the holder or collector of health information as an 'organisation'. This includes natural persons as well as incorporated and unincorporated bodies. Most of the obligations in the bill apply to an organisation, regardless of whether or not that organisation is a health service provider.

However, where appropriate the bill includes additional standards in relation to health service providers. For example, the bill applies to all personal information collected about an individual by a health service provider in the course of providing a health service.

The term 'health service' is broadly defined and includes activities claimed to assess, maintain or improve the individual's health. It also includes diagnosis or treatment of illness, injury or disability, the provision of disability, aged care or palliative care services, and the dispensing of prescriptions.

Examples of non-health service providers include health insurers with insured persons' records, employers with health information of their employees, schools with vaccination records and fitness gymnasiums with health charts about their customers.

Health privacy principles

Under the bill, health information that is collected, held or used by organisations must be handled in accordance with the health privacy principles in schedule 1. The principles cover many different aspects of information handling. They are binding and a contravention of the principles is 'an interference with the privacy of an individual'.

Principle 1 sets out the framework for collection of health information. It requires collection to be an accountable and transparent process. Organisations are generally required to obtain the individual's consent for collection or to be covered by one of the public interest grounds that permit collection.

Principle 2 regulates the use and disclosure of health information. In general, use or disclosure is permitted for the purpose for which the health information was collected or, otherwise, with the consent of the person to whom it relates. Secondary use or disclosure is also permitted in cases where there is a strong public interest in doing so (for instance, where there is a serious threat to life or health, where disclosure is required by law, or for the purposes of research which is in the public interest and complies with guidelines developed by the Health Services Commissioner).

Principle 3 is about ensuring data quality. It requires health information to be accurate, complete, up to date and relevant to the functions of the organisation that holds the information.

Principle 4 sets out general requirements to ensure appropriate security and retention of data. It generally requires health information held by a health service provider to be stored for at least seven years subject to any specific legislation to the contrary. This reflects current good practice.

Principle 5 encourages transparency by requiring organisations to document clearly their policies on management of health information and to make those policies available to the public.

Principle 6 provides individuals with a right to access their health information and to make corrections to it, where necessary. This principle applies to health information held by the private sector, while the

Freedom of Information Act will continue to apply to health information held by public sector organisations.

Limited grounds for refusal of access are set out in the bill. If only part of the health information is covered by a legitimate ground for refusal, the organisation is required to provide the rest of the health information to the applicant.

Principle 7 imposes limits on the assignment of identifiers that are intended to uniquely identify individuals in relation to their health information. It also restricts the adoption, use or disclosure of identifiers assigned by a public sector organisation.

Principle 8 preserves, where lawful and practicable, the right of individuals to remain anonymous in transactions with an organisation.

Principle 9 puts certain limits on the flow of health information outside Victoria.

Principle 10 regulates what a health service provider must do with its stock of health records when the practice or business is sold, closed or amalgamated.

Principle 11 provides individuals with a right to have their health information that is held by one health service provider made available to other providers. Since the disclosure is from one health service provider to another, the grounds to refuse access that apply under part 5 and principle 6 do not apply.

Interaction with other legislation

The health privacy principles do not override other legislation. Existing provisions in other statutes governing the confidentiality, use and disclosure of health information, as well as those that regulate access to certain kinds of personal information, have been preserved. Specific statutory provisions that were designed with particular circumstances in mind will override the general standards in the Health Records Bill to the extent of any inconsistency.

The bill also makes consequential amendments to certain provisions of other legislation to ensure that those statutes will operate consistently with the bill, and to clarify that certain disclosures of information will not constitute an offence.

For instance, section 141 of the Health Services Act and section 120A of the Mental Health Act make it an offence for certain health service providers to disclose information that could identify a patient except where this is specifically permitted by one or more of the exceptions specified in those sections. Those provisions currently enable health information to be used for the purposes of research where this is permitted by an institutional ethics committee and does not conflict with any prescribed requirements.

In contrast, the bill only enables research to be carried out where more detailed criteria are met, including compliance with guidelines for research issued or approved by the Health Services Commissioner. The bill therefore makes a consequential amendment to sections 141 and 120A in order to ensure that these additional standards in the health privacy principles relating to research also apply under these provisions.

The bill also amends section 141 of the Health Services Act to ensure that it is not an offence for public hospitals to share information through an electronic system for the purposes of the treatment of a patient, whenever that patient presents for treatment. A similar amendment is made to section 120A of the Mental Health Act in relation to the sharing of information between approved mental health services. These amendments also authorise the making of regulations that could impose conditions and additional requirements regarding the way in which this may occur. This will assist the legislation to keep pace with developments in technology, and will allow additional controls to be introduced as appropriate.

The Freedom of Information Act will continue to regulate individuals' access to their own health information where it is held by public sector agencies such as public hospitals and government departments. However, the draft bill contains amendments to that act that have the effect of enhancing the right of access available under that act. These additions are modelled on key elements of the right of access in relation to private sector organisations under the bill.

For instance, under the Freedom of Information Act an individual currently has a right to receive a copy of their health information or to view their file. The bill will amend that act to also enable an individual to request an explanation of his or her health record from a health service provider, in addition to the rights that currently exist.

The bill will also amend the Freedom of Information Act to provide that, where there is a concern that access to certain health information poses a serious threat to the life or health of the applicant, the relevant procedure in division 3 of part 5 of the bill applies. An individual may seek a second opinion about the merits of that decision from a registered health service provider of their own nomination.

The internal review mechanisms and the VCAT appeal rights under the Freedom of Information Act continue to apply. The bill adds to these by providing that where an applicant wishes to challenge a decision to refuse access to health information under the Freedom of Information Act, that person may in some circumstances elect to seek conciliation by the Health Services Commissioner instead of seeking internal review by the public sector agency. If conciliation is successful, the agreement can be enforced as provided for in the Health Records bill. If conciliation fails, then the complainant may apply to the VCAT under the Freedom of Information Act.

In this way the bill preserves the application of the Freedom of Information Act, but also supplements the rights under that act by incorporating into it a number of the elements of the Health Records bill. This enables a greater level of uniformity to be achieved in relation to the access rights across the public and private sectors.

The bill is also designed to operate concurrently with any relevant commonwealth laws.

Right of access to information

By giving individuals an enforceable right of access to their own health information held in the private sector, the bill will enhance the ability of consumers to make informed health care decisions. It will also enable individuals to check the accuracy of health information held about them if they wish, and ensure that their current treating practitioner has their complete medical history. This will assist health practitioners to provide safe and effective treatment and care.

The right of access of individuals to their health information applies to all such information collected after the commencement of the bill. A more limited right of access also applies to certain health information that is collected prior to the commencement of the bill, including:

the individual's health or disability history;

the results of an examination or investigation;

a diagnosis or speculative diagnosis;

a plan or proposed plan of management;

services provided or action taken;

genetic information that is or could be predictive of health; or

other personal information about a donation of body parts.

This recognises that, to date, the law has treated health records as practitioners' own notes, and that existing records were prepared on the understanding that individuals would not be able to access them as of right.

The bill enables an individual to request health information collected after commencement in a number of ways. Access can be by way of inspection, the provision of a copy (or a summary if the individual agrees), or an opportunity to view the record accompanied by an explanation by the health service provider.

Access may also be granted in one of these forms to information collected prior to the commencement of the bill where the provider agrees to this. In the absence of any agreement, the bill entitles the individual to receive an accurate summary of the information.

The bill requires a request for access to be refused where information has been provided in strict confidence or where it poses a serious threat to the life or health of the applicant or any other person. There are several other grounds for legitimate refusal of an access request set out in principle 6.

An organisation is not able to refuse access on the grounds that another person or organisation has copyright in the health information. The bill operates to make it an implied term of a contract to provide health services that an individual may have access in accordance with the bill.

Fees

The bill permits organisations to charge a fee for providing access, so they may recover costs associated with complying with a request for access such as photocopying. The fee charged must not exceed the maximum fee, which will be prescribed in regulations. The regulations will also set out the kind of charges that may be imposed. A health service provider who explains a health record to the individual in a special consultation will be able to charge their usual fee for a consultation of comparable duration.

Exemptions

Division 3 of part 2 sets out the general exemptions from the bill. As media freedom is widely recognised as an important aspect of democratic societies, an exemption has been provided for 'news activities' as defined in clause 3. The exemption is confined to genuine 'news activities' where these are conducted by organisations whose dominant function is disseminating news.

In recognition of the importance of judicial independence, the judiciary and quasi-judicial bodies are also exempt when exercising their judicial or quasi-judicial powers. However, the employee records of court and tribunal staff will come within the scope of the bill.

An exemption also applies so that family discussions and records that are genuinely private, family matters can continue without the risk that they would be in breach of the bill.

The bill does not provide an exemption for employee records held by employers, or health information disseminated between related corporate entities or for political parties, members of Parliament or their contractors. Given the particular sensitivity of health information, such exemptions are not considered to be appropriate.

Enforcement

The Health Services Commissioner will have principal responsibility for monitoring compliance with the Health Records Bill and for resolving complaints about interferences with privacy.

The commissioner's functions and powers for dispute resolution are modelled on those that currently exist under the Health Services (Conciliation and Review) Act 1987, and on the comparable powers of the Victorian Privacy Commissioner under the Information Privacy bill 2000.

The Health Services Commissioner may conciliate a complaint under the bill. The commissioner can also investigate a complaint, and if appropriate, may make a ruling. A ruling would be appropriate if the commissioner finds that there has been interference with privacy. In such a case, the commissioner can recommend the course of action that should be taken by the organisation to remedy the breach. A ruling is not binding, although the organisation must inform the commissioner as to whether it intends to comply with the ruling.

If the complaint is not resolved to the complainant's satisfaction, he or she will be able to seek a binding decision from the Victorian Civil and Administrative Tribunal (VCAT). VCAT will be able to make a variety of orders to rectify or remedy an interference with privacy. Organisations may also appeal to VCAT against rulings and compliance notices imposed by the commissioner.

Other enforcement mechanisms include criminal penalties for serious breaches of the Act.

Like the Victorian Privacy Commissioner, the Health Services Commissioner will be able to serve a compliance notice on an organisation that has performed an act or practice that is a serious or flagrant contravention of the act, or is a breach which is of a kind that has been done or engaged in by the organisation on at least five separate occasions within the previous two years. A failure to comply with a compliance notice is an indictable offence. A respondent can apply to VCAT to have the decision to serve the notice reviewed.

A key aim of the legislation is to ensure that complaints are resolved informally, wherever practicable. The alternative dispute resolution mechanisms set out in the bill are designed to minimise the risk of escalation of disputes, for example, by encouraging conciliation. However, the VCAT appeals procedure and the compliance notice process are available to address situations where these mechanisms are not adequate.

The commissioner will also have the function of issuing or approving binding guidelines as required under the health privacy principles, and will have an important role in educating the community about the operation of the legislation.

Section 85 statement

Clause 99 of the bill states that it is the intention of clause 8 to alter or vary section 85 of the Constitution Act 1975.

I therefore wish to make a statement pursuant to section 85 of the Constitution Act 1975 of the reasons why that section is to be altered or varied by the bill.

Clause 8 provides that the bill does not give rise to any civil cause of action or create any legal right enforceable in a court or tribunal other than as specifically provided in the bill. Similarly, nothing in the bill is to be construed as giving rise to criminal liability except to the extent expressly provided for.

The bill is intended to create specific rights and obligations in relation to the privacy of health information, which can be enforced through the dispute resolution mechanisms set out in the bill, including through conciliation, investigation and rulings by the Health Services Commissioner and review by the Victorian Civil and Administrative Tribunal.

The bill is not intended to give rise to broader rights and obligations outside those expressly provided in the bill. It is not intended to create any other legal means of enforcing those rights. The reason for the alteration or variation to section 85 of the Constitution Act 1975 is

to ensure that the scope of the bill meets these expectations.

Conclusion

A draft of the Health Records Bill was released for public consultation earlier this year, to give consumers, organisations and other interested persons an opportunity to comment on the proposals. I would like to take this opportunity to thank all of those who contributed by making submissions on the bill.

The feedback received as part of the community consultation process has confirmed the need for the legislation, and has assisted in refining the operation of the provisions contained in the bill.

The access rights and principles in the bill are designed to protect privacy and promote patient autonomy, whilst also ensuring safe and effective service delivery, and the continued improvement of health services.

I commend the bill to the house.

Debate adjourned on motion of Mr DOYLE (Malvern).

Debate adjourned until Thursday, 7 December.

STATUTE LAW AMENDMENT (RELATIONSHIPS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill takes a significant step in implementing the government's pre-election commitment to reduce discrimination against people in same-sex relationships. This is part of the Bracks Labor government's commitment to the creation of a socially just and cohesive community in which each person has their place, in which diversity in all its forms, including diversity of sexual orientation, is valued. As the government stated in its pre-election commitments, it considers the achievement of substantive rights for lesbians, gay men and transgender people as being vitally important. Human rights necessarily involve a respect for the equal dignity of all persons, without discrimination. Lesbians, gay men, intersex and transgender people have historically been denied their human rights. This bill is an important step in redressing that historical injustice.

In 1998, the Equal Opportunity Commission produced a report on same-sex relationships and the law. It followed a discussion paper and very extensive community consultation undertaken by the commission. That report highlighted many ways in which the law discriminates against lesbians and gay men by denying the reality of their loving relationships. It made several recommendations. The Labor Party gave a commitment to implement the recommendations of that report, and in 1999 the present Deputy Premier introduced a private member's bill to begin that process. It was disappointing that the Kennett government refused to allow that bill to be debated. The bill now before the house implements a number of the recommendations in the commission's report, in line with the government's pre-election commitments, and I hope that the opposition will take the opportunity and enthusiastically support this bill.

This bill will have a real and beneficial impact on people's lives. While the main aim of the bill is to reduce discrimination against non-heterosexual couples, in some areas (such as in relation to intestacy), the bill will also benefit heterosexual de facto couples. The bill will ensure that property transfers between members of a couple when they are the same gender will be free of discriminatory tax imposts. It will allow recognition of a partner of a man who dies without having made a will, in relation to the distribution of the deceased man's estate or in obtaining an interest in the couple's shared home. This will help prevent situations described in the commission's report where the bereaved partner of the deceased man can be callously put out of the couple's shared home by the dead man's family; where he can even be excluded from his partner's funeral, because of a law that treats him and his late partner as legal strangers.

Further, the bill will ensure that there is recognition of the right of a lesbian woman to be consulted about the medical treatment of her hospitalised female partner, because the law has until now refused to recognise their loving relationship as real.

In recognising non-heterosexual relationships in a non-discriminatory way, this bill does not encroach on the status of marriage. Indeed, quite the contrary. It does treat non-marriage relationships without discrimination on the basis of gender or sexual orientation, but it does not alter the definition of spouse in state legislation. Or rather, it restores the definition of spouse to its original meaning, as a party to a marriage, and removes the various extended definitions in some statutes which had blurred that meaning.

This bill brings some system and order into the variety of ways that statutes provide for benefits or concessions or obligations on or for members of couples, or the

surviving partner. It introduces a consistent set of definitions. The term 'partner' is used to mean spouse or domestic partner, where spouse, as previously noted, means a party to a marriage, and 'domestic partner' is a new term. It replaces the previous term 'de facto spouse' in a non-discriminatory way.

For 'domestic partner' the bill adopts two definitions. A broad definition is used for the purposes of schedules 4, 5 and 6 — these include health-related legislation and consumer and business legislation — which differs from the principal definition, in expressly recognising relationships where people may not necessarily live under the one roof, but are yet mutually committed to an intimate personal relationship and shared life as a couple. The bill makes clear that the broader definition of 'domestic partner' is not intended to cover a person who is providing support or benefit for fee or reward or on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation). It also makes clear that two people are not domestic partners only because they are co-tenants.

In the principal definition, a domestic partner is a person with whom a person is living as a couple on a genuine domestic basis irrespective of their genders. Although the principal definition of domestic partner assumes cohabitation, this is of course to be interpreted reasonably. Domestic partners will not lose their status as a couple just because, for example, one partner has been in a nursing home for a time — be it months or years — before they die, or the couple live in different states or even countries for a time because of work requirements, or the myriad issues which may lead a couple to spend time apart, while remaining a couple who share their lives.

The definition of 'domestic partner' includes every couple who would currently be included in those statutes that refer to de facto spouses, or that extend the definition of spouse in an analogous manner. As mentioned previously, this bill also recognises heterosexual de facto couples for the first time in a number of areas of law.

The government does not think it necessary to legislate in minute detail for the interpretation of what it means to live with someone as a couple on a genuine domestic basis. There are a number of factors which can be considered, such as the degree of mutual commitment to a shared life, the duration of the relationship, the existence of a sexual relationship, the care and support of children, the nature and extent of common residence, the ownership, use and acquisition of property, the degree of financial dependence or interdependence and any arrangements for financial support between the parties, and the reputation and public aspects of the relationship. None of these are determinative in themselves, nor are they all relevant in every case.

Victorians demonstrate their intimate commitment to being a couple in ways as diverse as our community. The expression of that commitment changes over time. The government respects such diversity and believes that no single factor should be determinative of a domestic relationship.

Children in the care of their parent and partner will also benefit from these reforms. Many children who have lesbian mothers or gay fathers spend time living with that parent and partner after the break-up of the heterosexual relationship, often marriage, in which they were conceived. In certain ways, this bill recognises the reality that these children are cared for by parents' partners in material and emotional ways.

The bill does its work through seven schedules, amending over 40 acts. These cover property related benefits, compensation schemes, superannuation schemes, health-related legislation, criminal law legislation, consumer and business legislation, and a miscellaneous category. The latter includes the Equal Opportunity Act itself. It will now extend to prohibit discrimination on the basis of same-sex relationships, so that at last, discrimination on the basis of sexual orientation will be comprehensively outlawed.

The bill includes, in schedule 1, the Property Law Act. Part 9 of that act will enable non-heterosexual couples to have access to the same rights and to be subject to the same obligations on the break-up of relationships as now apply to unmarried heterosexual couples. The Property Law Act continues to regulate only those relationships — formerly called de facto relationships, now domestic relationships — which have been in existence for two years or involve children. The same minimum eligibility requirement for any share will now apply in the amended Administration and Probate Act, also in schedule 1.

Earlier this year, an advisory committee on gay, lesbian and transgender issues was established to consider how best to implement the government's pre-election commitment to reduce discrimination against same-sex couples, consistent with the government's commitment to consult broadly. The committee consists of representatives from government and community agencies. These include organisations that provide advocacy and support for lesbians, gay men, transgender and intersex people, together with agencies

that represent the interests of children and of the parents and friends of lesbians and gay men.

The committee produced a discussion paper, which was widely distributed and available on the Web, and conducted community forums on it. The recommendations of the advisory committee have formed the basis of the bill you have before you today, and the government thanks them for their contribution, their expertise, and the time they have given and continue to give up to meet and consider very difficult questions. The Parliamentary Secretary for Justice is also to be thanked on his contribution in chairing this committee, as well as the departmental officers who have provided secretariat support during its tenure.

The first product of the government's pre-election commitment was the Equal Opportunity (Gender Identity and Sexual Orientation) Act 2000 which, it is pleasing to say, is now in force. All members should be congratulated for their support of that important reform, and the government looks forward to their continued support in this area of human rights, in particular their support for this bill.

This bill is the second, but not the final, product of the government's pre-election commitment to the human rights of lesbians, gay men, intersex and transgender people. The government is committed to continue this work, and a further statute law amendment bill will deal next year with a number of other statutes which discriminate against non-heterosexual couples or which fail to impose the obligations on them that are imposed on heterosexual couples. In addition, as members are aware, the issues of access to adoption and infertility treatment for couples of the same gender are to be referred to the Law Reform Commission. The government has made it clear that any outcomes from the Law Reform Commission's consideration of these issues will be considered in the next term of the Bracks government.

Many gay, lesbian and transgender Victorians experience discrimination and abuse in various aspects of their daily life. Many feel the need to hide their sexuality or gender identity for fear of censure and discrimination from others whether in the workplace, in public, at school or within the family. The discrimination experienced by these people was recently highlighted in a report entitled *Enough is Enough — A Report on Discrimination and Abuse Experienced by Lesbians, Gay Men, Bisexuals and Transgender People in Victoria*, released by the Victorian Gay and Lesbian Rights Lobby. The government is confident that the enactment of the reforms contained in this bill will be a major step forward in reducing the unacceptable levels of discrimination faced by gay men and lesbians living in Victoria today.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Thursday, 7 December.

CRIMES (QUESTIONING OF SUSPECTS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The government in its election policy promised that it would adopt a tough stance on crime and create a fair justice system. This bill delivers on those commitments.

There has recently been much community debate about the power of police to question a person who is in custody in relation to other offences. The Crimes Act 1958 provides that police cannot question prisoners for other offences they are suspected of having committed unless the prisoner consents. The government believes that this law should be changed.

Police should have the power to properly and fully investigate crimes. The law should not prevent police from doing this and should not leave victims of crime wondering whether the perpetrator would have been found guilty if only the police could have completed its investigations. However, as with other police powers, it is important that appropriate safeguards are provided.

The government is committed to improving the criminal justice system to help police investigate crimes, to help victims recover from crimes (through cases being fully investigated) and to ensuring that all people are equal before the law, regardless of whether or not a person is held in custody.

The controversy surrounding this issue is not new. The existing law in relation to the power of police to question suspects in custody was enacted following the recommendations of a consultative committee chaired by the then Director of Public Prosecutions, Mr John Coldrey, QC. The report noted the difficulty of balancing the public interest in:

convicting the guilty; and

protecting people from unlawful and unfair treatment.

This bill strikes an appropriate balance between these two important public interests.

Earlier this session, a private member's bill was introduced into Parliament seeking to amend the Crimes Act 1958 to enable a prisoner to be interviewed by police, regardless of whether the prisoner consents to the interview.

The government took the view that there were serious flaws in the private member's bill and undertook to prepare a bill that would ensure that:

the right to silence was preserved; and

appropriate safeguards were provided.

Under the existing law, where an ordinary citizen is suspected by police of having committed an indictable offence the police can arrest that person and ask questions to determine that person's involvement in that offence. However, where a prisoner is suspected by police of having committed another offence, a prisoner cannot be questioned by police in relation to that offence unless that prisoner consents.

The government's bill removes the right of a prisoner to refuse to be questioned by police. This will place a person held in custody in as close a position as possible to that of an ordinary citizen.

A person who is arrested by police and questioned does not have to say or do anything. If a person does not wish to be questioned, he or she may simply choose to remain silent. This right applies to ordinary citizens who are questioned by police following arrest, as well as people held in custody. Importantly the bill does not in any way alter this fundamental right.

Not only should a person have the right to remain silent, a person should be able to obtain legal advice to ensure that they understand this right. Accordingly, where police make an application to question a person held in custody, the bill will empower the court to order Victoria Legal Aid to provide legal assistance to that person.

To ensure fairness and to reduce the prospect of issues concerning the voluntariness of any admissions or confessions obtained being raised at a later stage in proceedings, the bill provides that any admissions or confessions obtained must be videorecorded. This requirement will afford protection to both the prisoner and the police as claims about what occurred during the questioning process can be checked against the reality of the video recording.

Significantly, the bill expands the categories of persons in custody that police can question. Under the existing legislation police can only make an application to question a person held in a prison, police gaol or youth training centre. If a person is suspected of having committed a crime, the police should have the ability to apply to question that person, regardless of where that person is held.

The bill will enable police to question other people who are held in custody, even though they may not be held in a prison or police gaol. For instance, a person may be found not guilty because of a mental impairment. Such a person may then be held in custody under a custodial supervision order. Such a person may be held in a hospital in order to receive appropriate treatment. Accordingly, the bill further enlarges the power of police to investigate a crime by broadening the range of suspects that may be interviewed and treats all people equally before the law.

Our criminal justice system recognises that young people and mentally impaired people are particularly vulnerable. Accordingly the bill contains special safeguards for these classes of persons who are in custody. For instance, the bill provides that an independent third person must be present when a young person or a mentally impaired person is being questioned by police.

Unfortunately, in recent times we have seen incidents in which young people have committed serious offences, even murder. It is therefore essential that police have powers to question young people. A young person under the age of 17 years may also be questioned where that person is suspected of having committed an indictable offence.

The bill provides police with important powers to question a person held in custody in relation to other offences. These powers will enable police to investigate serious offences while ensuring that there are adequate safeguards for persons in custody. The bill enhances the range of investigative tools available to police and is consistent with recent legislative developments, such as the expansion of police powers to obtain forensic evidence.

The bill strikes a careful balance in this complex area of questioning of people held in custody and demonstrates this government's commitment to the principles of justice and the promotion of public confidence in the criminal justice system.

I commend this bill to the house.

Dr DEAN (Berwick) — I am pleased to speak on the Crimes (Questioning of Suspects) Bill, which has been resisted entirely by the government. As the Attorney-General was reading his second-reading speech, the word 'hypocritical' came into my head.

Unlike the Attorney-General and the government, the opposition does not intend to make the debate on the bill one of political difference. The opposition has made it clear that although the government refused to allow prisoners to be questioned by police, despite our efforts — —

Mr Hulls — On a point of order, Deputy Speaker, I take from the contribution of the shadow Attorney-General that he is intending to debate the bill now.

Mr Perton interjected.

The DEPUTY SPEAKER — Order! The honourable member for Doncaster!

Mr Hulls — On that basis it appears he is prepared to have the bill passed now and then transmitted to the upper house forthwith.

Mr McArthur — On the point of order, Madam Deputy Speaker, the question before the Chair, as proposed by the Attorney-General, is that the bill be now read a second time. The honourable member for Berwick is entitled to debate that question and is proceeding to do so — and he is entirely in order. It is a matter for the house to determine when the question is finalised. If honourable members seek to bring debate to a conclusion today, then so be it.

The DEPUTY SPEAKER — Order! I do not uphold the point of order.

Dr DEAN — As I was saying, when the government refused to allow the police to question prisoners, even though the prisoners may have been responsible for or had information in relation to gross crimes, the opposition decided it would have to take a lead on the issue. As a consequence, the opposition introduced a bill in the upper house to ensure the anomaly would be rectified — but the government still attempted to resist the change.

I pick up on the comments the Attorney-General made about his shock and horror that the opposition would want to debate the bill now and have it passed straightaway and conveyed to the upper house. Let me assure him that that is exactly what we intend to do. We are fed up with the Attorney-General's attempts to delay the bill.

The private member's bill was introduced in the upper house some three or four weeks ago. The government did absolutely nothing until it delivered to me last week some drafting orders. A day later I got a draft bill. Finally, I got the bill yesterday.

The government has deliberately decided to wait until the last day of the sessional period to introduce its bill and have it debated. The opposition will not tolerate that. The bill will not be delayed by the government. If the opposition has to force the government kicking and screaming to pass the bill today, that is what it will do. The people of Victoria, who have made their views clear on the matter, require the government to join with the opposition to debate the bill now, pass it and have it transmitted to the upper house so the upper house can pass it next week and Victorians can have what the government has been denying them for weeks.

Mr Hulls interjected.

The DEPUTY SPEAKER — Order! The Attorney-General!

Dr DEAN — The Halvagis family has been watching these proceedings all this week and hoping — —

Mr Haermeyer — On a point of order, Madam Deputy Speaker, the honourable member for Berwick is delaying the passage of the bill. The government is happy to entertain a motion that the question be put.

The DEPUTY SPEAKER — Order! There is no point of order.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I ask the house to come to order. I do not uphold the point of order. I remind honourable members that this is a very serious issue and ask them to treat it accordingly.

Dr DEAN — When the government decided to take a point of order I was referring to the Halvagis family and the emotional commitment its members have to the bill. I will return to that point. The Halvagis family has been watching proceedings and hoping that when the Attorney-General did his about-face on the front steps of Parliament and said, 'All right, I will introduce a bill this session', that that was what he meant and that a bill would go through the Parliament during this sitting. Members of the family have been watching the government deliberately dragging its feet week after week only to see it finally introduce a bill, which is almost an exact replica of the private member's bill that was introduced in the upper house, at a time when it

would not be possible if normal procedures were followed for the bill to be passed during this sessional period.

I have said on many occasions that although the Attorney-General wishes to make this a matter of political dispute, I do not care what he says about the bill that was introduced in the upper house. I do not care who introduces this bill — whether it be the opposition, the Attorney-General or Jack Frost!

Mr Nardella interjected.

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

Dr DEAN — What I care about is that the bill which mirrors the purpose and effect of the bill introduced in the upper house and which has been introduced in this house by the government should be debated and passed today.

One of the most disappointing things about the bill is that even though the Attorney-General has supplied me with drafts and been pushed kicking and screaming into making amendments that ensure the purpose of the private member's bill is mirrored, the bill is still deficient. As a consequence of that, I will move amendments to the bill which I will now have circulated.

Opposition amendments circulated by Dr DEAN (Berwick) pursuant to sessional orders.

Dr DEAN — The amendments go to the heart of the difference between the opposition and the government in relation to the proposed legislation. When the first draft bill was provided to me last week it was clear that a number of changes needed to be made. For example, the fact that the police could still not question a prisoner within a jail and that the prisoner had to be taken out of the jail was inappropriate, because if there were any concerns about controlling the process it would be much harder to do on the way to a police station in the back of a paddy wagon than in a prison. The government agreed to change the bill to allow prisoners to be interviewed in the prison in an appropriate environment.

There were other problems. In the government's desire to ensure that legal advice could be obtained by prisoners, which was also central to the private member's bill, it made an unfortunate error whereby to avoid the whole process all prisoners had to do was refuse to take legal advice, even though it was offered to them. I am pleased to say the government has fixed that problem.

I was also concerned that children were included in the bill's provisions. When the private member's bill was introduced minors were not included because I wanted to observe the process operating for 12 months to ensure it operated in the way intended, with the right to silence protected and all processes carried out properly. Nevertheless, the government has insisted that the bill be extended to cover minors. I am happy to compromise on that aspect, so long as it relates to serious offences only.

That brings me to the heart of the difference between the parties and the amendments I have just circulated. The government is continuing to insist that the questioning of prisoners in prison be limited to only those occasions where prisoners are suspected of having committed offences. I commend the government for going that far, but it has totally missed the point.

The point of the proposed legislation is to allow police, under controlled circumstances and on the authorisation of magistrates, to question prisoners about crimes in general, because prisoners often have information that could solve serious crimes. However, under the government's bill police will still not be able to put those questions to prisoners even though magistrates have ordered that in their opinion there are reasonable grounds to believe the prisoners have information that could assist in crimes being solved. That is an outrageous slip. In fact it is not a slip, it is a deliberate move to ensure that prisoners remain in a privileged position with respect to being asked questions by the police.

A police officer can go up to the Attorney-General in the street — perhaps one has — and say to him, 'I would like to ask you some questions about crime X'. The Attorney-General may say, 'I do not wish to answer those questions', but the police may say, 'Look Mr Attorney-General, before you say you do not wish to answer those questions perhaps we should inform you that we have found your fingerprints and your footprints outside the window where the burglary took place and maybe you would like to change your mind about answering those questions?'.

Mr Hulls — That would be coercion.

Dr DEAN — It would not be coercion. The Attorney-General would then be able to respond to the police. But a prisoner can never be approached by the police and asked such questions. A prisoner is protected by the prison because under the Corrections Act the police are not allowed to knock on the door of the cell and say, 'Excuse me Mr Prisoner, can I ask you some

questions?'. They have to go to the governor and the governor goes to the prisoner. If the prisoner says, 'No', the governor goes back to the police and says, 'You cannot enter this jail'. To that extent prisoners are isolated from any approach that you and I might have by the police to ask questions about crimes.

However, the Attorney-General might say the difference is that the prisoner cannot walk away once it has been agreed that he or she should answer the questions — but the prisoner has a fail-safe protection. If someone asks the Attorney-General whether he will answer questions in relation to X, Y and Z, that person does not have to get permission from a magistrate to ask the questions, but he will have to do so under the terms of the bill. That is the protection for a prisoner. Prisoners receive that extra protection to balance the fact that they cannot walk away. The police must go to a magistrate and convince him or her that there are reasonable grounds to believe that a prisoner could help solve a crime. That is the provision the government will not put into legislation.

I have tried to compromise in framing my amendments to give the government a chance to do the right thing and do what Victorians want — that is, in appropriate circumstances allow police to ask questions of prisoners about serious crimes. I have limited my amendment to what are called serious crimes under part 3 of the Sentencing Act. The amendments provide for questions to be asked only about serious crimes, which are defined under the Sentencing Act as murder, rape, kidnapping, indecent assault and drug offences.

What will be the position if the government refuses to accept the amendment? It will send the message that it is refusing to allow police, after they have obtained permission from a magistrate, to ask questions of a prisoner whom the magistrate has held has information that could help in relation to crimes such as murder, rape and interference with children. The government has been given the opportunity to change the law to allow police to ask prisoners about serious and gross crimes and its refusal to accept the change is disgraceful.

Why has the government resisted this time and again and is even now preventing police from asking questions about serious crimes? It is political. It is to do with testosterone and the Attorney-General's parading with his quips in the house day in and day out while going through the political motions. The government's approach to the public should be to pass legislation that is in the public interest but he simply cannot bring himself to cooperate with the opposition. On the one hand is the public interest and on the other hand is the politics of the Attorney-General, Robert Hulls. The politics has won out and the Victorian people have lost!

Again I ask the Attorney-General and the Independents to accept the amendment. There can be no reason why it should not be accepted. To make the matter quite clear I say that if the government refuses to accept the amendment or if the Independents decide to vote against it, the opposition will still proceed with the legislation. If the amendment is not passed the opposition will not insist on it in the upper house. The opposition wants the bill to go through, even in its present form, because its concern is for the public interest and not for politics.

Mr Maxfield — You are playing politics!

Dr DEAN — Whatever happens the government's bill will be passed here and in the upper house.

It is extraordinary for government members to interject and say the opposition is playing politics when the opposition has said that even if the amendments are refused it will pass the legislation in both houses. It is extraordinary to hear that interjection on the one occasion when the opposition has said it does not care whether it is the government's bill, the opposition's bill or Jack Frost's bill, or whether the government passes its amendments. The Halvagis family has a right to have the legislation passed because it will help them. The opposition will ensure that it is passed.

However, if the Attorney-General does not accept the amendment and leaves Victorians out on a limb the opposition will revisit the legislation. It will pass the bill but will introduce the amendment again and again until the Attorney-General sees sense. The amendment and the bill are about thinking outside the square. One of the problems faced by the government is that it seems to be rigid and to lack the capacity to think outside the square. As soon as a difficult problem arises it runs to the interest groups. Those groups give an answer in accordance with their views — often they are incredibly conservative, with no attempt at creativity — and it sucks up those views and runs with them.

The difference between the government and members of the Napthine opposition is that we do not do what the government does. We take the problem, think outside the square and say, 'How can we solve this problem with creative thinking? How can we protect all the rights of silence that even a prisoner is entitled to and at the same time give the police what they need — —

The ACTING SPEAKER (Mr Lupton) — Order! Under the standing orders of this Parliament the honourable member for Richmond must acknowledge

the Chair when crossing the chamber. That is the second time!

Dr DEAN — As I was saying, how can we protect a prisoner's rights and at the same time give the police the opportunity to question a prisoner? No-one is saying the proposal is a panacea — that is, just because police ask a prisoner questions that he or she will answer those questions. However, the police have told us that on a substantial number of occasions a person undergoing professional and appropriate questioning and who starts out saying, 'I'm not going to answer any of your questions', ends up providing information that is critical to the solving of a crime. Every single opportunity should be given to have crimes solved, which is what the bill tries to do.

When I spoke to the government's advisers and tried to convince them that my amendment provided the same protections as existed in the current provision, which they have already accepted, and that it should therefore be accepted, their view was, 'No, there is an imbalance between prisoners and the people outside and we are not going to allow that'. I have already referred to the fact that that balance is addressed by the magistrate. In that situation the advisers were saying, 'We are happy to put someone in jail, we are happy that their right of freedom disappears — they are told when they can and can't eat or go to the toilet, what they can and can't wear — we are happy for all those rights to be restricted, but we will not allow a prisoner under the direction of a magistrate to sit in a room for 15 minutes and be questioned with a lawyer sitting beside him or her. That is far too much of an imposition on a prisoner!'.

What absolute hypocrisy and rubbish to say that somehow the poor prisoners have in some way had all their rights removed because they answer questions under appropriate procedures. At the same time there is no mention of the fact that they are in jail because they have defied other people's rights. Part of the jail process involves one's loss of rights and freedom and of being told how to dress and so forth. It is about, firstly, rehabilitation, and secondly, punishment.

The government's precious attitude on this issue, firstly, cannot be understood because it is illogical, or secondly, has to be put down as simply a matter of there being too much testosterone and of saying, 'Because you suggested it, I won't do it', or thirdly, it is an approach to prisoners and crime of saying, 'If we are going to weigh up the public policy and the interests of Victorians and prisoners, then prisoners win', which is the underlying effect of the government's actions.

In conclusion, I call on the Attorney-General and the government to follow the path that they have been following over the past week, to wind back their totally untenable position, and to do the right thing and go the full way in allowing persons who are trying to solve vicious crimes to at least have the opportunity of questioning prisoners in jail about those crimes.

Mr RYAN (Leader of the National Party) — Needless to say there has been a somewhat limited opportunity to peruse the material placed before the house this morning by the Attorney-General and the amendments circulated by the shadow Attorney-General. Because of the time constraints I will speak to the general principles underlying the Crimes (Questioning of Suspects) Bill.

As a general principle, the National Party supports the intended notion of the bill introduced by the Attorney-General. In the course of coming to a conclusion about whether or not it would provide support the National Party had a long discussion in its party room about the issue of the right to silence. From a personal perspective I was concerned to undertake the discussion because when I chaired the Scrutiny of Acts and Regulations Committee in the time of the previous government I and other honourable members were part of a group that travelled extensively within and beyond Australia, particularly to England and Ireland, and talked with authorities in respective jurisdictions about the development of the law concerning the right to silence.

That was done in the context of a reference provided to the committee by the then Attorney-General to investigate the notion of the retention of the right to silence in Victoria. The study took about 18 months to complete. A report was produced and tabled in the house, and recommendations were made in the context of the findings. In looking at what was contemplated by the concept of this type of legislation one of the issues uppermost in my considerations is the question of the preservation of the right to silence.

One of the driving imperatives behind the bill is the capacity of prisoners to assist police in investigating both crimes in which they have not been directly involved as well those in which they have had a hand. Section 464 of the Crimes Act as it presently stands provides that prisoners are able to say they do not want to be investigated or questioned by the police in relation to issues that might be the subject of a police inquiry. The basic concern of National Party members was to ensure there would be a mechanism for achieving a balance between on the one hand the capacity for further investigation to be undertaken and on the other

hand ensuring the right to silence was properly protected in a manner that would withstand the wishes of some in the community that that all-important principle should be abandoned.

In the end we came down on the side of supporting the bill as introduced by the government, which is reflective to a substantial point of the one introduced by the opposition in the upper house.

We did so because wedged in between those basic principles is the process through which a police officer must necessarily pass in applying to a magistrate for relevant orders to enable questioning to occur.

There must be produced to the court a basis for justification for an order ultimately being made, founded on some assertion of fact to which the police have to swear up: they have to produce the goods, at least on a prima facie basis.

In addition there are the elements of the order that can subsequently be made to deal with the way the interview is conducted — whether it is done with audio or video; the circumstances in which it occurs; where it takes place; or who can be present. Any number of things can be incorporated in the terms of the order, which is made by the court to ensure that a prisoner who is to be subject to this process is not disadvantaged.

For those reasons the National Party concluded that the general tenor of the legislation, as I said, is largely reflective of that introduced into the upper house, so we support the bill.

The question then becomes the narrower issue of the extent to which this process should apply. The National Party should properly support the first amendment of the opposition. It is proposed to significantly limit the extent to which questioning can occur to an area of crime which, in the public's mind, represents a series of subjects that people find acceptable, given all the riders about the necessity to ensure right-to-silence issues are accommodated. Therefore the amendment should be supported.

By the same token, the National Party wants the bill passed through the upper house and given effect as quickly as possible, because for the reasons I have explained it has much to recommend it. Accordingly we support the bill and the amendments moved by the opposition and will not present any impediment in the upper house should the government reject the opposition amendments.

Mr SAVAGE (Mildura) — Parliament has produced some significant changes to legislation in the last year that reflect a very good consultative process where the views of people on both sides have been listened to and, as a result, a formulation of ideas has had some bipartisan support. There will always be differences of opinion as to how the outcome should be developed.

This bill is a good example where there has been significant negotiation between the shadow Attorney-General and the Attorney-General and other parties who are interested in improving the criminal justice system in Victoria.

I support the bill. It is not about reducing the right to silence but about giving the police sufficient powers to interview people in prisons who, by order of a warrant issued by a magistrate, may be able to assist in the solution of crimes in which they may be involved.

I do not see the urgency issue in the way the shadow Attorney-General does as that urgency is probably directed at a certain individual serving a long term of imprisonment. Therefore I question whether the process we are going through is appropriate or whether it has been orchestrated in a way that brings some discredit on this house.

I do not support the amendments moved by the shadow Attorney-General — —

Honourable members interjecting.

Mr SAVAGE — I will explain the reasons for that in a way that honourable members interjecting now might be comfortable with.

Firstly, there is the same level of entitlement for a person serving in prison as for an ordinary citizen. We are not talking about prisoners being interviewed for offences they have committed; we are talking about offences about which they may have information.

Mr Mulder — It's about solving a crime!

Mr SAVAGE — You have a deluded view on that issue, and I suggest that on that basis you keep your mouth shut.

Honourable members interjecting.

Mr Mulder — On a point of order, Mr Acting Speaker, I felt that the comment made by the honourable member was unparliamentary.

Mr Nardella interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Melton has been warned once by the Speaker. I am now warning him also.

Mr Mulder — On the point of order, I felt that the comment made by the honourable member for Mildura was unparliamentary, and I ask him to withdraw.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Mildura has been asked to withdraw the comments.

Mr SAVAGE — I am not aware of what comment he is referring to. Was it that — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member has been asked to withdraw. The honourable member for Polwarth took exception to what the honourable member for Mildura said.

Mr SAVAGE — Mr Acting Speaker, I am happy to withdraw, but I don't know what he is referring to.

The ACTING SPEAKER (Mr Lupton) — Order! Just withdraw!

Mr SAVAGE — I will not withdraw. I do not know what I am being asked to withdraw.

Mr Hulls — On the point of order, Mr Acting Speaker — —

The ACTING SPEAKER (Mr Lupton) — Order! Will the honourable member for Polwarth explain to the house what — —

Mr Hulls — On a point of order, Mr Acting Speaker — —

The ACTING SPEAKER (Mr Lupton) — Order! I am in the middle of asking the honourable member for Polwarth to explain something. I will call the Attorney-General afterwards. The honourable member for Polwarth, explaining a matter!

Mr Hulls — A point of order can be taken any time.

The ACTING SPEAKER (Mr Lupton) — Order! It will be taken when I am finished. The Attorney-General is not sitting in the chair!

Mr Mulder — On the point of order, I simply interjected, raising the issue that it was a matter of solving a crime, to which the honourable member said, 'Shut your mouth'.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Mildura has been asked to withdraw those particular words. Will he withdraw?

Mr SAVAGE — The words were, 'I suggest you keep your mouth shut'. I am prepared to withdraw that, but not the words that were put forward by the honourable member for Polwarth. He has got it wrong.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member has withdrawn. No further debate. I call the honourable member for Mildura.

Mr SAVAGE — The point I was trying to make was that any citizen who is asked by the police whether he or she has information about a crime that that person is not involved in is quite entitled to decline to be interviewed. A prisoner has the same right.

This amendment goes one level further, to a person being forcibly placed in a situation of being interviewed. That may have some merit, but I cannot see efficient law enforcement being enhanced by this provision. Prisoners are notoriously unreliable sources of information. The level of information that comes out of prison is abysmal, and to suggest that this provision will solve serious crime in the state of Victoria has a questionable basis.

We have come a long way on this bill, and the Attorney-General is to be congratulated that we have a bill at such speed in this house that gives the police the entitlement, if they have authority from a magistrate, to interview any prisoner about a crime the prisoner may be involved in. Surely that is a good step forward. With DNA testing it is imperative that they have that privilege and right.

The individual that this bill relates to is, I assume, Mr Dupas. He will be in prison for a long period, and will not be released between now and March next year.

It may surprise some members to know this, but in my previous experience I was the governor of the jail in Mildura. It is a 30-day jail, and on a number of occasions members of the police force wished to interview inmates. As things stand at present they cannot do that without a court order.

I cannot recall one occasion involving a person in custody in jail being sought for an interview about offences to which he or she was not related. That is a fictitious situation that has little basis in reality. We need to come back to the real issue, which is giving members of the police force the authority to interview serious criminals about offences committed in Victoria. That is a major change from the previous policy, and I

congratulate the government on it. Under the bill prisoners will be able to be interviewed about offences to which they are unrelated with the proviso that they will be able to refuse to be interviewed. I see no reason to change that. The issue is covered appropriately by the bill.

Mr McINTOSH (Kew) — I am pleased to support the general thrust of the Crimes (Questioning of Suspects) Bill, with the exception that I believe interviewing prisoners about crimes should not be limited to only those crimes that a prisoner is suspected of committing and should extend to all crimes about which a prisoner may have information.

The Attorney-General in his second-reading speech said that the police should have the power to properly and fully investigate crimes. A prisoner should be in exactly the same position as an ordinary citizen. Police now have the power to ask any citizen to answer questions relating to a particular crime, whether they are suspected of committing it or otherwise. The right to silence provides that any citizen is able to refuse to answer those questions. The bill does not have an impact on that right to silence.

Although I support the general thrust of the bill, the opposition believes the right of the police to interview criminals should be extended to include interviews about any serious offence and not just those offences that a prisoner is suspected of committing. I do not share the view of the honourable member for Mildura that the problem is fictitious. I have read and heard news reports on the issue and have consulted with a variety of people, and I believe the problem is real and concerns all sorts of law enforcement bodies, particularly the police.

The bill is testimony to the hard work opposition members have done in consulting with their communities. It is testimony to the hard yards the shadow Attorney-General has put in in consulting with the police and other organisations about the bill. It is also testimony to the way the honourable member for Sandringham has gone about consulting with those organisations. The Attorney-General has been dragged in screaming to the point the legislation is now at. The point of order he raised this morning during the contribution of the shadow Attorney-General indicated that he expected the debate on the issue to continue until next year.

Unlike the honourable member for Mildura, I adhere to the principle that justice delayed is justice denied. It is appropriate that the bill and the amendments be passed. The bill addresses an anomaly that exists under the Crimes Act whereby a prisoner is given a greater right to refuse to be interviewed than an ordinary citizen. That right is not the right to silence, and no-one is suggesting that the bill in any way impinges on that right. It addresses a particular provision in the Crimes Act that states that once application is made to a magistrate a prisoner must consent to a transfer so he or she can be investigated. That consent has been interpreted as being able to prevent a prisoner being placed in the custody of the police to answer questions. No-one is saying that the right to silence should be impinged upon.

The hard work and effort put in by the opposition is the reason honourable members are debating this bill. I refer to the recent comments of the Attorney-General. Firstly, he said there was no problem because the police could go before a magistrate and obtain an order for a prisoner to be interviewed. Then he took advice and realised there was a problem about the need to obtain the prisoner's consent. He then fished up the notion about the impact on the prisoner's right to silence. Everyone in the house understands that the bill does not deal with the right to silence but with the process of ensuring that so long as adequate protections and safeguards are in place to ensure that vulnerable members of the community are protected, which I am convinced is the case, in accordance with what the Attorney-General wants the police should have the power to fully investigate all crimes and other offences committed in Victoria and not just those crimes of which a prisoner is suspected of committing.

As I said, I support the general thrust of the bill. I also support the amendments proposed by the shadow Attorney-General, who is well versed and up to date on the issue. He has had more consultations with the community than has the Attorney-General, who with other government members has been dragged screaming to the point the legislation has reached. The bill is testimony to the hard work of the shadow Attorney-General, the honourable member for Sandringham and others. Most importantly, it addresses a real concern in the community and the opposition should support the general thrust of it. I am pleased to support the shadow Attorney-General's proposed amendments.

Mr WYNNE (Richmond) — I support the Crimes (Questioning of Suspects) Bill. The government will be opposing the amendments foreshadowed by the shadow Attorney-General.

By and large the house has taken a bipartisan approach to what is an important reform agenda led by the Attorney-General. The bill is the fortieth relating to the

Attorney-General's portfolio. However, with the Crimes (Questioning of Suspects) Bill the bipartisanship has broken down, despite the government willingly seeking to engage the shadow Attorney-General in discussions on the development of the bill and raise with him its concerns about his private member's bill, the provisions of which it believes are too wide and do not provide adequate checks, safeguards and balances.

The Crimes (Questioning of Suspects) Bill provides a proper balance by ensuring not only that the police will have the opportunity to question a suspect who is incarcerated or in custody but also that appropriate safeguards are in place to protect and preserve the prisoner's right to silence. That is the first fundamental aspect. Secondly, the bill places a person in custody in as close a position as possible to that of a person in the street. Thirdly, it will reduce the likelihood that any confessions or admissions obtained will subsequently be ruled inadmissible in later proceedings.

The Crimes Act gives police powers to question a person who is suspected of having committed an offence. The act puts various safeguards in place to ensure that the questioning is conducted fairly and lawfully, such as the right of a person detained for questioning to communicate with a friend, relative or legal adviser and, where relevant, an interpreter and consular office. Any fair-minded person would support those reasonable safeguards.

Under the existing law police may question a person held in a prison only if that person consents. The key objective of the bill is to apply the law equally to people in custody and to ordinary citizens who are not in custody. Under the bill a magistrate will be able to grant the police an order to question a person in custody, regardless of whether he or she consents.

The bill expands the categories of persons in custody who can be questioned by the police, including forensic patients or security patients within the meaning of the Mental Health Act, forensic residents or security residents within the meaning of the Intellectually Disabled Persons' Sentencing Act, and persons detained pursuant to a hospital order or hospital security order within the meaning of section 93 of the Sentencing Act.

The government has implemented important safeguards to ensure the bill is not abused in any way.

Evidence will be inadmissible unless the confession or admission is videorecorded. A person being held in custody will also be entitled to seek legal advice concerning an application by the police to question him or her. The government believes that safeguard is important. If the police seek to question a person about a serious offence, it is fundamental that that person should have the right to engage legal representation to be apprised of his or her rights. The court may order Victoria Legal Aid to provide that advice. Once that is provided, the court may make an order allowing the person to be questioned if it is satisfied that it is in the interests of justice to do so.

At the start of my contribution I signalled that the bill will not alter the right of a person to remain silent. That is consistent with the government's response to the final report of the Scrutiny of Acts and Regulations Committee's inquiry into the right to silence, which the Leader of the National Party referred to. The Parliament took a bipartisan approach to that issue, and as the shadow Attorney-General indicated, the fundamental right to remain silent must be maintained.

The government does not support the amendments foreshadowed by the honourable member for Berwick because they provide too wide a discretion to question people who may not in any way be connected to an offence in which the police may have an interest. The government believes it is appropriate for police to seek to question a person in custody if adequate checks and balances are in place. However, the police should not have an unfettered discretion to wander around seeking to collect information from cellmates or other people in the criminal justice system.

The legislation is tightly focused and will deal with serious offenders. There are appropriate checks and balances in the bill. I commend the Attorney-General on his work and his initiative. The police must have the opportunity to question people about serious offences, but with the appropriate checks, balances and safeguards in place — but fundamentally, Victorians have the right to silence. I commend the bill to the house.

Mr THOMPSON (Sandringham) — The purpose of the legislation is to give investigating officers the right to question people who may be serving sentences or being held in custody.

There would hardly be a member in this chamber who does not know a family that has been affected by a brutal attack, an assault or even a murder, where the outcome of that investigation remains unsolved. In the minds of many people there is no doubt that the introduction of the legislation may not lead to the resolution of such cases, but if there are a thousand

lines of inquiry to be undertaken by the Victoria Police then a thousand lines of inquiry must be undertaken.

Other honourable members want to contribute to the debate but the lack of time available means they will be unable to do so. The honourable member for Frankston has made the important points that families need to know and need to be able to grieve. The people of Frankston want all people in Victoria, irrespective of whether they are in custody or not, to have the same rights. The original bill introduced by the shadow Attorney-General was intended to achieve nothing other than that.

I refer to the words of a manager of a cemetery:

> My name is Gary Anderson … I am … the caretaker of the cemetery and I live … within the cemetery grounds.
>
> …
>
> In all the time I have worked at the cemetery, I have never seen a family so completely devastated and heartbroken over the loss of their child.

The family has visited the cemetery every day since their child was buried there. Mr Anderson continues:

> I would like to appeal to the public to come forward if they have any information (however small it may be) to help police with their investigation …
>
> … family deserve to have some of the torment that they are suffering taken away so that they can continue to grieve their loss. Let's all do whatever we can to help.

Family members of victims of crime spoke in a public forum at a memorial service held in Moorabbin. One person made the following remarks:

> On the same day that I lost my sister I lost my parents as well because they wedded themselves to the vow that they would never rest until their child's killer was found.

To the extent that the outstanding legal work undertaken by the honourable members for Berwick and Kew on this matter will balance the scales and advance the cause of justice then good work will have been done by the house on this day.

Mr STENSHOLT (Burwood) — I support the bill about which there has been significant community debate. This is a serious debate. I note first the policy of the government. It has promised and is delivering a tough stance on crime. The centrepiece is to deliver an extra 800 police, which is happening now. The government also has promised to deliver a fair and reformed justice system. That is already occurring. I note among other things the victims of crime legislation.

The government believes that the police should be able to properly and fully investigate crimes and interview suspects, including those in jail, provided appropriate safeguards are in place. The basis of that view is equality before the law, as well as the existence of a reasonable structure for protecting people, including inmates, from unlawful and unfair treatment. The bill removes the right of a prisoner to refuse to be interviewed by police over a matter in which he or she is a suspect. A range of other matters are covered, including the categories of people in custody and a number of other safeguards and extensions that the minister and the honourable member for Richmond have already covered. I will not go through them again.

This is good legislation and the key issue is the extent of the powers the police should have. Interviewing a prisoner on a possible indictable offence is reasonable where a prisoner is a suspect, but police should not be given the power to go on general fishing expeditions, including against young offenders, on any indictable matter.

The bill strikes a reasonable balance. It provides the police with the powers to interview prisoners who are suspects. It is much more comprehensive than the private member's bill on the same issue. I do not support the amendments to be proposed by the opposition. The bill is good legislation that strikes a fair balance. I commend it to the house.

Mrs FYFFE (Evelyn) — I am pleased to contribute to the debate. I thank the honourable member for Frankston, who has given up her place to me so that I can speak on the bill.

The honourable member for Berwick has worked extremely hard to bring the bill to the house, and it is good that the government has supported the basic thrust of it. A lot of work was done by the honourable members for Frankston, Sandringham and Kew to ensure the bill would be debated today. It is total rubbish to imply that it is an infringement of prisoners' rights for them to be asked questions about crimes they are not suspected of committing but about which they may have information that can help the police. The police must be able to ask questions of a prisoner who may have information that can assist them to solve crimes.

Prisoners are protected by being in prison but the majority of people who live in this state are not protected in the same way. The honest, decent people who go about their lives complying with the law, peacefully working and doing their duty while showing respect to their families and friends, are not accorded

the same protection. Those people form the majority of the population and they want laws to protect them.

The honourable member for Mildura talked about the time when he was a governor of a prison that often held 30 prisoners. He said no requests were made to question a prisoner about a crime that the prisoner was not suspected of committing but of which he might have had knowledge. Perhaps those requests did not come because the police knew they would not be able to question prisoners.

It is a pity that at times the debate has deteriorated and that government members have hurled interjections across the chamber at the opposition member speaking at the time. This is a serious bill. None of us can imagine what effect losing a child in an horrendous way has on the child's parents. It is difficult to sit here and listen to government members hurling insults when we are debating a bill that affects families in that way. We are here to pass laws that prevent crimes and to ensure that if horrendous crimes are committed the law operates to punish those who commit them.

My family has not had the sort of experience the house is discussing. The robbery or burglary of one's home is a shock, but to experience the senseless loss of a family member would be horrendous. I ask the Attorney-General to please accept the amendments for the sake of the family involved and all the other families who will be affected by horrendous crimes.

Mr HULLS (Attorney-General) — I thank all honourable members for their contributions to the debate on the bill. I hope the government's legislation has a speedy passage.

I will comment on some of the contributions and on the amendments. The government will not accept the amendments because they are fatally flawed. Amendment 2 amends clause 4 to limit certain offences to those people who are suspected of committing a serious offence. The definition of a serious offence under the legislation does not include many important indictable offences, such as burglary and the like.

As a result, under the amendments victims of burglaries would not have the offences investigated. The amendments have not been drafted carefully; they are inappropriate, and the government does not accept the philosophy behind them.

We believe the bill achieves the appropriate balance. As best we can, we have endeavoured to put prisoners in the same legal position as people on the street. As members ought to know, people on the street can refuse to allow the police to question them; they can walk away. Police can question a person only with that person's consent.

A prisoner can consent to be questioned by the police about any matter, not just a matter in which he or she is a suspect. As the shadow Attorney-General ought to know, under section 41 of the Corrections Act, with his or her consent the police can question a prisoner about any matter at all, just as police can question a person on the street.

The government has attempted to ensure that politics has been kept out of this important debate, and I welcome the fact that the opposition is keen to have the bill dealt with today.

The opposition introduced its own bill, a private member's bill, into the Legislative Council. After the bill was passed by that place and transmitted to the Legislative Assembly, the opposition adjourned the second-reading debate to ensure it could not be debated in the current session.

Opposition members interjecting.

Mr HULLS — The government has endeavoured to consult with the opposition as widely as possible. Indeed, if the opposition and the shadow Attorney-General acknowledged the number of times consultations on the bill have been — —

Opposition members interjecting.

Mr HULLS — Let us go through the facts, because it is important that the Victorian public understand that when the government and the opposition decide to work on legislation on a bipartisan basis, this can be the result.

I expect that all members of the house believe the passing of the bill is appropriate. Immediately after the government saw the opposition bill consultation took place, during which the government made clear its view — that the bill is fatally flawed.

The opposition agreed to work with the government on a bill that would meet the government's requirements. Consultation took place from 25 October. On 13 November a draft bill was forwarded to the shadow Attorney-General, and as I recall on that date a draft bill was also forwarded to the Leader of the National Party. So consultation on the bill has taken place. The government believes it is appropriate that politics be taken out of the debate, and it is pleased to have introduced the legislation into the house.

I signal a note of caution. It would be inappropriate if community expectations were raised about certain things happening as a consequence of the passing of the bill. All members agree that a person's right to remain silent is fundamental to the criminal justice system, and the bill does not alter that. I repeat: it is crucial that members of the house advise their constituents that certain outcomes will not necessarily result from the passing of the bill. False expectations would be raised if people thought a range of crimes would suddenly be resolved. That view would be incorrect.

I thank members for their support on the bill. The government believes it has the balance right. It will not support amendments that give police the wide-ranging discretion to go into jails on an unfettered basis and question prisoners about matters that do not relate to any crimes the police suspect they have been involved in.

The government will not support the amendments, because the bill has the balance right. I hope all members of the house will support the government's bill.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Dr DEAN (Berwick) — I move:

1. Clause 1, lines 5 and 6, omit "who are suspected of having committed an offence" and insert "in respect of certain offences".

This proposed amendment is at the heart of the whole process and, along with the following proposed amendment, concerns the description of a person who has committed an offence being removed and broadened so that police can ask questions with respect to certain offences.

The Attorney-General said earlier that the first two proposed amendments in my name were flawed. It is disappointing when an Attorney-General suggests to the house that an amendment produced by Eamonn Moran, who we all know and respect, is in some way deficient. I say to the Attorney-General that the day Eamonn Moran gets an amendment wrong will be the day I get into government — which could be at any moment! That will be a red-letter day.

The fact is that the Attorney-General has deliberately misled the house or he has not understood the amendment or simply tried to create confusion. I point out to the Attorney-General that had he read on to the end of the proposed amendment of clause 4 he would have seen the concluding words, which are:

> … other than an offence for which the person is being detained …

That makes it quite clear that the amendment refers to crimes other than the crime for which the person is being detained. I am sorry the Attorney-General felt he had to make that point. It is totally wrong. If he has any difficulties he should go and see Eamonn Moran, who will set him straight. If it is a contest between the Attorney-General and the parliamentary draughtsman as to who has got its right, I am afraid the Attorney-General will lose.

On the question of why the proposed legislation should be broadened to allow questions about other crimes, I note that the Attorney-General has not tabled the letter he received from Mr Comrie, the Chief Commissioner of Police, which is a shame. The Attorney-General, who spoke yesterday in the house about how open the government was, has decided to enter the debate on the bill while keeping the letter secret. It is a shame he did not table the letter for us all to see.

I understand the letter says, 'The proposals outlined below', which was the legislation introduced in the upper house, 'are in keeping with the philosophy of recent legislative developments such as the expansion of forensic procedures'.

There Mr Comrie is referring to the fact that the government has already agreed to DNA procedures whereby a prisoner can be taken from his cell and, even if he refuses, can be held down on a bench or a table and have part of his body removed for a DNA sample, yet apparently shies away from the idea of the same prisoner being put into a comfortable chair and, under close scrutiny and proper procedures and with his lawyer by his side, being asked questions he may or may not answer. That is the height of hypocrisy and stupidity.

Honourable members heard from the honourable member for Mildura that based on his experience with the Mildura lockup the proposed amendments would not have much effect. I am informed Mr Comrie's letter goes on to say, 'The expansion of the forensic power provisions promote community confidence in the criminal justice system and the perception of public safety through the protection of offenders. It is not uncommon for police attempts to interview a person in

custody to be frustrated by that person's refusal to consent to such an interview'. So the chief commissioner seems to think it is a good idea that the original proposal continue.

I am informed the letter goes on to say, 'Accordingly, the Victorian Police advocate removing the requirement for a person to consent to the interview in the belief that this unreasonably hinders the investigation of serious crimes and that sufficient safeguards exist to protect the prisoner's rights'.

Here the commissioner appears to be in slight conflict with the honourable member for Mildura — but that is quite appropriate in this place. Let there be no doubt that the Chief Commissioner of Police believes the police should, with proper safeguards, be able to question people in relation to serious crimes.

Honourable members should not forget that the crimes we are talking about are serious crimes under section 3 of the Sentencing Act and include murder, rape, kidnapping, incest and interference with children. That is what the commissioner is talking about and what the honourable member for Mildura and the government have decided they will not allow prisoners to be questioned about.

I will not get into who emailed whom first or whether the bill Mr Birrell introduced in the other place was good or bad. I do not give two hoots about who was the good guy and who was the bad guy. I do not care about that, although I am sorry the Attorney-General found it necessary to get stuck into me about it. All I want is the provisions of the bill to be passed and the Independents and the government to change their minds about the amendment so the police can get on with solving crimes in this state, which is what the people of Victoria are entitled to expect.

Mr HULLS (Attorney-General) — The government does not support the amendment.

Mr Leigh interjected.

The CHAIRMAN — Order! The honourable member for Mordialloc!

Mr HULLS — The government repeats its desire to have the bill passed in its entirety. The government does not want to play politics with this piece of legislation. I understand that an appropriation message has to be obtained to allow the government's bill to get through today. Indeed, I have been advised that work is being done right now by the government and the Parliament to ensure that the appropriation message is signed and returned to the Parliament today. The government is very keen to get the legislation through.

Opposition members interjecting.

Mr HULLS — I will not take up the interjections, because it is a very important matter. It may be that there is simply a difference in philosophy between the government and the opposition on the amendments. The philosophical approach that the government takes and that I take as Attorney-General comes from my background as a criminal lawyer. I know how the legislation will work, and that is why I made the comments before about expectations.

The government is not prepared to accept an amendment that allows the police an unfettered discretion in questioning prisoners about crimes for which they are not even suspects.

I note that the shadow Attorney-General also quoted from a letter from the Chief Commissioner of Police. I do not have the letter in front of me, but my recollection is that the chief commissioner went on to make some comments about the right to silence and said that judges — —

Dr Dean interjected.

Mr HULLS — No, I am talking about a different issue. The chief commissioner went on to say that judges should be able to make comments in relation to a person's desire to exercise his or her right to silence at trial. He also made some comments about the ability to draw an adverse inference from a defendant's failure to indicate a defence at the time of an interview.

My recollection is that the Scrutiny of Acts and Regulations Committee, headed by the honourable member for Gippsland South, made some recommendations about that matter, and that is something the government is looking at. However, the government believes the amendments ought not be supported, and it will not be supporting them. The government believes its bill is appropriate and gets the balance right.

The goodwill that has been shown by honourable members who have contributed to the debate, including the shadow Attorney-General, has enabled a position of consensus in the main to be reached, and that is appropriate. However, the government believes the proposed amendments ought not be supported.

Committee divided on omission (members in favour vote no):

Ayes, 45

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

Noes, 41

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

Amendment negatived.

Dr DEAN (Berwick) — I understand that it will be necessary to get a message from the Governor relating to the funding of the legal aid provision, and I ask the Attorney-General to give an assurance that everything will be done to ensure that it is obtained today. The opposition can then give its assurance that it will not delay the debate on the other clauses.

Mr HULLS (Attorney-General) — I have already given that assurance and I am happy to give it again. The Lieutenant-Governor is being tracked down right now, and I am extremely hopeful that the appropriation message will be before the house shortly and certainly before Parliament rises.

Clause agreed to.

Progress reported.

POLICE REGULATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

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

That this bill be now read a second time.

This bill makes a series of miscellaneous amendments to the Police Regulation Act 1958.

One of the government's key election commitments was to establish a Police Appeals Board with the power to make binding determinations on promotion appeals and reviews of police discipline decisions. The board came into operation on 2 April this year.

The bill makes a series of refinements to the board's composition, procedures and powers.

Currently, three members are required to sit in cases involving reviews of dismissal or termination decisions. Difficulties may arise where one of the existing three members is unavailable through illness or holidays or needs to stand down due to some perceived bias, e.g., the member is related to the applicant. To address this potential problem, the bill allows for the appointment of more than two deputy chairpersons and empowers the chairperson to determine which three members (including at least one member who is a legal practitioner of five years standing) shall sit on a review of a termination or dismissal decision.

The bill also imposes a time limit of 10 days for the lodgment of a promotion appeal and 14 days for lodging an application to review a discipline or personnel-related decision, but gives the board the discretion to accept late lodgment in appropriate circumstances to avoid any injustice. Time limits are necessary to enable the appeal and review systems to function efficiently and avoid situations where appeals or applications are made a considerable time after the decision has been made and possibly implemented. The time limits in the bill are consistent with those contained in the current Police Regulations 1992. However, they may be beyond the regulation-making power in the act as they represent a restriction on

substantive rights and are made without explicit statutory authority. The question over the validity of the time limits in the regulations will be addressed by elevating them to the act.

The bill also permits the appeals board to close hearings to the public and order the suppression of evidence where it is in the public interest to do so. Such powers are necessary in limited circumstances, for example, to encourage witnesses to testify without fear of public disclosure, but should be used sparingly. The prospect of judicial review of a decision to close a hearing or suppress evidence will act as a disincentive to any overzealous use of these powers.

Another government election commitment was to require the Chief Commissioner of Police to consult the Director of Public Prosecutions before laying any disciplinary charges where the disciplinary investigation has revealed the possible commission of a criminal offence. The bill will narrow the range of offences on which such consultation is mandatory. This refinement is designed to ensure that there is a meaningful surveillance on the more serious possible offences without swamping the Office of Public Prosecutions with less serious summary, traffic or regulatory offences and causing inordinate delays in the police discipline system.

The bill also makes clear that nothing will preclude the Chief Commissioner of Police from seeking the Director of Public Prosecutions advice on offences not included in the schedule. In addition, the bill enables the deputy ombudsman to seek the Director of Public Prosecutions advice on whether or not criminal proceedings should be taken against a police member. This reform is significant in that it empowers the deputy ombudsman to act directly in cases where, following the review of an internal police investigation, the deputy ombudsman considers that a police decision not to consult the Director of Public Prosecutions was inappropriate.

The government is committed to ensuring that as many trained police members as possible are available for operational duties. One measure Victoria Police is implementing to deliver on this outcome is to use its public service staff in the management of non-core policing roles such as management of lost, abandoned or seized property at police stations. To facilitate this reform, the bill will enable the chief commissioner to authorise public servants to manage the disposal of unclaimed goods and chattels three months after coming into police possession.

The bill also clarifies that the power to make regulations prescribing fees for police services extends to services provided by public service staff within Victoria Police as well as police members. An example of such a service is the provision of criminal history checks.

Section 125 of the Police Regulation Act 1958 sets out a process for police members to apply to the Magistrates Court to resolve the ownership of goods in police possession. The provision applies to goods in police possession 'other than goods seized under a warrant to seize property'. Such warrants are issued under section 73 of the Magistrates' Court Act 1989; however, there has been some confusion in the community and among police members that the exclusion extends to goods seized under other types of warrants, such as search warrants. To remove this confusion and clarify the application of the provision, the bill amends section 125 to make it clear that the exclusion only relates to goods seized under section 73 warrants.

I commend this bill to the house.

Debate adjourned on motion of Mr WELLS (Wantirna).

Debate adjourned until Thursday, 7 December.

UNIVERSITY OF MELBOURNE LAND BILL

Second reading

Debate resumed from 2 November; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr PERTON (Doncaster) — The opposition is pleased that an initiative commenced and formulated during the term of the previous government has now come to fruition in the University of Melbourne Land Bill. The opposition is therefore pleased to support the bill. I find it odd and churlish that in the material circulated on Bio 21 the government makes no reference to the fact that the plans were conceived and commenced during the term of the previous Liberal government, particularly with the cooperation of the former Minister for Industry, Science and Technology, the Honourable Mark Birrell.

Bio 21 is a $400-million project, with approximately $50 million coming from Melbourne University — which, together with other organisations, initiated the proposal — and $50 million coming from the Victorian government. It is believed that approximately

$260 million will come from the private sector; and as all honourable members are aware, recently a $34 million philanthropic donation to help with the development of the project was made anonymously.

Bio 21 is either a dream or a nightmare, depending on whether one is an optimist or a pessimist. The dream is encompassed in a very good book by a Melbourne author.

The ACTING SPEAKER (Mrs Peulich) — Order! The honourable member for Doncaster is finding the conversations of a number of members who are standing a distraction. I ask honourable members to resume their seats.

Mr PERTON — In his book *The Last Mortal Generation*, Damien Broderick takes the development of the Bio 21 project to its extreme and suggests that, subject to death through accident, human beings may live forever or that certainly in a conceivable time the ordinary person may live a healthy and productive life to the age of 120 or 130 years. That would be an extraordinary development. Victoria can be part of creating that dream for mankind.

The nightmare is portrayed in the film *Gattica*, in which people are born with a genetic mix predetermined by agreement between their parents and the scientists preparing the foetus and the lives of those who are born naturally are predetermined by genetic testing.

These pessimistic views in relation to the negative aspects of genetic testing were discussed on today's *A.M.* radio program. Those considerations also involve the Health Records Bill that was read a second time this morning. In England it has become the subject of a strong political debate in relation to the use of genetic information by insurance companies. Insurance companies now wish to take genetic information into account in determining premiums and the allocation of insurance.

It can be seen that our genetics are going to be taken into account in commercial transactions. Quite probably genetic information is already being used in employment applications. It is not too fanciful to say that when people are being medically examined as part of job application processes there is no guarantee that genetic testing is not being done, and decisions relating to people's occupations may be determined by those results.

I remain a strong optimist for Victoria. As a society we must work in a bipartisan way to ensure that we embrace this change — and embrace biotechnology, entrance our young people at school and university and give them the opportunities to research and innovate in this area, draw ideas from outside Victoria and make Melbourne and its regions the place where people will come to work on the most exciting projects in the world.

And we have strong competitors. We are not a natural winner in this area. We have a strong history with a strong base of research institutes and companies working in this area, but compared in magnitude to a Boston or indeed a London we are a small player. What we have to dare to do, and what the government is doing, just as Mark Birrell did before this government, is dare to dream — that is, to work as a community to become the centre of biotechnology research, innovation and production.

I am not the only optimist in this area. In a major speech in April, President Clinton of the United States of America said:

> I believe the best is still out there. I believe that you have no idea where the information revolution, where the biotechnology revolution, and where the globalisation of not just commerce, but societies, are going to lead us. And the children in this audience can live in the most peaceful, prosperous, exciting time the world has ever known. But we have to make the right decisions.

With this bill we are making the right decision with a proposal to build an exciting development.

It is not just politicians and scientists who share this vision. Alan Greenspan, the chairman of the United States Federal Reserve Bank, recently had this to say about investment in biotechnology:

> Not all technologies, information or otherwise, however, increase productivity that is output per hour by reducing the inputs necessary to produce existing or related products. Some new technologies bring about new goods and services with above average value-added per work hour. The dramatic advances in biotechnology, for example, are significantly increasing a broad range of productivity-expanding efforts in areas from agriculture to medicine. Indeed, in our dynamic labour markets, the resources made redundant by better information are being drawn to the newer activities and newer products many never before contemplated. The recent biotech innovations are most especially of this type — particularly the remarkable breadth of medical and pharmacological product development.

This is exciting stuff! So much so that central bankers are drawn into this area and ordinary people cannot get enough of it, as can be seen in the magazines and newspapers such as *Time*, *Newsweek*, the *Age* and the *Herald Sun*. Almost every day and certainly every week there are exciting articles on breakthroughs in biotechnology that are devoured by a community that is hungry for this good news.

The proposal for Bio 21 was built by a group of people, with a strong involvement by Professor Suzanne Corey, head of the Walter and Eliza Hall Institute, and Professor Frank Larkins, deputy vice-chancellor — research, Melbourne University. In 1998, after having worked on the proposal in the university research environment, they approached the Honourable Mark Birrell, then Minister for Industry, Science and Technology, and outlined their embryonic concept for this biotechnology precinct of world standing.

Professors Corey and Larkins had not long before this been appointed to the Victorian government's science, engineering and technology task force. They were encouraged to refine those ideas, and they did so. The university was encouraged to apply for funding from the government for a feasibility study. The previous coalition government funded the consultants' report to the tune of 50 per cent, with the university paying the remaining 50 per cent, to turn this dream into a reality.

In 1999 the then coalition government established a $310-million fund for science, engineering and technology in the 1999 state budget — the largest allocation of funds for innovation ever made by any state government, not just in Australia but probably internationally. Part of the funds were to be allocated for the Bio 21 bid.

We lost the election last year and, as new governments are wont to do, the Labor government changed the name of the fund to the science, technology and innovation fund, and the Honourable John Brumby formally signed off on the grant. The land transfer at Melbourne University flows from this hard work and, as I indicated in my introductory statement, the Liberal Party is very pleased to see this taking place.

I shall not go through all of the material on the Bio 21 web site, but I invite members to visit it. The honourable member for Seymour is in the house with his laptop computer. I can tell him that there is a very good site which contains most of this information, and it is at www.bio21.org. It contains information about the roles of the various organisations. It contains also master plans and maps of the site, and anyone interested in the development of biotechnology, and particularly in this exciting development for Victoria, would be well served by going to the web site. It is well constructed and contains most of the information that people would be interested in.

The University of Melbourne estimates it currently spends about $45 million per year on medical research funding, $19 million of which is from the federal National Health and Medical Research Council.

Melbourne University has an outstanding track record, and I will just name some of the recent innovations associated with the university.

The bionic ear has brought hearing to more than 20 000 profoundly deaf children and adults, and was developed by a team led by university otolaryngologist Professor Graeme Clarke. Recaldent is a milk-based bioactive food ingredient that can remineralise teeth and bones. It is now added to chewing gum and toothpaste and was developed by Professor Eric Reynolds and his dental science team.

HIV vaccine research conducted by Dr Stephen Kent has won $4 million in funding from the United States National Institutes of Health to finetune potential vaccines for clinical trials.

Other innovations that have taken place in Victoria include the development of Relenza. This successful development of an internationally accepted treatment for influenza is said, on the Victorian government's web site, to be testimony to Victoria's strength in scientific and medical research, and again I would recommend to members a very good government web site at www.business.vic.gov.au/biotechnology, where the success stories are set out.

On the topic of in vitro fertilisation, every member of Parliament would know that IVF has had a strong impact not only on human but also animal reproduction. The research really commenced here in Melbourne and Victoria, and the world owes a great deal to Professor Carl Wood, Professor Alan Trounson and the Monash University IVF team.

This Bio 21 project, as I indicated, will build on a strong tradition of research in Victoria, and I will name some of the many research institutes working in this field: the Austin Research Institute, which is a world leader in developing vaccines for cancer, improving organ transplantation, and understanding the nature of inflammatory diseases; and the Australian Genome Research Facility, which supports genome research and genetic discovery across the entire biological spectrum.

The Baker Medical Research Institute focuses on cardiovascular research; the Bernard O'Brien Institute of Microsurgery undertakes clinical and experimental research in the field of reconstructive surgery; and the Biomolecular Research Institute aims to discover, synthesise and develop novel therapeutic compounds.

Other research centres include the Brain Imaging Research Institute; the Heart Research Centre; the Howard Florey Institute, which we all know carries out research into experimental physiology and medicine;

the Ludwig Institute for Cancer Research; the Macfarlane Burnet Centre for Medical Research; the Mental Health Research Institute; the Monash University Institute of Reproduction and Development; the Murdoch Children's Research Institute; the National Ageing Research Institute; the National Vision Research Institute of Australia; the Peter MacCallum Cancer Institute; the Prince Henry's Institute of Medical Research; the Royal Children's Hospital Research Institute; the Victorian Institute of Animal Science; and the Walter and Eliza Hall Institute of Medical Research.

In addition we should all be very proud of the fact that we have eight world-leading universities — Deakin University, La Trobe University, the University of Melbourne, Monash University, RMIT University, Swinburne University of Technology, the University of Ballarat, and Victoria University of Technology. We are very well served, and it is important that, as a community, we provide the facilities and investment to let people from those organisations work here.

We also need to provide them with appropriate budgets when they need to travel overseas. In February I took some leave and was flying in the United States when, by sheer coincidence, an Australian researcher who was researching Alzheimer's disease sat next to me on the plane. He was entranced by what he had discovered in the United States by way of a vaccine for Alzheimer's, which subsequently many honourable members would have read about in *Time* magazine. The researcher comes back to Australia filled with ideas and encouraged by cooperation, and stays in touch with overseas researchers by telephone, email, videoconference and sometimes, obviously, by physically being in the same room, and we must not forget that.

In building these facilities here we have to make it easy for Australian scientists to maintain their base here but also to work cooperatively internationally. My own interest is in broadband infrastructure, and I believe this must be a centre of excellence not only for biotechnology but also in the use of information technology (IT) and telecommunications. The community must ensure that high-speed telecommunications links at an affordable price are very much a part of this development.

As the price of telecommunications comes down our own work becomes globalised. Members of Parliament in Victoria will often be working on projects similar to those of our colleagues in the United States, Canada and Britain, and any contact involves the cost of telephone and Internet access calls. We understand the importance of these new communication devices in our own lives, particularly in the area of biotechnology, where huge amounts of data have to be sent across the Pacific Ocean. It needs to be available at an affordable price. I still think it is a great problem that Telstra, Optus and the other competitors have not yet driven down the price so that broadband access in Melbourne is as cheap as it is in San Francisco and other centres in the United States.

Dr Peter Carter, who used to work in the veterinary precinct in Parkville, has written to me. He said that this type of expenditure on research and development is very much needed in Australia. A young legal associate from a Melbourne law firm has raised a couple of questions about how the proposed development will impact on the residential amenity of the Parkville area. I know residents have been consulted, but there are movies about outbreaks of viruses, and it is not uncommon to have that theme explored on television or in the movies. People have a natural fear of such possibilities, and we have to be very transparent in indicating to the community that the highest security measures will be observed in relation to dangerous biological organisms. We have to give people belief in that safeguard.

Once in another country I stayed with friends who lived opposite a biotechnology institute, and I remember having that nagging little doubt in the back of my mind — 'What if? What if?'.

We must ensure that Parkville remains a great amenity for people who live and work at the university and in the city. The Carlton and Parkville communities have become a natural café society where people across many disciplines come together to share their ideas. To my mind the success of places like Palo Alto, San Francisco and Boston lies in the fact that they provide brilliant meeting places such as cafés, bars and restaurants. The Internet, the Web and email are important, but innovation often comes from conversations between people from different disciplines when ideas and skills are shared over wine, coffee or mineral water.

Just the other day the honourable member for Sandringham and I were in a factory in the western suburbs looking at new methods for dealing with waste in VISY Industries. We met an engineer who had been dealing with waste products in the paper-making process, who told us that he had by coincidence sat down with some people who deal with household waste and that their collaboration had led to an entirely new process that will benefit and enrich Victoria and create

new jobs. We must ensure that Parkville remains a congenial place to live and work.

Other correspondents on the bill have raised the question of whether the safety of biotechnology research will be guaranteed. The government must be involved in providing that guarantee; it cannot abrogate its responsibility to the university. The scientific approach sometimes advances the research without taking the views of the whole of society into account. If scientists took those views into account, research might be conducted in a different, more transparent way. As parliamentarians we must remain involved in and informed on what is going on in biotechnology research to ensure that it is conducted in a way that benefits the community as a whole. The scientific approach is valuable, but the way research is conducted must accord with society's ethics.

A few questions remain unanswered, which the parliamentary secretary may address in following me in the debate. For example, will the university have an unfettered power to grant licences to use the land? Will it be able to issue a licence to a commercial entity, and if so, on what basis? If that should happen, how will the state be reimbursed? Should the resulting income be considered as payment in lieu of future state grants? What are the financial reporting requirements to be imposed on the university? What consideration will be given to matters of commercial confidentiality? The issues raised by those questions will be ongoing. Both the government and the opposition must be conscious of the fact that the development needs to be transparent and in accord with the interests of the whole community.

The opposition supports the bill and the project, which commenced under the previous government and is supported by this government. It is something the community and members of Parliament can be proud of. Let us make Melbourne the world centre for biotechnology. Let people talk about Melbourne before they talk about Boston, London or the other world centres. Melbourne has the reputation: we are world leaders in treatments for influenza, in-vitro fertilisation, HIV studies and the bionic ear. Let the next generation of innovation come from Melbourne. We must ensure that every child in every classroom in Victoria — from primary school to secondary school — with a sympathy for the sciences believes when sitting for exams and thinking about careers that he or she can be an international leader in and champion of biotechnology.

Our children are encouraged to admire sporting heroes. Let us ensure that in classrooms in the state sector and in the private sector, which is supported by the state, that biotechnology heroes are given as much status as sporting heroes and that every young child believes he or she can be the scientist who saves humanity from a future scourge. I support the bill and wish it a speedy passage.

Mr KILGOUR (Shepparton) — It is with pleasure that I support the University of Melbourne Land Bill. I was pleased to hear the honourable member for Doncaster talk so eloquently of his excitement about the fabulous project that will be developed on the land that is the subject of the bill.

In 1909 the land at Parkville was granted jointly to the Minister for Agriculture and Melbourne University for the purposes of a school of veterinary science. In 1970 the Melbourne Veterinary School Lands Act was passed, which redefined the area of land to which the reservation and the Crown grant applied and extended its purposes to include the carrying out of veterinary research and other services by the Department of Agriculture.

All things move on and change. Since that time we have seen a change in veterinary research, and many veterinary studies have been moved to Werribee. The legislation now needs to be amended to change the purposes for which the land may be used. The bill extends the use of the land to provide for a new science and biotechnology education development. That necessitates the revocation of the existing reservation to provide for the granting of a new restricted Crown grant in favour of the University of Melbourne.

The National Party supports the legislation, which will see a wonderful research development on the reservation. Bio 21 is a $400 million investment in Victoria's future. The investment has been planned for many years. People have short memories, and I remind the honourable member for Doncaster that the project was commenced by the Liberal–National Party government; he left a couple of words out of his statement! The National Party was proud to be involved in the initial planning. The Honourable Mark Birrell in another place played a strategic role in ensuring that the right people came together to bring the project to fruition and subsequently produce the bill before the house.

When a development costs so much and many people from universities, hospitals and so on need to be brought together, something special is required to ensure that Victoria retains its tradition of involvement in biosciences for more than 100 years. Magnificent research has been undertaken in biosciences over many years. Nobel Prize winner Sir Macfarlane Burnet was

hailed internationally and his work recognised worldwide.

Victoria is the home of biotechnology in Australia. Its proven strengths, particularly in the medical and pharmaceutical sectors, are recognised worldwide. I will look further at those issues after the luncheon break.

Debate interrupted pursuant to sessional orders.

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

QUESTIONS WITHOUT NOTICE

Prisoners: right to silence

Dr NAPTHINE (Leader of the Opposition) — If Parliament passes the Crimes (Questioning of Suspects) Bill this session, will the Premier guarantee that it will be brought into operation so that the Victoria Police will have the power to interview Mr Peter Dupas before Christmas this year?

The SPEAKER — Order! I ask the Premier not to anticipate debate on the bill, which is currently before the Parliament.

Mr BRACKS (Premier) — It will go to the upper house for debate, and I cannot anticipate the outcome there. It is a hypothetical question that has been asked by — —

Honourable members interjecting.

Mr BRACKS — It is ridiculous to ask me to give a guarantee about the upper house. The upper house is controlled by the Liberal Party.

Honourable members interjecting.

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

Mr BRACKS — It is a hypothetical question. The answer is that if the bill is passed by the upper house it will receive royal assent as soon as practicable.

Electricity: supply

Mr LONEY (Geelong North) — Will the Premier inform the house of the latest action the government has taken to reduce the risk of interruption to Victoria's electricity supply over the coming summer months?

Mr BRACKS (Premier) — Following interruptions to supply last summer the government made it clear it would do everything possible to ensure there was more supply in the system — more demand management and therefore more megawatt capacity. I inform the house that as a result of the Victorian government's electricity initiatives, which have been worked on for some months, up to 200 megawatts of additional supply will be available during the peak summer period.

The National Electricity Market Managing Company has conservatively forecast more than 100 megawatts of demand-side initiatives and the government's own modelling has indicated that additional capacity would be as high as 200 megawatts. That represents a long-term increase in reserve capacity in this state of up to 40 per cent, which is significant.

The measures essentially involve some large-scale users reducing their electricity demands during peak times, which are otherwise known as demand-side initiatives. Importantly that has been achieved with no additional cost to electricity customers. That is a great achievement and I congratulate the Minister for Energy and Resources in the other place on the work she has undertaken in this area. The project team, which is headed up by the minister, is continuing to work with the market and the government is confident additional demand-side initiatives will be confirmed over and above the anticipated 200 megawatts.

The demand-management initiatives are being undertaken in conjunction with the government's continuing campaign to promote better and more efficient use of energy in the state through the Sustainable Energy Authority's Energy Smart Living campaign. I am sure many honourable members would have seen on television the advertising campaign about how to use electricity wiser by turning off lights and making sure there is not wastage. Although not essential for this initiative, that campaign will add to initiatives in the future.

I welcome the work of the Minister for Energy and Resources and the task force. The 200 megawatts of additional capacity will increase the long-term reserve capacity by up to 40 per cent. The government will ensure that every step is taken to ensure continuation of supply this summer.

Regional Infrastructure Development Fund

Mr RYAN (Leader of the National Party) — I refer the Minister for State and Regional Development to government promises to country Victorians through the Regional Infrastructure Development Fund. Given the Attorney-General's glowing praise yesterday for Labor's freedom of information performance, will the

minister explain why, except for sending me six of his press releases, he has flatly refused my request under freedom of information for even the most basic information to prove whether those promises are being honoured?

Mr BRUMBY (Minister for State and Regional Development) — I am happy to remind the honourable member that the Bracks government is putting into regional Victoria $170 million that the former government never put in, and that when that is added to what it is doing with country schools and country hospitals, the $120 million it is providing for black spots and the $550 million it is putting into country rail projects, it is the biggest single investment in regional Victoria that any government has ever made.

Ms Asher interjected.

Mr BRUMBY — I am telling you about it. Settle down.

The SPEAKER — Order! The minister will address his remarks through the Chair and not across the table.

Mr Leigh interjected.

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

Mr BRUMBY — Some information can be gained without applying for freedom of information requests. For example, if one looks at the capital works statement in this year's budget one finds that under the first Bracks government budget — —

Mr Ryan — On a point of order, Mr Speaker, on the question of relevance, quite obviously the minister is now debating rather than answering the question, which was directed to FOI issues. I ask you to have him return to the question.

The SPEAKER — Order! I am not prepared to uphold the point of order raised by the Leader of the National Party. It is the opinion of the Chair that the minister was beginning to answer the question when the point of order was taken.

Mr BRUMBY — I was about to explain to the Leader of the National Party that capital works provided to regional Victoria in the first Bracks government budget represented 45 per cent of all capital works in the state, whereas the last budget of the former government provided just 22 per cent of its funding to regional Victoria.

Honourable members interjecting.

The SPEAKER — Order! I ask the Minister for State and Regional Development to come back to answering the question, which was about FOI requests.

Mr BRUMBY — The point I am making is that the Leader of the National Party should not waste his time applying for FOI information when the information is publicly available. Numerous announcements have been made under the Regional Infrastructure Development Fund — for example, $4 million for dairy underpasses, $8 million for electricity — —

Honourable members interjecting.

Mr BRUMBY — This is the information the honourable member is seeking. It is publicly available information. I remind him of the $8 million for electricity upgrades and the $12 million in Geelong for improving the central activities district.

Mr Ryan — On a point of order, Mr Speaker, I reiterate the former point of order. The minister is clearly flouting your direction. The minister is debating the issue, and despite the instruction he is getting from the Attorney-General, who is the big bovver boy they bring out on these occasions — —

Mr Hulls — That is just outrageous!

The SPEAKER — Order! I ask the Attorney-General to show some restraint.

The Leader of the National Party has raised a point of order on the matter of whether the minister is debating the question. I am prepared to rule on that but I warn him, as I warned others yesterday, that he must not spoil his point of order by continuing to make points. I uphold the point of order. I ask the minister to cease debating the question and to come back to answering it.

Mr BRUMBY — I am saving the Leader of the National Party $20 a go and have saved him about $100 already! He has applied for information on the following programs funded by the government: saleyards in Gippsland East at Bairnsdale, and $3 million for the university in Hamilton in the electorate of the Leader of the Opposition, which is a great program.

As the Deputy Leader of the Opposition and the Leader of the National Party know, there is a process for making freedom of information applications and they are dealt with by the department, by the freedom of information officer — —

Opposition members interjecting.

The SPEAKER — Order! The Leader of the National Party!

Mr BRUMBY — As the Attorney-General advised yesterday, many more requests are being approved under the new government's legislation than were ever approved under the former Kennett government, which put the gag on every minister and every department. If you apply correctly, you will get the information; if you muck up your application, of course they will say no!

The SPEAKER — Order! I am not sure how many times the Chair must remind honourable members from all sides of the house, and on this occasion the Treasurer, that they must direct their remarks through the Chair and in the third person rather than across the table.

Health: funding

Mr LEIGHTON (Preston) — Will the Minister for Health inform the house of the latest action by the government to improve the physical and mental health of Victorians?

Mr THWAITES (Minister for Health) — Today I announce a $10 million package to fund hundreds of initiatives right around the state to help the physical and mental health of Victorians. The Minister for State and Regional Development has put extra funds into regional Victoria to build and grow this great state and the government is doing the same in the health area. In order to do that in partnership with the community the government is putting extra money into the primary care partnerships that bring together the great community providers throughout the state to provide better services.

The World Health Organisation has identified that depression will be the second-biggest health problem by 2020. The previous Premier recognised the same problem and I am sure he would support what the government is doing — that is, increasing counselling services throughout the state to assist people who suffer from depression, anxiety and other mental illnesses. Some $3 million of extra funding will be provided under the package for an extra 28 400 hours of counselling, which will reduce waiting times and make a real difference.

I will give some examples. The honourable member for Mitcham will be pleased that the Whitehorse Community Centre will receive some $45 100 for assessment and counselling. Colac Community Health Centre will receive some $41 000, and grants will increase the capacity of community health centres right around the state to intervene early and prevent ill health and depression before it arises. An extra $700 000 is being provided for 5000 hours of additional allied health care services. Last night the honourable member for Cranbourne raised the need for physiotherapy and other services, and the government will provide extra funding in that area. An extra $4.2 million will be provided to promote healthy lifestyles to ensure the development of disease can be prevented before it arises. For example, the Ballarat Community Health Centre will receive an extra $26 000 for allied health services, and Monash Link Community Health Centre will receive some $23 000.

The government believes it makes sense to invest in the additional funding in community health to prevent illness before it arises.

Schools: funding

Mr HONEYWOOD (Warrandyte) — I refer to a statement made today by the president of the primary principals association, Mr Lex Arthurson, warning that many more primary schools will need top-up funding than was originally estimated. I also refer to a statement by the president of the secondary schools principals association, Mr Ted Brierley, before going into today's crisis funding meeting arranged by the minister, that:

> Unless extra money is provided by the government there will be a major impasse.

Does the Minister for Education stand by her statement to the house yesterday that there is no extra money? In other words, is the minister telling the principals to go and eat cake?

Honourable members interjecting.

The SPEAKER — Order! The Chair did not hear the last part of the question. I ask the honourable member to do the Chair and the house the courtesy and repeat the latter part of his question.

Mr HONEYWOOD — Does the minister stand by her statement to the house yesterday that there is no extra money?

Ms DELAHUNTY (Minister for Education) — Yes, I stand by what I said to the principals last week, what I was saying to the principals this week and what the Director of Schools said in the circular to all 1631 schools last year — I mean last week! It has been a long week!

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Monbulk!

Ms DELAHUNTY — The negotiations are going extremely well, despite the fact that opposition members are desperately trying to cause a breakdown.

How do I know that? Well, we know the honourable member for South Barwon, for example, has been ringing around all the schools in his area asking how they are going and saying that surely they have some problems. And what has been the response? The principals are saying, 'Who is the member for South Barwon? We have not heard of him for six years!'.

The SPEAKER — Order! The Treasurer! The honourable member for Knox will cease interjecting and the house will come to order.

Preschools: funding

Ms GILLETT (Werribee) — I ask the Minister for Community Services to inform the house of the latest information concerning participation rates in Victorian preschools.

Ms CAMPBELL (Minister for Community Services) — One of the key planks of the Labor Party election platform was the provision of quality education services in Victoria. We have delivered on that, and we have delivered on preschool education.

Honourable members will recall that under the former Kennett government over $10 million was ripped out of preschools and their management was handed over to volunteer committees. Contrast that dark period of preschooling with the vibrant situation in preschools now under the Bracks government.

The government is committed to supporting the care and education of preschool children. In the last budget the government invested $8 million, made up of an additional $4 million for health care cardholders and another $4 million for per capita funding, and the results for children have been impressive. They have benefited from their increased participation. I am pleased to inform Parliament that not only have the percentages increased, a fact I provided to the house earlier in this sessional period, but the number of children now enrolled in preschools this year is the highest since 1996. That is in spite of the fact that there is a lower cohort of four-year-olds, so our figures are incredibly impressive. More children have attended preschool this year than in any year since 1996.

Not only did the former Kennett government leave a negative enrolment legacy, but the government also had to address the issue of the workload of the committees of management — an issue that many honourable members have raised. The workload of committees of management has been excessive, particularly in relation to payroll matters. Under the previous minister, now Leader of the Opposition — for as long as it lasts — payroll support was provided to only 9 out of 10 volunteer committees of management. No wonder committees of management were not able to cope!

Ms Asher interjected.

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

Ms CAMPBELL — I am pleased to inform the house that from next year every single volunteer committee of management in the state will have payroll support provided by the Bracks government. We believe every committee of management deserves the support of a payroll system, and will fund the committees to ensure that they have full payroll support.

Schools: funding

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to the emergency meeting held yesterday by over 70 — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Melton!

Mr HONEYWOOD — I refer to the emergency meeting held yesterday of over 70 special developmental school principals at which it was revealed that those schools for students with serious disabilities would be worse off than primary schools under the minister's funding formula, and to the department's offer yesterday to backtrack and rewrite the minister's formula. Will the minister now extend the commitment she made in the house to primary and secondary schools by promising that no special developmental school will be $1 worse off?

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Monbulk!

Ms DELAHUNTY (Minister for Education) — Here we go again with questions relating to formulas, commitments and revelations! The opposition has been keen on revelations, so let's talk about revelations.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The honourable member for Mornington!

An Opposition Member — Just answer the question.

Ms DELAHUNTY — He asked a question about revelations.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Warrandyte has asked his question and the opposition benches should allow the minister to answer it.

Ms DELAHUNTY — The honourable member raised a point about revelations and predicated his question on information I do not believe the house can trust. Yesterday he raised in the house his purported claim that the document was a released — —

Dr Napthine — On a point of order, Mr Speaker, the question was not asked about yesterday's question. It related to funding for special development schools. The minister should confine her answer to the question of funding for special development schools. It seems that the formula is a disaster for secondary schools — —

The SPEAKER — Order! I am not prepared to uphold the point of order raised by the Leader of the Opposition. The Chair has said on a number of occasions that it is intolerant of honourable members taking points of order and proceeding to make points in debate, as the Leader of the Opposition was doing.

I will use sessional order 10 to restore order to the house if honourable members continue to misuse the forms of the house.

Ms DELAHUNTY — The honourable member's question was based on a premise that information that had been revealed to him said certain things, which he asked me to respond to. The house cannot rely on the so-called revealed information referred to by the honourable member, because yesterday in this house he produced a document that he claimed was a confidential education department document. It clearly was not. If the house cannot rely — —

Dr Napthine — On a point of order, Mr Speaker, the minister is debating the issue. The question was about a meeting on special development schools that took place yesterday. There has been no argument from the minister about the meeting taking place. She should therefore answer the question — not answer yesterday's question!

The SPEAKER — Order! I do not uphold the point of order. I am of the opinion that the minister was answering the question and being relevant.

Ms DELAHUNTY — The honourable member based his question on a document he was waving around, which he said was a confidential document from the Department of Education, Employment and Training. That document is available on the Web. In fact, we downloaded the document 10 minutes ago!

Mr Honeywood — On a point of order, Mr Speaker, in case you have not noticed the minister has referred three times to yesterday's question about a briefing note from her department marked 'Confidential'. That has nothing to do with children with disabilities being in crisis over funding. The minister is debating the question.

The SPEAKER — Order! The Chair has said a number of times that it cannot direct a minister to answer a question in the way an honourable member may want it to be answered. I am of the opinion that the minister was not debating the question. The Chair will continue to hear the minister.

The Chair is not in a position and nor is it required to deliberate on the manner in which a minister is answering a question. It is entirely up to the minister as to how she chooses to answer the question, provided she remains relevant and does not debate it.

Ms DELAHUNTY — The premise of the question the honourable member asked yesterday was wrong; the premise of the question he asks today can hardly be trusted.

The way in which government has supported students with disabilities over seven of the past eight years is a pretty sad story. When Labor came to government, if there was any crisis — —

Honourable members interjecting.

Ms DELAHUNTY — They don't want to hear!

Mrs Peulich — On a point of order, Mr Speaker, standing order 93 states that:

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

The minister should make it clear whether or not this is a personal explanation for her inability to answer the question yesterday!

The SPEAKER — Order! I do not uphold the point of order. As the honourable member for Bentleigh knows, the standing order she read relates to members referring to debates that have occurred during the same session of Parliament.

Ms DELAHUNTY — The house knows that no school in the state matches the profile that had been entered on the document the opposition was waving around yesterday.

If students are concerned about disability support, they can be assured that the Bracks Labor government has already invested an extra $22 million in disability support services. That figure comprises $17 million to fill the black hole left by the previous government in the demand for disabilities, plus an additional $5 million.

The government is very happy to continue to talk to principals and any other groups in the education sector that are keen to ensure that Victoria has the best educational opportunities for our children.

Victorian Tourism Online

Mr LIM (Clayton) — I ask the Minister for Major Projects and Tourism to inform the house of the progress being made by the government in putting the Victorian tourism industry online.

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — I am pleased to be able to announce another good news story for Victoria that will enable the tourism industry to promote and grow its business.

The Victorian Tourism Online project is at a critical phase. Over the next few weeks Tourism Victoria will be sending out 18 000 prospectuses to every tourism-related business in Victoria, big and small, whether in country, regional or metropolitan Victoria.

The government is encouraging all businesses to list their products on www.visitvictoria.com, which is Victoria's new official tourism web site. All Tourism Victoria publications and promotions will now carry the domain name. Whether it be the two billboards on the Monash Freeway and Western Freeway promoting domestic tourism and the tourism page, the programs sponsored by Tourism Victoria, such as *Explore Victoria* on Channel 7, or our national or international marketing campaigns, they will all carry the new www.visitvictoria.com name.

A key focus of the project is to provide support for small and medium-sized enterprises. Victorian Tourism Online ensures that the online experience is available not only to large tourism businesses but also to the smaller ones. It is available not only to businesses in Melbourne but also to businesses in Mildura, Mallacoota, Mansfield and Maryborough. Large or small, all businesses have equal access. The initiative will grow tourism for Victoria and strengthen Victoria's tourism brand.

As an incentive for businesses to register, and as an introductory offer, the registration fee is only $110. That compares with the $550 registration fee the Australian Tourism Commission currently charges tourism businesses.

The site currently contains thousands of pages. It is planned to have 60 000 pages of photographs, stories and information about Victoria so that whether people are in Sydney or San Francisco they will have direct entry to all Victoria's tourism products through the one domain name.

Tourism is a growing business in the state, particularly country and regional Victoria. The facility is being supported by the government. It is an essential part of the growth of the tourism industry and provides a cost-effective option that expands marketing not only to Australia but the world. It offers one easy entry point — —

Opposition members interjecting.

Mr PANDAZOPOULOS — Opposition members are saying it is their idea. This is a Jekyll-and-Hyde opposition. At one moment opposition members support it, but at the next they do not.

I have been given a document that was handed out by the shadow minister at the Liberal state council meeting in Ballarat that criticises Tourism Online. The opposition cannot have it both ways: it either supports it or it does not. The shadow tourism minister is not relevant, and he certainly got it wrong!

Tourism Online is another good initiative. Not only is the government promoting a variety of Victorian tourist products in the English language, but in the new year people will also be able to read it in German, Japanese and Mandarin. Visitors from overseas and around Australia, together with locals who speak those languages, will have the same access. That is the way to grow business and tourism in Victoria. The government looks forward to joining the tourism industry online in supporting this initiative.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Doncaster and the Attorney-General!

Schools: funding

Mr HONEYWOOD (Warrandyte) — Will the Minister for Education assure the house that she will not claw back money from any school in order to fill the funding black hole in the hundreds of schools that are worse off as a result of the minister's flawed funding model?

Ms DELAHUNTY (Minister for Education) — The last question! The opposition could have congratulated the government on the education — —

Honourable members interjecting.

The SPEAKER — Order! The honourable members for Monbulk and Mornington! I warn the honourable member for Doncaster.

Ms DELAHUNTY — It could have been a question that asked for a run through of all the reforms that the government has made in education, including the teachers it has put back, the gag that has been lifted, the contracts that have been lifted, the government's investment in the middle years of schooling, retention rates and computers and information technology — but no, it is a question about funding.

I repeat once more: last week the government said —

Honourable members interjecting.

The SPEAKER — Order! I warn the Leader of the Opposition!

Ms DELAHUNTY — As was explained to schools and their principals, and as has been accepted by — —

Honourable members interjecting.

The SPEAKER — Order! The honourable members for Benambra and Sandringham are being disorderly.

Ms DELAHUNTY — The new funding model frees up substantial funds in the government's schools budget. No school will be worse off. The government has modelled the process, and the money is available within the Department of Employment, Education and Training. When it comes to the question, at least the premise has some basis.

In relation to the question asked of me before this, I have just been advised that the principals — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mornington!

Ms DELAHUNTY — The honourable member claimed there had been a special crisis meeting of the special schools. He was wrong — —

Mr Honeywood — I raise a point of order, Mr Speaker, on the issue of debating the question. The house has a clear rule about supplementary questions. The house is now hearing a supplementary answer on a previous question. If supplementary questions cannot be asked, I ask you to rule that supplementary answers cannot be given.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bentleigh!

I am not prepared to uphold the point of order at this time. However, I advise the minister that I will be listening intently to her answer and that she must not use the opportunity to answer a previous question.

Mr Honeywood — I raise a further point of order, Mr Speaker, on the issue of debating the question. The minister passed a document across the table that purports to be the document I provided yesterday. It is a different document — —

The SPEAKER — Order! There is no point of order. I remind honourable members that it is disorderly to pass things across the chamber.

Ms DELAHUNTY — Every premise of the opposition's question has been on funding. The government has made it plain, again and again, that the funding has been modelled by the Department of Education, Employment and Training, that $140 million extra is being put into schools — that is, a 3 per cent increase — and that as a result of the way we have freed up funds there is substantial money available to enable schools to deliver on this policy. Primary schools, secondary schools and special schools will be assured of their funding.

We know that the meeting yesterday was not an emergency special meeting. It was an annual meeting of principals — an annual meeting!

Honourable members interjecting.

The SPEAKER — Order! The house will come to order! I warn the honourable member for Narracan!

Ms DELAHUNTY — So craven and duplicitous are the members of the opposition that their questions are flawed. They are not interested in the truth about education. The government is very proud of its education reforms — —

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable members for Benambra and Frankston!

Ms DELAHUNTY — We hope that next year the questions are based on truth!

Eastern Freeway: extension

Mr ROBINSON (Mitcham) — Will the Minister for Transport inform the house of the community reaction to the government's announcement of the extension of the Eastern Freeway and the protection of the Mullum Mullum Creek valley?

Mr BATCHELOR (Minister for Transport) — Honourable members will be aware that last month the Premier and I announced that the government would incorporate a 1.5-kilometre tunnel as an integral component of the Eastern Freeway extension from Springvale Road to Ringwood. That solution was known as the community consultation option. It preserves the local environment and avoids the need to demolish houses outside the existing reservation.

It is called the community consultation option because that is how it was developed — by consulting with the community. It saved all the homes in Savaris Court, Donvale, which were at risk because the previous government had secretly developed a proposal that would have destroyed most of them. I presume the Kennett government planned to tell the residents in the affected streets of its secret plan only as it sent in the bulldozers.

I have had many letters and emails from residents of Savaris Court and other areas thanking the government for its decision and for entering into a consultative process. The role of the planning minister also received special attention in those communications.

I had the pleasure of attending a celebration barbecue with the Savaris Court residents a couple of Sundays ago.

Mr Ryan interjected.

Mr BATCHELOR — It was touching. They were pleased about and appreciative of the government's efforts. The reaction of local residents, community groups and environmental groups can best be summed up by an article in the *Maroondah Journal* of 24 October. The front page item is headed 'Tunnel of love'.

Honourable members interjecting.

Mr BATCHELOR — It would make Chef in *South Park* hum with delight, wouldn't it?

Notwithstanding this widespread community support, the honourable member for Doncaster has had the temerity to issue a press release, following our announcement and the resulting huge community support, calling for an inquiry into why the government conducted a community consultation process. It shows how far out of touch he is and indicates his ongoing support for the Kennett style of government. Is it any wonder they went into opposition?

As part of the community consultation process — —

Opposition members interjecting.

Mr BATCHELOR — Read it out? The 'Tunnel of love' article says:

> The state government's decision to extend the Eastern Freeway with a 1.5-kilometre — —

Ms Asher interjected.

Mr BATCHELOR — You told me to read out the article!

Ms Asher interjected.

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

Mr BATCHELOR — Do you know why the opposition does not want to hear about it? The article quotes information from the Royal Automobile Club of Victoria showing that 82 per cent of the residents in the Blackburn–Croydon transport corridor wanted a freeway extension. I thought opposition members would have known about the widespread community support.

I am disappointed with the criticism of the consultation process made by the honourable member for Doncaster. The government received in excess of 800 responses, most of which were detailed and considered. That is 800 or so responses more than the previous government would have considered before it secretly planned to demolish homes in Savaris Court.

The Eastern Freeway extension will deliver enormous benefits to motorists, local businesses and the freight industry.

Unlike the previous Kennett government, of which the honourable member for Doncaster was such an important part, the government will deliver transport infrastructure by consulting with the community, protecting the environment and maximising the benefits to Victoria.

The SPEAKER — Order! I call the honourable member for Mornington, on a point of order.

Mr Cooper — On a point of order, Mr Speaker, I draw your attention to the fact that when the Minister for Education was making her last contribution during question time she appeared to attempt to make a personal explanation and you correctly said that this was an inappropriate time to do that and you would be listening to her answer from that time on.

I draw your attention to the fact that some of your distinguished predecessors, particularly Speaker Delzoppo in 1993 and 1994, laid down the procedures for making a personal explanation — that is, that it should be done at change of business and should be done by approaching the Speaker in chambers.

I therefore inquire of you, Mr Speaker, given that the Minister for Education was clearly attempting to make a personal explanation, whether you will make time available to her today to facilitate that.

The SPEAKER — Order! I am prepared to rule on the point of order. I find there is no point of order. The previous rulings the honourable member for Mornington referred to set down precisely the circumstances to be followed should any honourable member wish to make a personal explanation.

UNIVERSITY OF MELBOURNE LAND BILL

Second reading

Debate resumed.

Mr KILGOUR (Shepparton) — Prior to the suspension of the sitting I was discussing Victoria's proud 100-year tradition in the biosciences. There is no doubt that Victoria is the right state and Melbourne the right city to host the bioscience program that is emerging because of the state's competitive advantage. Victoria is Australia's leading research location. Its competitive research base and culture of innovation are important for the type of research involved. Its researchers are prepared to dream, bring forward new ideas and adopt the collaborative approach that over the years has been evident between the various areas of research.

The Bio 21 Project is an exciting investment in the state's future because it marks a new era in biotechnology and demonstrates Victoria's commitment to building and sustaining a world-class biotechnology industry. The important thing about a collaborative approach is that it draws together the leading universities, research institutes, hospitals and industry — it is most important to bring industry into it — to capitalise on the state's world-class research and development capabilities. There is no doubt about the need for land to be provided in the Parkville precinct for this exciting development and the bill will allow Bio 21 to take its place in the area.

The founding partners of Bio 21, including the University of Melbourne, the Walter and Eliza Hall Institute of Medical Research and the Royal Melbourne Hospital, bring a tremendous amount of expertise and experience to the exciting development. The project will build on the existing biotechnology base and more than $400 million will be expended to bring it to fruition. The rest of Australia and the world will be looking to Melbourne when the project is completed because it will bring under its umbrella other biotechnology precincts, including Monash University. Melbourne's research centres will come together to ensure Victoria and Melbourne stay at the top of the research tree.

The project will put Melbourne and Australia on the global technology map. It will create a hub of research in one development and commercial activity that will be a magnet for highly skilled people and investors from around the world. Bio 21 will be sold around the world as something people need to be involved in and invest in to ensure that research continues. It will foster Australia's best research in an environment that will forge closer interaction between researchers. It will secure intellectual property rights for Australia and create value-added industries and jobs.

The project will also help to cultivate start-up enterprises that could give much to the world of bioscience over the rest of the century. The provision of land for the Bio 21 development will offer the world's leading research teams state-of-the-art facilities and major on-site clinical research trial capabilities. The availability of facilities to provide such clinical research

capabilities, including incubator technologies, laboratories and offices, is important if large overseas biotechnology and pharmaceutical companies are to invest in Australia.

Bio 21 will be working to solve problems associated with cancer, diabetes, genetic disorders, rheumatic diseases, infectious diseases, AIDS-related conditions, dental health, nutrition and neurological diseases. In the future the development will result in a greatly improved health focus for Victoria and Australia because it will capitalise on Victoria's recognised biomedical research strengths. Priority research will result in new diagnostics and the development of more effective drugs for overseas companies in particular as well as better prevention methods and better treatments. Nothing but good can come of Bio 21. Consequently nothing but good can come of the bill, which provides for the necessary land to be made available for the exciting project.

I congratulate Melbourne University and all those involved in Bio 21 for putting the project together. I look forward to seeing building commence in the not-too-distant future. When the project is completed Victoria will have one of the best research and science developments in the world. I wish the bill a speedy passage.

Mr HOWARD (Ballarat East) — The bill is simple and straightforward. It amends the reservation on land presently used by University of Melbourne. As previous speakers have said, it provides for a significant project to take place and demonstrates both the government's support for the developing biotechnology industry in this state and its determination to see Victoria and Melbourne stay at the forefront of world developments in biotechnology.

The Bio 21 project is based on what was formerly the site of the veterinary science facilities of the University of Melbourne, Parkville. It will be developed as soon as the land use reservation is changed as a result of this bill.

The government supports developments in biotechnology and recognises that this project has the potential to attract $31 million of new investment into Victoria annually over the next few years for biotechnology development. It will create 100 new jobs that will be directly involved in the project, and many more peripheral jobs will flow on from it. The project will be a source of value-added exports that will bring returns in the millions of dollars, which will be beneficial for the economy.

The biotechnology developments in a range of areas, including health, agriculture and natural resources, will provide great benefits. Advances in biotechnology will allow for developments in environmental protection such as pollution control, soil remediation and improved water treatment. Food processing can also benefit greatly from advances in biotechnology, as can various industrial applications — for example, energy production can benefit from further developments in biomass technology. As previous speakers have said, it is important that Victoria remain a world leader in biotechnology through conducting further research and ensuring that the opportunities for commercial development are ongoing.

The site of the project was formerly the site of the veterinary school of the University of Melbourne. It will change significantly as a result of the Bio 21 project. The change to the reservation of the land under the legislation will allow for the land to be used specifically for science and biotechnology purposes.

I commend everyone involved in the new development, including the people from the University of Melbourne and those working alongside them, on getting the development up and running. Much outstanding work in biotechnology has already been done by the University of Melbourne, including that done by the Howard Florey Institute of Experimental Physiology and Medicine, the Walter and Eliza Hall Institute of Medical Research, and other bodies associated with the University of Melbourne.

I refer to the issues raised by the shadow minister for conservation and environment concerning the safeguards that will be in place. The government will be ensuring that the safeguards will be at the highest level so that residents can be assured that they will be protected: there is no question about that. He also raised the issue of the university's right to license commercial operators to use the site. The government will be keeping a close eye on the commercial options and will support the ongoing development of the Bio 21 project and other biotechnology developments across Victoria.

Although the bill is simple and straightforward, it will provide excellent biotechnology opportunities for Victoria. It reflects the government's strong support for developing the opportunities for biotechnology, just as it supports many other economic and social opportunities for Victoria. I commend the bill to the house.

Dr NAPTHINE (Leader of the Opposition) — I say at the outset of my contribution to the debate on the

University of Melbourne Land Bill that the opposition can take pride in the Bio 21 project, because it is an initiative of the previous government. It came about as a result of the University of Melbourne approaching former Minister Birrell in 1998. He recognised the opportunities that would be created for the university and, indeed, for Victoria by developing that precinct to utilise the specialist skills and expertise within the university to advance biotechnology.

The previous government recognised the opportunities and provided 50 per cent of the funding to undertake a feasibility study to kick off the Bio 21 initiative. Further evidence of the previous government's involvement and commitment to the project is the fact that it contributed $310 million to what was then called the science, engineering and technology fund to assist in the development and promotion of the Bio 21 project. The fact that this government has chosen to rebadge that $310 million fund is an indictment of the insecurity of this government rather than a sign of its proper recognition of the initiative. This government should recognise the good work of the previous government, say 'Well done' and be prepared to work in a bipartisan way on the project rather than seeking to simply glamorise and take ownership of a project for which it was not responsible.

The Liberal Party supports Bio 21, which is a worthwhile project in which it has a great deal of ownership.

I will focus on the original use of the land and the need for its continuing use as a veterinary precinct. The opposition is concerned that the bill overlooks the fact that professional veterinary education must continue on the site, as was the intention of the Melbourne (Veterinary School) Lands Act.

After many years in recess the veterinary school at the University of Melbourne was re-established in 1963 with a government grant of $9 million in today's values and funds from a public appeal of $4 million in today's values. On examining my father's old cheque books after he died I found that he had been a donor to the appeal in the early 1960s. I hope that his money was well spent, as I subsequently attended the veterinary school he supported!

The veterinary science course is a five-year course, the first three of which are and will continue to be conducted on the Parkville site that is the subject of the bill. The site will also be occupied by the Bio 21 development, which is appropriate because biotechnology has been a core discipline of the veterinary curriculum for more than 100 years.

Veterinary schools were first established to educate veterinarians to control animal disease, particularly those that could be transmitted from domestic animals and wildlife to humans — the so-called zoonoses. Veterinarians have played an ongoing role in improving animal health, welfare and production and in reducing the risk of disease being spread from animals to man.

It is expected that the discoveries from the research conducted at Bio 21 will be incorporated into the curriculum to enable a world-class education in veterinary science to be delivered not only in Victoria but across Australia and the world. It will enable Australian veterinarians to be educated to control new and emerging diseases, as well as the traditional animal diseases.

Veterinary biotechnology research on the site to be reserved by the bill has in the past led to the eradication from Australia of bovine pleuropneumonia, bovine tuberculosis and bovine brucellosis. Vaccines against clostridial diseases in livestock were also produced from the work done on biotechnology research at the Parkville site in an area known as the veterinary research institute.

The University of Melbourne veterinary school has an excellent reputation for undergraduate education and research. Biotechnology research at the school has led to the development of vaccines to control herpes virus abortion in horses and mycoplasma respiratory disease in poultry. Those vaccines are now marketed worldwide and new diagnostic tests are being patented.

In partnership with the University of Melbourne veterinary research is currently being sponsored by Bioproperties (Australia) Pty Ltd, the Mareks Company Ltd, Eimeria Pty Ltd, Smart Drug Systems, Stem Cell Sciences, CSL Ltd, Racing Victoria, and Fort Dodge, an American home products corporation. The research at the veterinary school that is being sponsored by commercial companies is in addition to the basic and comprehensive research program conducted under the national competitive grants scheme.

The University of Melbourne veterinary school has a proud record of achievement in research and has an ongoing role both in its own right and in conjunction with many private companies. National and international benchmarking has shown that the school is a world leader in biotechnology research, and its inclusion in Bio 21 will further enhance its reputation.

It is important that the minister assure the house and the community that the veterinary science school will be incorporated into the Bio 21 development. The

development has much to offer people worldwide, and that will be assisted if the veterinary biotechnology research and development that takes place on the site is incorporated into the project. The veterinary school has a long connection with the land, which was designated for veterinary research and teaching.

As the use of the land is broadened it is important that its fundamental role in providing a significant part of the five-year veterinary course, particularly the second and third years, is not lost. I wish the bill and Bio 21 well. I hope the minister will give the house an assurance about the ongoing role of both the University of Melbourne's veterinary science course and the veterinary research and biotechnology program on the Parkville site.

Ms BEATTIE (Tullamarine) — It gives me pleasure to speak on the University of Melbourne Land Bill. The main purpose of the bill is to provide for the revocation of a reservation and a Crown grant relating to land at Parkville; the re-reservation and granting of a restricted Crown grant of that land to the University of Melbourne; and leasing and licensing powers over that land.

I concur with the statement by the Leader of the Opposition about the University of Melbourne's veterinary research facilities. It is nice that he referred to his alma mater, and it is good that he has something to go back to should the need arise!

The bill relates to the veterinary school site and Bio 21 development at Parkville, which is the cornerstone of the government's biotechnology strategic plan for Victoria. Bio 21 will place Victoria at the forefront of one of the world's fastest-growing industries. It will create 100 new jobs and a minimum of 5 to 10 new small businesses each year, and it will generate some $30 million in annual investment should the businesses remain in Victoria as well as substantial flow-ons of millions of dollars in high-value added exports.

As I said, the site is used as a veterinary science school, and the bill will enable the land to be used for the Bio 21 development and related purposes.

It is intended that the new reserved purpose will allow the University of Melbourne to use the land for a broad range of science and biotechnology education, research and development purposes. The bill grants the University of Melbourne the power to lease the land or any part of it, although the term should not exceed 25 years, for any purpose not inconsistent with and not detrimental to the reservation.

When the land was put aside for the University of Melbourne, the sorts of industries that Bio 21 will foster were not even dreamt about. The bill will allow for ancillary facilities including the construction of a privately operated car park on the site; the operation of appropriate commercial businesses such as a bookshop and a cafeteria; the provision of private sector legal and financial expertise relevant to biotechnology development; and the commercialisation of research outcomes.

Clause 16 will ensure that existing third-party interests in the land are unaffected, so we can rest assured that things that are happening there will continue. The bill is one of the first attempts to help make Victoria a world leader in biotechnology. Honourable members all know that Victoria will lead the way in one of the fastest-growing industries in the world. I commend the bill to the house.

Mr THOMPSON (Sandringham) — The opposition does not oppose the bill. It is germane to point out that the genesis of it occurred during the course of the last coalition government when Bio 21 was raised with the Honourable Mark Birrell, then Minister for Industry, Science and Technology, in 1998 by Professor Suzanne Corey, head of the Walter and Eliza Hall Institute, and Professor Frank Larkins, the deputy vice chancellor — research, who outlined their embryonic concept for a biotechnology precinct of world standing.

In recent times reference has been made by Dr Jim Clark to the significance that biotechnology will have within international environments. In a report in the *Australian Financial Review* of 28 July, Jim Clark, who is the only man who has started $3-billion biotechnology companies, noted:

> … biotech will leave IT and dot com firms looking like lemonade stands.
>
> Over the next 20 to 50 years there's going to be more revolution in biotech than in computer technology.

The article goes on to confirm my earlier remark that Jim Clark is the only man to have started three separate billion-dollar companies — Silicon Graphics, Netscape and Healtheon.

In Parliament House this week the CSIRO gave a briefing in which a number of significant remarks were made regarding the trends in the 21st century. It was guesstimated that there would be 9.5 billion people by the year 2050; five births and two deaths per second; one-third of countries will face water scarcity; 82 nations will be unable to feed their people; 38 per

cent of world farmlands will be degraded; and there will be significant conflicts over scarce resources. The 21st century will be regarded as the knowledge century. Key issues will be global security, food, water, health, education, and population, and sustainability will be an overriding theme.

The legislation will impact on the area of health, and it should be noted that Australia has broad natural advantages in a range of areas, including the development of sustainable food, land and water know-how; it is a leader in marine know-how, forestry, sustainable tourism and biomedicine, and in distance communication, education and health care. The foregoing remarks were essentially taken from an extract from a briefing given by Mr Julian Cribb, who is in charge of an important unit of CSIRO.

In general statistical terms it is important to note that Victoria is home to 63 of the 185 dedicated Australian biotechnology companies. It is home to 39 per cent of the Australian Stock Exchange listed dedicated biotechnology companies. Names that might be familiar to honourable members in terms of biotech development include Glaxo Wellcome, Nufarm, Axon Instruments, Alpharma, CSL, AMRAD, and Biota, to name a few.

One of the people who spoke in the side dining room on Monday was Dr Wayne Millen, the chief executive officer of Epitan Ltd. Australia has one of the highest incidences of skin cancer in the world. Epitan has developed a process that will minimise the development of skin cancer, resulting from research undertaken into the synthetic product or peptide known as Melanotan, which I understand is a small protein molecule similar in structure to that of other naturally occurring products, and it was discovered in the United States. That original research has been taken much further by research in Victoria. The company is proposing to gain greater capital through the share market in the near future.

By way of historical background I point out that the bill deals principally with the use of land and the transfer of its use from the original designated intention in 1909 of a veterinary school. The land has been re-reserved to be used for science and technology and biotechnology education, research and development purposes. When the first bill, which reserved the land as veterinary science land, was debated in 1909 it was noted that the area was originally part of land set aside in 1856. The land was owned by the City of Melbourne and was for the use and convenience of the inhabitants of the city as a hay, straw and horse market.

The legislation is, as I said earlier, supported by this side of the house. The contribution by the Honourable Mark Birrell and the former coalition government in supporting the development of the initiative needs to be strongly recognised.

The ACTING SPEAKER (Mr Richardson) — Order! I inform the house that at 3.20 p.m. the West Indies were all out for 82.

Mr LANGDON (Ivanhoe) — That is a hard act to follow! The bill relates to the veterinary school site of the University of Melbourne in Parkville and to the Bio 21 Parkville development. The bill will put Victoria at the forefront of the world's fastest-growing industries and create thousands of new jobs each year.

Who in this house could knock any proposal that will create a minimum of 5 to 10 new businesses annually; $30 million annual investment if the businesses remain in Victoria; 100 new jobs annually; and substantial flow-on jobs and millions of dollars in high value-added exports? It is a fantastic bill, and I support it entirely.

Mr WILSON (Bennettswood) — I welcome the opportunity to join the debate this afternoon on the University of Melbourne Land Bill. Essentially, the bill has three main purposes. Firstly, it revokes existing reservations for the purposes of the veterinary school land and re-reserves the land for a site for science and biotechnology education, research and development purposes. Secondly, it provides for a new restricted Crown grant in favour of the University of Melbourne, subject to use in accordance with the reserve purpose — namely, the Bio 21 project. Thirdly, it empowers the University of Melbourne to enter into agreements regarding the lease of the land for a period of up to 25 years.

The Liberal Party is pleased to support the bill. The Liberal Party hopes the passage of the bill will be a significant step in cementing Victoria's reputation as the home of biotechnology education, research, development, and innovation. The University of Melbourne has plans to develop the $400 million Bio 21 project on land in Parkville. Currently that land cannot be used for that purpose, and legislation is needed to allow this project to go ahead.

The Liberal Party supports the goal. Much has been said by the Bracks government about the Bio 21 project. One would be excused for thinking it was the bright idea of the Labor government, and in particular of Minister Brumby. Nothing could be further from the truth. In 1998 Bio 21 was raised with the former

Minister for Industry, Science and Technology, the Honourable Mark Birrell, by some of Victoria's most eminent scientists and researchers. Eminent Victorians such as Professor Suzanne Corey and Professor Frank Larkins were given the green light to proceed with the concept and encouraged to apply for Victorian government funding.

In the 1999–2000 state budget the coalition established a $310 million fund for science, engineering and technology. It was the largest single allocation of funding ever invested in research and development in Victoria. A media release dated 4 May 1999 issued by the former Premier and the former Minister for Industry, Science and Technology states:

> 'This massive funding allocation is about making Victoria, already Australia's smart state, even smarter', Mr Kennett said.
>
> … Mr Kennett said Investing in Innovation funding would be used to stimulate and support a diverse range of programs that would build relationships between government, business, and educational and research institutions so that ideas could be successfully developed and commercialised on-shore.

The bill is another important step in the program put in place by the previous government and embraced by the current government. I wish the bill a speedy passage.

Mr HELPER (Ripon) — It gives me a great deal of pleasure to speak in support of the University of Melbourne Land Bill. The bill provides for the creation of a biotechnology research and technology precinct, euphemistically known as Bio 21 — a $400 million development at the University of Melbourne site. It should be noted that the site was formerly occupied by the school of veterinary science and I welcome the opportunity to acknowledge the work done through the school, which has played a significant role in the state's agricultural development and industries. Given the lateness of the hour I will not take a lot of time. I have pleasure in wholeheartedly supporting the bill.

Mr PATERSON (South Barwon) — It is a pleasure to support the University of Melbourne Land Bill. The purpose of the bill is to revoke the existing reservation of the veterinary school land and re-reserve it as a site for science and biotechnology education, research and development. It provides for a new restricted Crown grant in favour of the University of Melbourne subject to its use in accordance with the reserved purpose — namely, Bio 21, an exciting project for Victoria. The bill empowers the University of Melbourne to enter into agreements regarding the use of the land for a period of up to 25 years.

It is a pleasure to support the bill for a good reason — the project was developed under the previous government. The Bio 21 project will act as a catalyst for research investment, business development and employment. Bio 21 was first raised with former Minister Birrell in 1998 by Professor Suzanne Corey and Professor Frank Larkins, who outlined their embryonic concept for a biotechnology precinct. It is worth noting it is expected the precinct will be of world standard. Professors Corey and Larkins had not long before been appointed to the previous Liberal government's state science, engineering and technology task force. The previous minister, Mr Birrell, approved fifty-fifty funding for the consultant's report in 1999, which began to bring the project to reality. The previous Liberal government then established the $310 million fund for science, engineering and technology in the 1999 state budget.

It appears that all Minister Brumby did was to rename the fund the Science, Technology and Innovation Fund and formally sign off on the grant. It is little wonder the opposition fully supports the bill, which was an initiative developed under the previous Liberal government.

Ms GARBUTT (Minister for Environment and Conservation) — I thank honourable members for their contributions. Support was forthcoming from across the house — from the honourable members for Shepparton, Ballarat West, Tullamarine, Sandringham, Ivanhoe, Bennettswood, Ripon and South Barwon. I thank those members for their contributions and enthusiastic support for the bill.

As honourable members have pointed out, the bill further facilitates the Bio 21 project at the University of Melbourne in Parkville. Bio 21 is a plan that will create a world-leading cluster of medical and scientific research institutes working in the biotechnology industry. It is a $400 million development to rehouse and co-locate research facilities into three clusters: the biomolecular science and biotechnology cluster, the medical research cluster and the clinical infomatics institute cluster.

It is an important and significant project for Victorians that will lead to significant economic growth and jobs. The government is proud and pleased to take these further steps through the bill to implement it.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

APPROPRIATION MESSAGE

Message read recommending appropriation for Crimes (Questioning of Suspects) Bill.

MAGISTRATES' COURT (INFRINGEMENTS) BILL

Second reading

Debate resumed from 26 October; motion of Mr HULLS (Attorney-General).

Dr DEAN (Berwick) — The Magistrates' Court (Infringements) Bill is directed towards what is colloquially known as the PERIN system. In earlier times I was never too sure what the acronym stood for, and I think most people still do not know, but it is penalty enforcement by registration of infringement notice. The system was brought in to try to overcome difficulties that arose when people were fined for offences that were not criminal offences, such as parking and speeding offences. Because no strenuous legal contest was involved — that is, the infringements were not crimes as such and did not carry the sorts of penalties that crimes do — people tended to do nothing about them. Some people who were not socially responsible and who incurred such penalties collected the notices and decorated their walls with them.

Prior to the PERIN system the recovery of fines involved issuing a summons on each matter and taking the defendant to the Magistrates Court. Inevitably the defendant would not turn up. There would be a hearing at which the prosecutor would set out the facts according to the police and the magistrate would make a decision. The decision would then have to be enforced through a warrant. That process was probably more expensive than the fines themselves and a better system was needed. The new system was the PERIN system.

The PERIN system is quite simple. If you are fined, you get a notice from the police saying you have breached rule X — 'You have been fined for breaking the speed limit', or whatever — and are required to pay whatever the penalty is. If the notice is ignored, within a certain time you get a reminder demand telling you that you must pay the amount and that if you do not a judgment will be entered against you and the Sheriff will be knocking on your door. If you still ignore the warning the matter goes to the court. There is no hearing — the matter actually goes before the registrar and only technically before a court. Once the registrar satisfies himself or herself that the appropriate warning notices have been given, the appropriate time limits have expired and there has been no response to the matter, a judgment is given and the documents stamped. An order of the court called an enforcement order is issued requiring that you pay a certain amount plus costs.

On the issuing of the enforcement order the Sheriff can take out and execute a warrant. The Sheriff goes to the address of the person who has been refusing to cooperate, makes sure it is the right person and asks whether he or she is going to pay the amount of the order plus costs. If the person refuses to pay, the Sheriff can take assets belonging to the person and sell them to cover the amount of the fine and costs. That is the streamlined process. A difficulty arises if there are not enough assets to cover the penalty owed.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING SPEAKER (Mr Richardson) — Order! It is my pleasure to welcome to the Parliament a delegation from the Jiangsu People's Congress, led by the Honourable Mr Cao Hongming, vice-chairperson of the standing committee of the congress. You are most welcome!

Honourable Members — Hear, hear!

MAGISTRATES' COURT (INFRINGEMENTS) BILL

Second reading

Debate resumed.

Dr DEAN (Berwick) — The difficulty was, what was the Sheriff to do? Under the order the Sheriff therefore effectively had to arrest the person and take him or her into custody, which occurred on a number of occasions. Luckily, under the act — I think it was the Sentencing Act, although it may have been the Corrections Act — in most cases those people were entitled to a community-based order (CBO), which meant they had to carry out some public work nominated by the court to cover their penalty, which I believe was worked out at — —

Mr Ryan — One day for every $100.

Dr DEAN — It was one day for every $100. I thank my friend the Leader of National Party, who obviously knows more about that than I do.

That was the way it was done. However, under the act certain people are not entitled to a CBO. They might have been people who had offended on other occasions or who had serious matters outstanding against them. Those people went straight to jail with no CBO. It was a matter of, 'Go to jail. Do not pass go. Do not collect $200. You are in jail'. The concern was always that those people — about 120 a year in Victoria — effectively went to jail without ever having seen a judge. That sort of thing tends to cause most lawyers some concern. If a person's freedoms are to be removed they should at least go before a judge.

Under the proposed amendment — an amendment with which the opposition agrees — those 120-odd people will in future go before a magistrate who will have certain powers in relation to them. Those powers will not be as great as they would have been had the person done the right thing in the first place by responding to the summons and going to court or paying the fine. You will still incur a detriment if you sit on your hands and end up before a magistrate.

The magistrate's powers will be restricted to two situations. Firstly, if the person has an intellectual disability the magistrate will be able to either dismiss the sentence completely or adjourn the matter for six months to have it and the person's mental state further investigated. Mental instability is not necessarily a permanent thing — there has to be a line in that, but I will not go there — and in that six-month period the person may regain his or her mental health and serve out the sentence as a consequence. There may be some incentive not to regain one's mental health in those circumstances.

Secondly, it will be up to magistrates to determine whether or not there are special or exceptional circumstances that would allow them to in some way alter prison sentences. Magistrates will be able to alter a prison sentence by up to two-thirds of the original sentence, but will have to be satisfied there are special circumstances for doing so.

Many would say that is all a bit unfair because some people may slip through the net, and they probably will. However, in the end a balance has to be struck between what is fair, what protects people's rights and what is an appropriate way for the judicial system to operate. By erring on the side of ensuring rights are protected and not infringing on them some people will get away with their offences, although I suspect that will not apply to many of the 120-odd people who are involved each year. The opposition agrees with that balance.

The bill provides for a number of other things which are not quite as central to the bill but which are nevertheless important. I will mention them quickly. Currently when Sheriff's officers attend at premises to satisfy themselves that a person has insufficient assets to cover penalties they effectively have to break into the premises if the person involved says, 'No, you are not coming in. I am locking the door'. The bill will relieve Sheriff's officers of the obligation to break into premises in those circumstances if they can satisfy the court that they have a reasonable belief that insufficient assets are held on the premises.

Sheriff's officers must ascertain that they are talking to the right person before they can act and must therefore ask the person for his or her name and for some identification. A person can simply say, 'I am not giving you my name. Forget it'. The bill will make it an offence to give a Sheriff a false name and address or not to give a name and address at all. Some of my very astute colleagues have suggested that that could lead to problems. However, a close examination of the act reveals that in the course of their duties Sheriff's officers must act reasonably, and if they are asked to identify themselves and give grounds for their belief that the person they are talking to is the person they are seeking, they must give that information.

Should a Sheriff's officer decide, 'Because today is Friday I will go and ask some people at the market what their names are, and if they do not tell me it will be an offence', the bill will provide some protection. Sheriff's officers who try to do such things will be acting outside their powers and in breach of the act. It is important that care is taken whenever mandatory powers such as that are given to officers, and I am pleased that my colleagues who raised that aspect with me were on the ball and that appropriate protection has been provided.

The act also allows PERIN system officials to obtain information from other agencies. It is important that that information is obtained pursuant to privacy provisions and is therefore obtained only for the purposes that come within the duties of the PERIN officials involved and cannot be used for any other purpose.

The bill also limits enforcement orders to five years. Currently, once an enforcement order is given it goes on forever, while a warrant that is issued under an enforcement order is valid for only five years. If, as is often the case, a warrant cannot be executed because the subject person simply cannot be found — has gone

off to Queensland or whatever — the warrant ceases to have effect but the enforcement order does not. Enforcement orders sit around forever without any chance of warrants issued under them being successful. Under the bill an enforcement order will also lapse after five years. However, if the subject person comes to light the order can be reinstated and the money obtained.

Finally, the Sheriff is given certain powers at roadblocks. Sheriff's officers often go to roadblocks where police are checking on car safety or other matters and check numberplates to see if any cars belong to individuals they are chasing for fines. If such a car is identified, currently they have to rely on the police to ask the driver to pull the car over and check it out because the Sheriff's officers do not have the power to do so. The bill gives them the power to do that in those limited circumstances.

The opposition supports the amendments, but as a final comment I pose the following questions.

First of all, is it that when the enforcement order lapses after five years — —

Mr Batchelor — 'Is it that'?

Dr DEAN — Is it what? That makes sense to me. Perhaps I should say 'is it the case'. I am happy to change the way in which I say — —

Mr Batchelor interjected.

Dr DEAN — I will put it in a different way. Is this scurrilous government attempting to pull the wool over our eyes by ensuring that unexecuted enforcement orders never get seen by the public because they disappear after five years? At the moment one can look at all the orders that have never been executed and say, 'That is bad. The government has not been executing enforcement orders'. Given the terms of the bill — and I will adopt the wording suggested by the Minister for Transport — is this scurrilous government attempting to hide — —

Government members interjecting.

Dr DEAN — I withdraw the word 'scurrilous'. Is it the case that members of the public will be unable to find out to what extent enforcement orders have been successful or unsuccessful? I ask the government to ensure that when annual reports are compiled the public is informed of how successful enforcement orders have been.

The term 'mental disorder' is not defined, so magistrates will be left to determine it. If the definition is too broad, the bill will not work, and if it is too narrow, the bill will not work either.

I am pleased to see that the offence of not giving one's name and address is considered to be an incursion into one's right to silence. The government has realised that there are some circumstances in which there has to be some give and take over a person's capacity not to answer questions.

In relation to the bill the house will be debating next, it ill behoves the government to say it will not allow prisoners to be asked questions while introducing a bill that says that it will be an offence for a person not to answer a question. That is an interesting scenario.

With those issues in mind, the opposition supports the bill. I hope the PERIN system will work better than it has. The changes are needed, and the opposition looks forward to watching the results.

Mr RYAN (Leader of the National Party) — The bill makes a series of changes, which I will work through, albeit briefly. Firstly, though, I will speak about the PERIN (penalty enforcement by registration of infringement notice) system, which has become integral to the working of the Victorian justice system. Since its introduction the PERIN system has over a number of years expanded to cover an increasing number of instances.

As a solicitor practicing in the courts, I saw many of those changes take effect. They accompanied other sensible changes in the administration of many laws, particularly in the road laws over the past 15 or 20 years — and in saying that, I am probably showing my age. I recall going to the Magistrates Court to represent people who had been charged with a variety of offences including speeding, alcohol-related misdemeanours, minor matters to do with deficiencies in the roadworthiness of motor vehicles, and offences of a social nature. In each instance there would be a formal court hearing. For example, a person charged with exceeding the 100-kilometre-an-hour speed limit would receive a court summons. Sometimes the defendant would appear with a solicitor, but often he or she would not appear and the solicitor would go along and appear on his or her behalf. The court system was clogged with a multitude of minor cases.

Gradually the way in which such matters are processed has changed. The introduction of alternative proceedings has shifted the onus onto those who are the subject of the charges to pay the on-the-spot fines or

dispute the charges and defend themselves if they wish. That avoids the necessity for court hearings in every case.

The PERIN system is integral to the way in which fines are administered and the justice system works. In the course of the departmental briefing on the bill, which as usual was conducted very well, I was advised that something like 2.3 million notices and 400 000 enforcement orders are issued annually and that 700 arrests are made and about 120 people are imprisoned each year.

The pivotal provision is clause 13, which establishes a new court hearing procedure for people arrested on penalty enforcement warrants. The notes to the clause say:

> Currently, continued default in paying an infringement penalty results in the execution of a penalty enforcement warrant against the defaulter. This warrant authorises the sheriff to seize and sell property to cover the amount of the infringement penalty plus prescribed costs. Where there is insufficient property to satisfy the outstanding amount, it permits sheriff's officers to arrest the defendant and take him or her into custody. The person is then imprisoned one day for every $100 (or part thereof) owing. The term of imprisonment is imposed automatically by the act rather than by the decision of a court.

Honourable members interjecting.

Mr RYAN — This contribution is passing with a yawn insofar as some members are concerned, and that is perfectly understandable so late in the day.

Instead of anybody having to be imprisoned without a court being the last point at which such an order is made, the system will be amended so that any term of imprisonment will result directly from the active intervention of a court. If the court deems it appropriate that a term of imprisonment be served, that will occur. If not, the court will have options available to it. This is a sensible approach, because there are vulnerable members in the community who are disadvantaged for one reason or another and who for any one of a vast array of reasons may not react appropriately to all the warnings that travel with the execution of the PERIN process and may find themselves imprisoned.

If there is a court that sits wedged between all the previous process and the ultimate step of imprisonment, the opportunity rests with the court to explore the totality of the circumstances and to decide, if it is appropriate, that the person concerned be imprisoned. From a National Party perspective, and as is the case with the totality of the bill, we support it.

The honourable member for Berwick has explored the other aspects of process dealing with the PERIN system and I do not intend to retrace it.

I pick up the good point about the five-year limit of penalty enforcement notices. I understand the synergy — with the expiration after five years of a warrant the intention is to tie the notice in with the period of the warrant; I understand the commonsense in that — but it will have a significant influence on issues surrounding outstanding PERIN fines that might be reflected in the public arena.

One of the problems the previous government grappled with for years was that many fines were outstanding for long periods. Over the years there has been consistently the difficulty from a sheer political perspective of having to recoup all the outstanding money. Clause 11 will provide that any amounts outstanding beyond five years will be written off, albeit with the right of the fine being reactivated in the event that the person who is the subject of the fine can be located, the warrant can be reactivated and the payment of the fine can be achieved. It is incumbent on the government to recognise in the debate that the operation of clause 11 will mean that the books will look much better than historically has been the case because of the operation of this provision.

I would be interested to know, if it were feasible to find out, how much money will be written off when this provision takes effect. I understand the figure to be tens of millions of dollars — it may be impossible at this juncture and at such short notice to determine it — but I ask the government to provide that information to the National Party in due course when there is more time to research it because we would be interested to see what the relevant figure is.

Clause 3 empowers the Sheriff to break and enter for the purpose of searching and seizing property when executing a penalty enforcement warrant. With that power come various constraints, and the Sheriff has to work within them. I am sure the Sheriff's office and its officers will exercise their powers accordingly.

Clause 4 empowers the Sheriff to require provision of name and address and also to temporarily restrain an individual where it is felt appropriate to do so. These are sensible provisions. It is not hard to envisage a scenario where a car is stopped at a breath-testing station and simultaneously a Sheriff's office raid is taking place — as happens occasionally in parts of Victoria where traffic is stopped to find people with outstanding fines and inquiries are conducted — and someone jumps out of a car and does a runner. Up until

now Sheriff's officers have not had the capacity to intervene in that case and have had to call on the police for assistance. The provision will enable the Sheriff's officers, acting with appropriate restraint and within the constraints applicable to their role in these activities, to overcome the deficiency in the present legislation.

Clause 5 enables the Sheriff, the PERIN court, contractors and subcontractors to request information that may assist in their enforcement activities. Again, that is to be exercised with appropriate restraint.

Clause 6 provides the Sheriff with the power to dispose of any unclaimed property which he has seized or which comes into his possession. That power is necessary to give practical effect to the capacity of the Sheriff to do his job. Indeed clause 6, which inserts proposed section 137A(2)(b), says that the Sheriff must send a notice to the owner of that property and that he:

> … may dispose of the property in any manner the sheriff considers appropriate if the property has not been retrieved three months after the date of the notice was given or sent.

Clause 7 says that the PERIN procedure may be used for certain commonwealth offences that apply under the laws of Victoria. The example given is that the Road Transport (Dangerous Goods) Act applies the provisions of the commonwealth Road Transport Reform (Dangerous Goods) Act. Again, for the sake of consistency it is sensible that the PERIN system apply across the board.

Clause 8 is important because it amends the act to facilitate payments by instalments, which will overcome the current deficiency. There is a reluctance on the part of agencies to accept payment by instalments because there is no capacity to collect the balance if a payer defaults. The difficulty will be overcome because the balance outstanding will be able to be registered as part of the PERIN process. It is hoped that, by logical extension, that will encourage offenders to pay their fines and those who receive the fines to participate in the schemes, safe in the knowledge that if the arrangements fall over for one reason or another they have not lost their right of enforcement through the PERIN system.

Clause 9 deals with applications for revocations of enforcement orders. Clause 10 allows the registrar of the PERIN court to revoke an enforcement order on his or her own initiative. That is styled to accommodate the situation where the registrar recognises that a defaulter is under some sort of disability or is not being appropriately represented by an advocate or that, using his discretion, revocation should occur. It is an extension of the basic principle of providing flexibility in the way laws can be enforced.

I have already dealt with clause 11. Clause 12 simply applies new clauses 10A, 14A and 14B to the penalty notice provisions in schedule 7. I have dealt with clause 13. Clause 14 provides for transitional arrangements. The explanatory memorandum recites that:

> The amendments made by the bill apply to infringement notices, enforcement orders and warrants issued to prior to the commencement of the bill.

That provides for the retrospective nature of the legislation in that anything issued within the five years leading up to the date of proclamation will remain on the books and anything before that will go off, with the possibility of being regenerated should the person liable for the payment be located. In that case, the warrant can be renewed and reactivated and the money can be collected. The point is that, because of the provision, a lot of money will go off the books and out of the public purse in an accrual sense. I look forward to the government clarifying the amount of money involved. Clauses 15, 16, 17 and 18 make consequential amendments.

The National Party supports the bill and wishes it speedy passage.

Mr WYNNE (Richmond) — I support the Magistrates' Court (Infringements) Bill. In doing so, I thank the Leader of the National Party and the honourable member for Berwick for their contributions to the debate and their bipartisan support for the initiative. The bill is a further important initiative of the Bracks government. It brings the tally of justice bills passed since the government was elected to 40 or 41. The Attorney-General has pursued a truly reforming agenda.

The continued defaulting on a PERIN fine results in the issuing of an enforcement warrant, which authorises the Sheriff to seize or sell all property to cover the amount. Obviously where there is insufficient property the defendant can be arrested and taken into custody. The same fine default is then assessed for the issuing of a community custodial permit, and if the person does not meet the criteria he or she can be imprisoned without a judicial hearing. Several such cases have been drawn to the attention of the community through the Jon Faine program on 3LO, as a result of which a strong case was mounted involving a person who had been incarcerated for a significant time for a failure to pay parking fines.

One day of imprisonment is served for every $100 or part thereof owing, and it is imposed automatically without any consideration of the personal circumstances of the individual. Obviously, the time may be served in the police cells at the Melbourne assessment prison or at another prison facility. Detention can obviously be extremely deleterious for young, impressionable men and women whose debt to society may be only the non-payment of a PERIN court infringement without an investigation of what is essentially a minor offence. Some circumstances have been brought to my attention where young and vulnerable people have ended up in the prison system. All honourable members would agree that such circumstances should be avoided at all costs — that is, prison should be the last recourse in the judicial process.

Fairness and justice are at issue here. All honourable members would agree that a case should be heard in court before a sentence of last resort — that is, imprisonment — is imposed. The Sentencing Act includes a procedure by which a person can be brought before a magistrate for sentencing if he or she has not paid an open court fine. That has not applied for the non-payment of PERIN court fines, which are issued for what would be agreed are the most minor offences. If a person who defaults on an open court fine has the safeguard of being brought before a magistrate for consideration before sentencing, surely someone who has defaulted on a parking fine should receive the same treatment.

The bill makes the necessary amendments to the act to provide for hearings for defaulters on parking fines who have not received CCP orders. It establishes whether imprisonment is a suitable sanction and requires the court to explore exceptional circumstances, which often arise in such cases. Honourable members have all heard of them through the media or through personal experience in our electorate offices. Those who fall into that category include people with mental illness, parents of young children, people who are drug or alcohol dependent and people with intellectual disabilities. The bill seeks to respond to the exceptional circumstances that might apply to a broad catchment of people.

As the Sheriff has the power to seize and sell the property of offenders to cover the costs of fines, those who do not have sufficient assets may find themselves in the prison system, so the bill addresses issues concerning the most disadvantaged members of our community. Often they are on fixed incomes — that is, pensions, benefits and so on.

The bill gives the registrar of the PERIN court the power to revoke an enforcement order and remit it to an open court for hearing, despite the defaulter not having made an application. Revocation under that provision may be appropriate for the most vulnerable fine defaulters, so their personal circumstances can be taken into account in developing the most appropriate sentencing option.

The instalment system for the payment of fines is terrific and goes to the heart of a system that is fair and equitable, particularly for those on low and fixed incomes who by the time they get into the PERIN court process may have a fine of $45 or $60 blow out to $150 or $200 given the various costs involved in the Sheriff's actions. That is a significant impost on anybody, but for a person on a fixed or low income a fine of $200 is a serious amount to have to find in one hit. Having the opportunity to pay by instalment is clearly a more equitable way of going forward.

The honourable member for Berwick raised the definition under the bill of mental disorder. It is clear there was extensive consultation by the Department of Justice with the Department of Human Services in developing the definition of both a mental disorder and an intellectual impairment. Those definitions accord with the relevant acts that are the responsibility of the minister. That should satisfy the concerns of the honourable member for Berwick.

Ms Campbell interjected.

Mr WYNNE — As the minister says by interjection, it shows there is excellent cross-portfolio collaboration.

On the question raised by the Leader of the National Party regarding the capacity to expunge fines after a period of five years, I do not have the capacity at this stage to indicate what is the in globo outstanding amount of fines within the PERIN system. As honourable members would recognise, the system has been in place for 14 years. However, on the advice of the departmental officers I can say that currently the Auditor-General reports on the PERIN system on an annual basis, and clearly when the new system is in place he will report on it on an annual basis and indicate in his report the likely impact of expunging fines that exceed the five-year time line. That should satisfy the concerns of the Leader of the National Party in a clear and transparent way.

The bill is important. People who are likely to receive a prison sentence have a fundamental right to go before a magistrate, to explain their circumstances, and for the

magistrate to be properly informed about the reasons that person does not have the capacity to pay outstanding fines under the PERIN system. This is an important government initiative. It is another reform of the Attorney-General's and I welcome the speedy passage of the bill.

Ms McCALL (Frankston) — The bill is all about crime and punishment, and it is appropriate as we approach the festive season that I begin with a quote from Gilbert and Sullivan's *Mikado:*

> My object all sublime
> I shall achieve in time
> To let the punishment fit the crime
> The punishment fit the crime.

The bill is precisely that — a recognition that the PERIN system does not necessarily always mean that the punishment is appropriate to the crime. I refer particularly to the use of community-based orders and the difficulties some individuals have in paying on-the-spot fines. The honourable member for Richmond raised that issue and referred to the introduction of instalments. As Christmas approaches and we all think about putting purchases on our credit cards the instalment system appears attractive.

According to the second-reading speech there is an anomaly under the PERIN court system whereby a defendant who is arrested for the non-payment of fines and is taken into custody does not have the opportunity to appear before a magistrate, whereas a person who does not pay a fine imposed by a court in other summary matters is brought before a magistrate to determine whether prison is appropriate. Clearly the punishment does not fit the crime if under the PERIN court system you can be summarily put into prison without any alternative being offered.

Community-based orders are used extensively under the PERIN court system. There is a problem in Frankston, with a large number of people currently covered by community-based orders. Some who have approached me have said that rather than finding the time to do the community-based orders under the right amount of supervision from people in the community they would welcome the opportunity to come to an agreement with a magistrate about the repayment of the punishment through an instalment system. I would argue therefore that they would probably welcome the changes in the bill.

The opposition has agreed to support the bill and the various concerns raised by both the Leader of the National Party and our wonderful shadow Attorney-General. May I say that he has had an excellent day in the chamber, and I commend him on his hard work. I acknowledge that the honourable member for Richmond began to respond on some of those issues and I welcome that response.

In conclusion, as we are approaching the time for Christmas felicitations I pass on to the chamber a short felicitation to the independent members of Parliament from Gilbert and Sullivan's *HMS Pinafore*:

> I always voted at my party's call.
> And never thought of thinking for myself at all.

I remind all in the chamber that it is our duty to think for ourselves. Merry Christmas!

Debate adjourned on motion of Ms OVERINGTON (Ballarat West).

Debate adjourned until later this day.

INFORMATION PRIVACY BILL

Council's amendment

Message from Council relating to following amendment considered:

Clause 19, page 23, after line 8 insert —

"( ) The Minister must ensure that a copy of an approved code of practice, or of an approved variation of an approved code of practice, is laid before each House of the Parliament on or before the 6th sitting day of that House after the day on which the notice of approval under sub-section (2) is published in the Government Gazette.

( ) An approved code or variation laid before Parliament may be disallowed by either House of the Parliament.

( ) An approved code or variation is disallowed if —

(a) a notice of a resolution to disallow is given in a House of the Parliament on or before the 18th sitting day of that House after the code or variation is laid before that House; and

(b) the resolution is passed by that House on or before the 12th sitting day of that House after the giving of the notice of the resolution.

( ) If a House of the Parliament is prorogued or the Legislative Assembly is dissolved —

(a) the prorogation or dissolution does not affect the power of the House to pass a resolution disallowing an approved code or variation; and

(b) the calculation of sitting days of the House is to be made as if there had been no prorogation or dissolution.

( ) If an approved code or variation is disallowed, the disallowance has the same effect as a revocation of the approval of the code or variation.".

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

That the amendment be disagreed with.

In explanation, the government has looked closely at the issue. It looked closely at it during the debate in this house when the amendment was moved by the honourable member for Doncaster, is aware of the debate in the other place and has looked closely again at the arguments for and against it. However, in the government's view there is an overwhelming case against accepting the amendment. It therefore does not support the opposition's amendment.

The government opposes the amendment for the same reasons that were expressed during the original debate on this bill in this house. It is on the following bases.

Firstly, the existing scrutiny mechanisms in the bill are sufficient to ensure that codes will have high privacy standards and will be made responsibly. In particular, clause 22 requires that codes are to be maintained on a register that is open to the public, and clause 23 gives the Governor in Council the power to revoke a code.

Secondly, the codes are required to have standards that are at least as strong as the default scheme in the bill. They must also be consistent with the objects of the bill and be developed with an appropriate level of consultation.

Thirdly, the current inquiry into the scrutiny of subordinate instruments by the Scrutiny of Acts and Regulations Committee will determine the balance to be applied in these cases. It is preferable not to amend the legislation until the committee's findings are known.

Fourthly, maximum flexibility is preserved in making codes where they are not subjected to parliamentary processes. Organisations may not wish their codes to be legalistic or overly prescriptive. Parliament may therefore not be the most appropriate forum for their review.

The fifth reason the government continues to oppose the amendment is because the Privacy Commissioner will be an expert in standards and compliance and will be in the best position to assess the suitability of codes of practice. The performance of the Privacy Commissioner is already subject to the scrutiny of Parliament through the reporting mechanisms in the bill.

The sixth reason is that the previous government considered this amendment but rejected it. The Data Protection Bill, which is similar to this bill, was introduced by the former Treasurer, who was also the Minister for Information Technology and Multimedia. That bill, which was allowed to lie on the table in the run-up to the election, did not contain a mechanism for the parliamentary disallowance of the codes — and I stress that point. If, as is claimed, the case for the amendment is strong now, surely it was strong then — yet the previous government did not countenance it. In other words, the cabinet and caucus of the former Kennett government did not believe it was a good process. This government has looked at it carefully and impartially and also does not believe it is a good process — in fact, it is an appalling process. To suggest that every code — —

Mr Perton interjected.

Mr BRUMBY — Here we go! I am trying to have a civilised debate — —

Mr Perton interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Doncaster should not interject across the table, and the minister should ignore interjections.

Mr BRUMBY — I am trying to ignore interjections, Mr Acting Speaker. The Liberal Party has two positions — the one it takes when in opposition and the one it takes when in government. The amendment did not get up under the previous government. The honourable member for Doncaster, who was the previous government's authority on multimedia and privacy matters, could not get the amendment up, but now he is in opposition he thinks it is a good idea. What does that say about him? It shows he cannot keep a single — —

Mr Perton — You are so arrogant it is unbelievable.

Mr Langdon — On a point of order, Mr Acting Speaker, the honourable member for Doncaster is using unparliamentary language. I ask him to withdraw.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Doncaster has been asked to withdraw the remarks.

Mr Perton — Although the request was not made by the minister, I withdraw any term that is considered unparliamentary.

Mr BRUMBY — On the point of order, Mr Acting Speaker, as you know the withdrawal has to be unconditional, and it was not.

Mr Perton — I withdraw.

Mr BRUMBY — I have noted the comments of Liberal members of Parliament during the Legislative Council debate. They also indicate that the opposition has two opinions on the matter. Opposition members in the other house pushed to extend the coverage of the Victorian bill to include the private sector, despite the fact that legislation currently before the federal Parliament attempts to establish a national code. I can only take that to mean one thing: the Liberal and National parties want to create two private sector privacy regimes. By inference, they would be happy for every other state to do the same thing.

I have read the debate, which shows that the opposition has not for 1 minute thought about the catastrophic, bureaucratic and red-tape nightmare that business and other agencies across Australia would experience in having two private sector information privacy regimes.

Mr Robinson interjected.

Mr BRUMBY — As the honourable member for Mitcham and the parliamentary secretary says, we could have seven regimes — a federal one, a Victorian one, a New South Wales one, a Queensland one, an ACT one and a Western Australian one. Where is the sense in that?

The government supports having a single national privacy scheme for the private sector. But in relation to the public sector, the government has introduced a bill that, as the honourable member for Doncaster knows, is based largely on legislation introduced by the previous government — which it said was good legislation. The two views of the opposition, and the invention of the amendment, have come right out of the night!

The amendment states that every time a code is laid down by the Privacy Commissioner it has to be scrutinised by Parliament before it is either allowed or disallowed. That is nonsense. Any code put up by an organisation has, firstly, to comply with the 10 principles, and secondly, to be endorsed by the Privacy Commissioner. It has to pass two tests. As a matter of public administration policy it is nonsense to say that every decision of a quasi-government agency or every regulation put in place by the Privacy Commissioner has to be rubber-stamped by the Parliament.

No wonder the private sector is confused and disturbed by the policies of the opposition, which not only wants the amendment to be accepted but, as appears from the debate in the upper house, wants the scope of the bill to be broadened to apply to the private sector. That would create a nightmare of conflicting state and federal privacy regimes.

The government does not accept that. As I said, the amendment was carefully examined in the first instance and carefully examined again when it was returned from the Legislative Council. Unlike the opposition, which had one position in government and another in opposition, the government is consistent and rejects the amendment.

I expect that, given the numbers in the house, the amendment will be rejected and the bill returned to the upper house. The government hopes the upper house will reconsider the matter. If there is one thing on which the honourable member for Doncaster and I agree, it is that the legislation should be introduced into Victoria. If the bill continues to go backwards and forwards between the upper and lower houses the legislation will be delayed.

Mr PERTON (Doncaster) — As the debate on the Information Privacy Bill has come on at 20 to 5, I will be brief. The opposition has put its case clearly both in this place and in the upper house. Although the government was not elected to power, it came to power based on its commitment to transparency and, if I remember the words correctly, to upgrading the status of Parliament. It also came to power as the result of agreeing to a charter that maintained that Parliament would be supreme.

A privacy code is not a commonly made instrument. In New Zealand, where a similar act has been in place for 10 years, only one code has been made. It is a significant matter when a public service agency has a privacy code that differs from the general principles of the legislation.

I should have thought that any member of the Labor Party would agree with the opposition that a significant legislative instrument should be subject to the scrutiny of and disallowance by Parliament. I served with Labor members on the Scrutiny of Acts and Regulations Committee and the Law Reform Committee. In every case Labor members expressed the same views as Liberal and National Party members — that is, that a significant piece of subordinate legislation should be subject to the scrutiny of Parliament — and the Information Privacy Bill is a significant piece of legislation.

Hearing the minister say, 'What nonsense to have a code subject to the scrutiny of Parliament', shows how far he has gone in the year since his government came to power. He is known as the secretive minister. He does not like the scrutiny of cabinet colleagues or backbenchers. I can see why he would not like parliamentary scrutiny in this case.

The minister talked about a reporting mechanism. Earlier today the honourable member for Malvern referred to reports that ministers should have tabled in the Parliament in October but failed to do so. Clearly there is no substitute for the scrutiny of the Parliament where subordinate instruments are concerned.

The minister went on to say, 'What will private sector organisations think?'. He gutted the bill introduced by the former Treasurer, Alan Stockdale, by taking out the private sector provisions so it referred only to government agencies. If the privacy obligations of public organisations are varied, it is appropriate that they be subject to the scrutiny of Parliament, because the process should be public.

Unlike the opposition, the minister does not regard the issue as serious. The Minister for Small Business in another place has recently violated the privacy of the people who were required to register under the Residential Tenancies Act. She used a list provided for other purposes in the course of sending out government public relations material, so there is no strong commitment to privacy on the other side of the house.

The federal government and other state governments were puzzled by the introduction of the bill by the Bracks government. The two federal parliamentary committees that are examining the federal bill are coming to the final wording of the principles. I should have thought it would be good for the Information Privacy Bill to come into force in the near future. However, as the minister said, 'It is appropriate that there be one set of national principles, so the principles in the Victorian act should accord with those in the other'. In any event, the former Kennett government had already applied the principles to its decisions. For example, the principles were included in the Melbourne City Link Bill as a matter of government practice.

It seems odd for the minister to say that the government had thoroughly considered the matter. I spoke to him for the first time about his attitude to the upper house amendment about four weeks ago, and he smugly replied, 'It is under active consideration'. I asked him again three weeks ago and he smugly replied, 'It is under active consideration'. I telephoned his office a week ago, and at 7 o'clock on Friday night — I suspect in the hope that he would not get me — the minister's adviser rang and said, 'The minister will be making up his mind on Monday'. The opposition was not aware of the government's attitude to the amendment until the minister walked into the chamber.

He is treating the Parliament and the legislative process with contempt. The opposition stands by the amendment made in the upper house.

Mr ROBINSON (Mitcham) — I should have thought that in dealing with the amendment it was incumbent on the opposition to make out a case to convince the government of its merit. The amendment was inappropriate when it was raised in the debate in this house, and is inappropriate now that the bill has been returned from the upper house.

Simply put, the opposition has failed to make out its case, for a number of reasons. The minister has gone over those reasons in some detail. Perhaps I can add my own feelings. The foremost concern I have is that what the opposition presents in the form of an amendment is a process that would, to some significant extent, undermine the role of the Privacy Commissioner. The bill establishes the office of the Privacy Commissioner and gives that office wide-ranging powers. That is something about which there has been no disagreement. However, it goes on to say that the Privacy Commissioner, with the powers that that office will have, once having approved and registered codes, can have those codes disapproved by the Parliament.

That reminds me of one other example in the recent past when the Parliament was brought in to usurp the role of another well-known watchdog, the Auditor-General. On the one hand the government of the day said it would improve and strengthen the role of the Auditor-General but put a tighter rein on that office. It cannot be done both ways. The government cannot support the role of a strong watchdog in the form of the Privacy Commissioner and then reserve the right to undermine the judgments of that individual. That is a serious issue that I do not believe has been adequately addressed by the opposition, either when the bill was introduced or in the weeks following its introduction.

The opposition also seems to have overlooked that the bill in its current form provides the opportunity for individuals and organisations to question the validity and appropriateness of privacy codes that are presented, approved and registered by the Privacy Commissioner. Those powers are subject to clause 23. It is not a question of saying that the opposition's amendments are important because it is the only way in which some scrutiny can be applied to codes that are presented,

approved and registered. That is not the case. That opportunity already exists and is one of the reasons on which the government has based its decision not to accept the opposition's amendments. The opposition in that instance has failed to make out the case.

A third point is that the opposition has been invited already — and this came up during the debate in the upper house and the debate in this place — to present its views on the matter, to push for its amendments as part of the parliamentary Scrutiny of Acts and Regulations Committee's inquiry into subordinate instruments. I am currently a member the Scrutiny of Acts and Regulations Committee and, as the honourable member for Doncaster indicated, he also was a member. It is probably the most active of the parliamentary committees. It currently has before it four inquiries, which is a good thing. One deals with privacy; another deals, as I have said, with subordinate instruments. I am not aware whether the opposition has at any time sought to make a submission to that committee about the need, as it sees it, to increase the number of subordinate instruments that are presented and laid before the Parliament for possible disallowance.

The honourable member for Doncaster is quite correct and would know that it is an ongoing issue for that committee. Many forms of subordinate instruments are not presented to the Parliament. Parliament could, if it wished, on any number of fronts determine and pass legislation requiring a whole range of subordinate instruments to come before the house. It is technically feasible, but technical feasibility does not have the same meaning as 'appropriate'. In every case it would not necessarily be appropriate. We could, for example, require every council by-law to be laid before this place, but I do not believe many honourable members would enjoy being smothered by the paperwork and the burden that would bring with it. What is often feasible is not always appropriate.

The honourable member for Doncaster attempted to make the point that the process has not been followed. I conclude simply by saying to the honourable member and other opposition members that it is up to them in each case to make out the case for adopting amendments. In this case they have failed to do so, and for that reason the amendments do not deserve support.

Mr STEGGALL (Swan Hill) — I refer the honourable member for Mitcham to his statement, using his words, that we did not make a case. The honourable member knows that a code of practice under the legislation in fact amends the act; it amends the principles laid down within the act covering the operation of information privacy. A department is able, under the act, to change the will of the Parliament by using the instrument of a code of practice. I suggest to the honourable member that that is why it is not unreasonable that that would come to Parliament. Any other change of legislation comes to Parliament in the proper way.

We have many uses for codes of practice. This legislature and others will use codes of practice in the future in more ways than we do today. We need to make sure that the scrutiny of those codes will, by practice, come to Parliament. The only way Parliament and members of Parliament can have a reasonable say — and it is not a big one, I might add — is by a code being tabled and picked up. Many documents are tabled in Parliament each week. As the minister and honourable members know, it is not often that they are picked up by honourable members and debated.

I suggest the case has been made out for the codes of practice to be put before Parliament when a department can literally change the rules of Parliament. The codes of practice are an instrument by which that happens. The least that should happen is that they come to Parliament, where any honourable member may pick them up and have them debated in either house.

Mr LEIGHTON (Preston) — The amendments are silly and needless. Frankly, in my 12 years here it is the wankiest set of amendments I have ever seen. Is the honourable member for Doncaster suggesting that Parliament should be able to review and overturn all the findings of the Ombudsman every time he tables a report? How about Supreme Court judges? The opposition certainly would not have contemplated doing that with the Auditor-General. The honourable member for Doncaster overlooks the fact that there is a strong Privacy Commissioner. I have examined the bill closely and I believe the Privacy Commissioner will be an independent statutory officer with teeth.

Mr Perton interjected.

Mr LEIGHTON — I wonder whether originally the honourable member for Doncaster, under the previous government, saw himself as another Chris Puplick, and whether he expected when the Kennett government returned he would be the Privacy Commissioner! Now he is stuck in opposition so he wants to hold the role of the Privacy Commissioner from the opposition benches. Legislation has to be made on sounder principles than that the honourable member for Doncaster should be acting as Chris Puplick inside or outside Parliament.

The honourable member for Doncaster again carried on about the bill not dealing with the private sector. He forgets that in between the Kennett government's original bill and our bill, a bill was introduced in the commonwealth Parliament that deals specifically with the private sector. The minister said that the honourable member for Doncaster had set up seven systems. The minister is wrong; it is actually eight, because the honourable member for Doncaster wants a Legislative Council system as well.

The point I conclude with is that both sides of the house support privacy legislation.

Generally I would say that the honourable member for Doncaster is a decent person. I have always considered him a wet. He has a genuine commitment to privacy law, and it would be unfortunate if he were responsible for denying Victorians access to important and ground-breaking legislation. It is up to the members of the Liberal Party in the Legislative Council to decide whether Victoria will have privacy legislation some time soon.

House divided on motion:

Ayes, 46

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

Noes, 41

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

Motion agreed to.

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

Debate interrupted pursuant to sessional orders.

The SPEAKER — Order! The allocated time set down in the government business program has now arrived. I am obliged to put all questions required.

PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 5, line 13, omit all words and expressions on this line.

2. Clause 5, line 14, after "owners" insert "(except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers".

3. Clause 5, line 17, after "covenant" insert "; and".

4. Clause 6, after line 8 insert —

   "; and

   (e) if the application is for a permit to allow the removal or variation of a registered restrictive covenant or if anything authorised by the permit would result in a breach of a registered restrictive covenant, be accompanied by —

   (i) information clearly identifying each allotment or lot benefited by the registered restrictive covenant; and

   (ii) any other information that is required by the regulations.".

5. Clause 7, lines 13 to 16, omit all words and expressions on these lines and insert —

   "(ca) to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of land benefited by a registered

restrictive covenant, if anything authorised by the permit would result in a breach of the covenant; and".

6. Clause 7, line 17, after "owners" insert "(except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers".

7. Clause 7, lines 21 to 25, omit all words and expressions on these lines and insert —

'(2) After section 52(1) of the Principal Act **insert** —

"(1AA) If an application is made for a permit to remove or vary a registered restrictive covenant or for a permit which would authorise anything which would result in a breach of a registered restrictive covenant, then unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of the application in a prescribed form —".'.

8. Clause 7, after line 30 insert —

'(3) In section 52(1A) of the Principal Act for "sub-section (1)" **substitute** "sub-sections (1) and (1AA)".'.

9. Clause 7, line 32 after "and (cb)" insert "and sub-section (1AA)".

10. Clause 7, page 4, after line 3 insert —

'(5) After section 53(1) of the Principal Act **insert** —

"(1A) The responsible authority may require the applicant to give the notice under section 52(1AA).

(1B) A requirement of the responsible authority to the applicant under sub-section (1) must be given in writing.".

(6) In section 53(4) of the Principal Act after "section 52(1)" **insert** "or 52(1AA)".

(7) In section 59 of the Principal Act —

(a) in sub-section (1)(a) after "section 52(1)" **insert** "or 52(1AA)";

(b) in sub-sections (2)(b) and (3)(b) for "section 52(1)" **substitute** "sections 52(1) and 52(1AA)".'.

11. Clause 8, lines 7 to 12, omit all words and expressions on these lines and insert —

"(1A) If the permit would allow the removal or variation of a registered restrictive covenant or if anything authorised by the permit would result in a breach of a registered restrictive covenant, an owner or occupier of any land benefited by the covenant is deemed to be a person affected by the grant of the permit".

12. Clause 9, lines 15 and 16 omit "allow a use or development" and insert "authorise anything".

13. Clause 10, lines 25 and 26, omit "allow a use or development" and insert "authorise anything".

14. Clause 11, lines 11 and 12, omit "allow a use or development" and insert "authorise anything".

15. Clause 11, line 19, omit "allow a use or development" and insert "authorise anything".

16. Clause 12, page 6, line 3, omit "allow a use or development" and insert "authorise anything".

17. Clause 13, after line 30 insert —

"; and

(d) if the application is for a permit to allow the removal or variation of a registered restrictive covenant or if the grant of the permit would authorise anything which would result in a breach of a registered restrictive covenant, be accompanied by —

(i) information clearly identifying each allotment or lot benefited by the registered restrictive covenant; and

(ii) any other information that is required by the regulations.".

18. Clause 14, lines 5 to 8, omit all words and expressions on these lines and insert —

"(g) to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of land benefited by a registered restrictive covenant, if —

(i) the amendment or the permit would allow the removal or variation of the covenant; or

(ii) anything authorised by the permit would result in a breach of the covenant.".

19. Clause 14, after line 28 insert —

'(5) In section 96M(4)(a) of the Principal Act for "section 96C(1)" **substitute** "section 96C".'.

20. Clause 15, lines 32 and 33, omit "allow a use or development" and insert "authorise anything".

21. Clause 115, page 8, lines 10 and 11, omit "allow a use or development" and insert "authorise anything".

22. Clause 16, line 24 omit "lodged" and insert "made".

23. Clause 16, line 29, omit "lodged" and insert "made".

24. Insert the following New Clause to follow Clause 5 —

'A. ***Adoption and approval of amendment***

(1) After section 29(2) of the Principal Act insert —

"(3) A planning authority must not adopt an amendment or part of an amendment that provides for the removal or variation of a registered restrictive covenant unless it is satisfied that the overriding public interest requires the removal or variation despite any detriment (including any perceived detriment) which an owner or occupier of any land benefited by the covenant may suffer as a consequence of the removal or variation.".

(2) After section 35(4) of the Principal Act insert —

"(5) The Minister must not approve an amendment or part that provides for the removal or variation of a registered restrictive covenant unless the Minister is satisfied that the overriding public interest requires the removal or variation despite any detriment (including any perceived detriment) which an owner or occupier of any land benefited by the covenant may suffer as a consequence of the removal or variation.".'.

The SPEAKER — Order! The question is:

That the amendments be now read a second time, amendments nos 1 to 23 be agreed to, amendment 24 be disagreed with, and the bill be returned to the Legislative Council with a message acquainting them accordingly.

Question agreed to.

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

Mr Clark — On a point of order, Mr Speaker, for the information of honourable members who are not familiar with the bill I point out that it has been transmitted from the Legislative Council and contains 24 amendments recommended by that house. A question has been put to the house to give effect to the government's wishes — namely, to agree to 23 of the amendments and disagree with the 24th.

The position of the opposition, and I believe also of the National Party, was to support all 24 amendments. The way the question has been put to the house has made it impossible for the opposition and the National Party to express a view to the house in accordance with their wishes, because we must vote either for or against the combined motion.

It was not in order for the house to take a point of order during the course of the guillotine, and therefore it is now too late to address it in the case of this issue. What I submit to you, Mr Speaker, and request you to take on board for future consideration, is both the inherent injustice of the way the guillotine has operated — —

Honourable members interjecting.

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

Mr Clark — Further I submit to you, Mr Speaker, that in accordance with sessional order 6(7)(b) the question to be put to the house in terms of including the amendments, new clauses and schedules decided by the government — which, I believe, what has been put to us would include — applies only when copies of such amendments, new clauses and schedules have been circulated in the house pursuant to paragraph (5).

I draw your attention the fact that the motion as you put it, Sir, has not at any stage been circulated in the house, in the form of amendments or otherwise, and the only formal notice received by the opposition, the National Party and, I would assume, Independent members was when you put the question to the house a few minutes ago. I put it to you, Mr Speaker, that that is a most unsatisfactory situation and one that I would ask you to address for the future.

Mr Thwaites — On the point of order, Honourable Speaker, you have done exactly what the standing orders require — that is, put the bill in a combined question.

The honourable member for Box Hill has raised the desire of honourable members opposite to speak or vote on particular clauses, and that desire could have been accommodated. I was here ready to proceed with a discussion of the matter. The government indicated that if the opposition insisted on a division on the last matter the government would not be able to do it. We also asked government members to keep their contributions short. The honourable member for Swan Hill got up at the last minute.

An opposition member interjected.

Mr Thwaites — The matter would have been discussed. He kept his contribution short. The point is that opposition members are the ones seeking to discuss the matter but they have prevented discussion by their conduct.

The SPEAKER — Order! The honourable member for Sandringham! I have heard sufficient on the point of order to rule on it. I do not uphold the point of order. The Chair believes that sessional order 6(8) covers such a matter. It reads:

After the house has concluded the proceedings under paragraph (6) or (7), in the case of each remaining specified bill or item of government business, the Chair shall:

(a) in the case of a bill, put in combined question, as required, the questions necessary for the passage of the bill through the house and transmission to the Legislative Council (including any amendments and new clauses and schedules desired by the government which have been circulated pursuant to paragraph (5)), the committee stage being dispensed with …

Mr McArthur — My further point of order, Mr Speaker, relates to the broader duty of the Chair to the members of the house outside the specifications and requirements of the sessional orders you have just quoted. I believe in this case the Chair has probably complied with the specific requirements of sessional orders, but the issue I wish to raise with you — —

The SPEAKER — Order! Did the honourable member comment that the Chair had complied or that he had not complied?

Mr McArthur — I said I believed the Chair has, in putting the question, probably complied with the requirements of that sessional order.

However, the issue I raise with you, Mr Speaker, is the broader responsibility of the Chair and the house to give all members of the house, regardless of their political affiliations or persuasions, the opportunity to express an opinion on each and every question that is put. I ask you to consider, Sir, how that responsibility can be discharged if the Chair is bound by a sessional order that requires the putting of a question in a way that makes it impossible for one or a number of members to properly express their views.

As the honourable member for Box Hill has said, the wording of the question made it impossible for a number of members on this side of the house — and perhaps others as well — to vote in the way they had intended to.

I am not questioning your decision in the matter, Sir. However, I am asking you to consider how in the future the Chair may make it possible for each and every one of the 88 members of this house to make their views clear on the questions put before them. In this case, some 41 of the members of this place were not able to vote in the way they had chosen. That, Sir, is a pity. It means that that decision of the house does not reflect the views of a large number of the members of the house.

Mr Batchelor — On the point of order, Mr Speaker, I understand the point being made — —

Mr Steggall interjected.

Mr Batchelor — I will go only for a minute and a half, just so that all members can have a say!

I understand the point the honourable member for Monbulk has raised. However, I put to you, Honourable Speaker, that the way you put the question was correct. It is interesting to note that the sessional orders were developed by the previous government to deal with the putting of amendments at the conclusion of the government business program.

Prior to today, I have had a number of discussions on and made tentative arrangements about resolving a number of issues, but that issue was not raised. The sessional orders on this aspect should remain as they stand.

The SPEAKER — Order! The Chair is prepared to rule on the point of order. In raising the point of order the honourable member for Monbulk has accepted that the Chair has acted correctly and in accordance with the sessional rules governing the conduct of business in the chamber.

The Chair is aware that the sessional orders are under review, if I may use that terminology, in that the Leader of the House and the honourable member for Monbulk have told the chamber that it is their intention to consider amending them. I suggest that this is one issue that needs to be examined.

PAPERS

Laid on table by Clerk:

Ambulance Service Victoria — Metropolitan Region — Report for the year 1999–2000

Financial Management Act 1994:

Report from the Minister for Environment and Conservation that she had received the 1999–2000 annual report of the Water Training Centre

Reports from the Minister for Health that he had received the 1999–2000 annual reports of the:

Ambulance Officers Training Centre

Beaufort and Skipton Health Service

Far East Gippsland Health and Support Service

O'Connell Family Centre (Grey Sisters) Inc

The Queen Elizabeth Centre

Tweddle Child and Family Health Service

Yarram and District Health Service

Victoria Law Foundation — Report for the year 1999–2000.

CRIMES (QUESTIONING OF SUSPECTS) BILL

Committee

Resumed from earlier this day.

Progress reported.

The SPEAKER — Order! The government business program requires the putting of further questions that the Chair omitted to put earlier.

MAGISTRATES' COURT (INFRINGEMENTS) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

CRIMES (QUESTIONING OF SUSPECTS) BILL

Committee

Resumed from earlier this day.

The CHAIRMAN — Order! Amendments 2 to 11 to be proposed by the honourable member for Berwick were consequential on his amendment to clause 1, which has been tested and failed, and they will therefore not be moved.

Clauses 2 to 8 agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

CHRISTMAS FELICITATIONS

Mr BRACKS (Premier) — It is a pleasure to be part of the Christmas felicitations for this year. It has been a busy, rewarding and momentous year for Australia and Victoria — a year of achievement. The Olympic Games were successfully staged in Sydney, and that outstanding success will generate a lot of support for Australians no matter where they live. It will provide Victoria with a lot of opportunities in the future.

This year we have experienced a very different Parliament; it has had to face new challenges presented by an increasingly diverse and complex set of issues and a diversity of representation. This year also saw the election of a new member for the seat of Benalla; a division of the former coalition partners and a reversion to their status as two independent parties, the Liberal Party and the National Party; and the presence in Parliament of three Independent members. Those changes have made more complex and difficult the task of managing and servicing Parliament and the work of the people who assist and support honourable members at every level in the house. I congratulate all the people who work here, who have done a great job in adapting to those circumstances.

Parliament has been made more interesting by the introduction of new sessional orders, new debates, longer hours and more sitting days, which all honourable members appreciate and welcome. Unfortunately, on occasions the longer hours have been too long, and that has not been a pleasant experience for those on either side of the house.

Those who work in this place have done their job in difficult circumstances and with an increased workload. I particularly thank the Clerks — Ray Purdey, Marcus Bromley and Geoff Westcott — for their work in advising all members of the house on an ever-increasing range of issues. Congratulations! You have done a great job during the year.

I thank the staff of the procedure office, headed by Liz Choat. It is also wonderful to see the work of Neville Holt continuing on a part-time basis. I seem to remember that honourable members have acknowledged Neville Holt and wished him the best for the future during previous Christmas felicitations — and he is still here giving us great service.

I thank the staff of Hansard, headed up by Carolyn Williams. Certain long speeches have been difficult to interpret, but her department does a magnificent job of making sure that our speeches read well and have some coherence when presented in written form at a later date. It is a real skill to achieve that and is obviously part of the training of Hansard reporters.

I thank the Serjeant-at-Arms, Gavin Bourke, and his assistant, Anne Sargent. You cannot miss Gavin, with his booming voice. You can be standing here thinking

about something else and suddenly 'Mr Speaker!' booms out! Gavin's presence is certainly well felt here.

I congratulate all the attendants, led by Warren Smith, on their fine, hard work to make our jobs much easier. They control the flow of people and information in the house. They have made very welcome all new members of Parliament and existing and returning ones as well.

On a personal level I thank my orderly, David Robertson. He has done a great job. He works long hours and obviously his commitment to his new job is unparalleled. His only particular crime is that he is a fitness fanatic, and that makes my job even more difficult, watching him get fitter all the time while I realise the lack of time I have to do the same sort of exercise.

I thank all staff working for the Department of Parliamentary Services under the leadership of Christine Haydon. Balancing the resources that are given to Parliamentary Services is probably one of the most difficult jobs of all in this place. You can never please every member of Parliament — there are demands for the provision of electorate offices for members and questions of balancing budgets — and there is only a certain allocation of money to go around. The Parliamentary Services team does a good job in balancing the priorities, and I commend the staff for their work in supporting members of Parliament.

Mr Plowman interjected.

Mr BRACKS — I agree with the interjection.

The SPEAKER — Order!

Mr BRACKS — I am not commenting on the interjection, but I agree that it is one of the most thankless tasks: even if you do things you often do not get rewarded for doing them. I agree with those comments.

There has been one disturbing trend in the house because the catering manager, John Isherwood, and his team has improved the catering so much that we are hearing fewer whinges than we used to hear in the past. That was previously a regular occurrence here. The catering services have improved significantly. The service is very good; the quality and nutritional value of the food has improved.

I thank the chef in the dining room, Malcolm Sellar, for his work and for overseeing the work in the several locations of the dining venues.

If anyone cares to look at the tennis court — we all see it on occasion when we are in the library or walking around the grounds — they will see it is in exceptionally good condition. The refurbishing of the tennis court has been excellent. Regrettably, I have not had a chance to play on it this year, but I have seen other members of Parliament playing on it. It is in pristine condition, and I congratulate all the staff on their efforts in ensuring that it remains well maintained.

I congratulate Paul Gallagher and the gardening team on the work they are doing. The gardens are magnificent and continue to be a haven for members of Parliament. One of the great pleasures, on occasion, is to walk around the gardens with other members. It is a great thing to do.

Overlooking the tennis court are Bruce Davidson and his team in the parliamentary library. They continue to work tirelessly and serve all members well — at times on very short notice — on debates that are held in this place. It is often a difficult job.

I thank the protective services officers for guarding this magnificent building and ensuring its security. And of course, you cannot leave out Bill Schober, who scrutinises the parking area to ensure that nothing untoward happens with vehicle movements in and out and when people are parking their cars, and he always wants to engage in discussion.

I thank the cleaners — Harry, Phil, Tony, Herta and Rhonda — for keeping this building and its precincts in good order.

I also thank the staff of the post office, who are often forgotten. They do a good and immediate job and one that serves members of Parliament very well.

Although the all-night sitting was a low point of the year, it has generated a new level of cooperation between those who manage the business of the house. I particularly thank and congratulate the Leader of the House, the Minister for Transport. He has been an excellent manager of government business. He has to juggle his workload as a minister with that in the house and with managing the business here. It is a difficult task, but he does it well.

I thank the honourable members for Monbulk and Rodney for their cooperation in the management of business in the house, particularly over the past few weeks. A large number of bills have passed through the house, and the level of cooperation between the leaders of business of the opposition parties has been excellent with the flood of legislative matters in the past two weeks.

Another member deserving of high praise for his excellent job is the Government Whip, the honourable member for Ivanhoe. He is hardworking and tireless and ensures that, no matter what condition members are in, they present themselves to vote or contribute to debate. He has had a challenging task this week, particularly after last night, in getting everyone ready for Parliament today after a very late evening.

I also thank the Liberal Party Whip, the honourable member for Glen Waverley, and the National Party Whip, the honourable member for Rodney, for their cooperation. They are always courteous and willing to provide information. That level of cooperation is commendable.

Mr Speaker, I offer my Christmas felicitations to you, your wife, Virginia, and your new child. I know the pressure of the job of Speaker. You do it with great distinction and independence, which qualities you have shown throughout the year. At times we think you have favoured the opposition, but I am sure the other side thinks you have favoured us on occasion. Therefore I believe you have been very fair-minded. I congratulate you on behalf of the government for the work you have done. I hope you have a great break over Christmas and recharge yourself for next year.

I also thank my colleagues in the parliamentary Labor Party. It has been a great year. I thank them for their support of the cabinet and each other during the year.

I also wish the Leader of the Opposition and his family every success and enjoyment over the Christmas period.

Mr Hulls interjected.

Mr BRACKS — Success on a personal level, not on a political level! I hope he has a rewarding Christmas break and enjoys spending time with his family and his friends — time of the sort we have precious little of during the year, given the work we undertake on behalf of our parties.

I also wish the Leader of the National Party all the best over the Christmas period. It has been a difficult year for the National Party, being no longer in partnership with the Liberal Party. That is obviously a challenge. I am sure the Christmas period will be a great chance for him to forget about that and reflect on the things he wants to achieve in the future. I wish him and his family well over the Christmas period.

I also thank the Independent members of Parliament and wish them a Merry Christmas as well. Although I cannot fully appreciate it, I imagine it is difficult when members of Parliament do not have a party organisation behind them. Although there are three Independents, which for each of them is a source of some comfort and support, not having an organisational support base makes it harder for them to deal with the inevitable pressures of work.

Because the Independents hold the balance of power in this Parliament, if the lobby groups and organisations that come to Parliament House to put their cases do not get a hearing from the government that suits them, they seek out the Independent members. I imagine that results in a heavy workload as they sift through the submissions and work out the positions they should take. I thank them for their independence and professionalism and commend them on the work they do on behalf of their electorates.

Although I will not name them, I thank all the members of my staff, including my private office staff. On behalf of the ministers, I also thank the ministerial office staff. They often work the long hours that ministers and I work, and the dislocating effects on their family lives are profound. I hope they have a good break over the Christmas period as well and come back refreshed and recharged next year.

I hope all the members of the parliamentary and Parliament House staff take advantage of the Christmas period to have a complete break, enjoy some time with family and friends, and return rejuvenated and fresh.

It has been a rewarding parliamentary year. The Parliament has operated well and effectively. Occasional tensions and difficulties have arisen, as of course they will, because that is the nature of the place. State parliaments will always be thus. The New South Wales Parliament is called the Bear Pit. It is the most robust and raucous of parliaments in Australia, and ours is not dissimilar. Just the construction of this place, including the proximity of members, means debates will be vigorous — and vigorous debate is a longstanding Australian tradition.

The old federal Parliament was once like that, but the detached nature of the new arrangements affects the way federal Parliament operates. Federal members are not as close together as they were — you can see that, for example, when you look at the table in the House of Representatives — and that affects the conduct of debate.

Our state Parliament still has vigorous and willing debates, and so long as we understand the limits — and it is up to each and every member to work that out,

being guided by the standing orders and the Speaker — Parliament will remain workable.

I wish all honourable members and their families a great Christmas and new year, and I look forward to seeing them all next year.

Dr NAPTHINE (Leader of the Opposition) — I join the Premier in extending Christmas good wishes on behalf of the Liberal Party to those who work with us and for us in and around Parliament House.

In particular I thank the Clerk of the Parliaments and Clerk of the Legislative Assembly, Ray Purdey, who leads the team at the table with distinction, professionalism and skill. Without commenting too much on previous Clerks, Ray has been outstanding, and Parliament is fortunate to have his services.

He is fortunate to have the services of his assistants, Marcus Bromley, the Deputy Clerk, and Geoff Westcott, the Assistant Clerk. It is interesting to note that while Ray and Marcus both have fine heads of hair without any grey. Geoff is acquiring them at a rapid rate. Obviously Geoff is doing a lot of worrying on behalf of the other two!

I thank our Serjeant-at-Arms, Gavin Bourke, whose booming voice and presence the Premier mentioned. Gavin Bourke makes us all feel safe and secure. We tell people that the mace is wielded by the Serjeant-at-Arms to protect members of Parliament, and when they see Gavin they know why we feel so safe!

To Liz Choat and the procedures office staff, I extend our particular thanks. We often demand copies of bills, acts of Parliament, reports and other information at short notice — and multiple copies at that! Liz and her staff are cooperative, friendly and efficient. They do their jobs very well, and it is great to see them in their renovated surroundings, which I am sure makes things more pleasant.

I also thank Warren Smith and his Assembly team of attendants. We appreciate the assistance they give us as members of Parliament. I particularly thank them on behalf of the people of Victoria for the way they look after visitors to this place, including school groups, during parliamentary sittings and during the recess.

I note that some of the visitors in the gallery — whom I am not supposed to acknowledge — are giving the thumbs up to the work of the Green Team. The attendants, both male and female, look after visitors so professionally as they guide them around this wonderful place that is the people's Parliament of Victoria.

Carolyn Williams and the Hansard staff do an excellent job. They are an intelligent, charming, and magnificent group of people who work under a lot of pressure to produce *Hansard*. They make sense of the many speeches we make, and although the *Hansard* reports do not always resemble the words we put together, our speeches are improved by the time Hansard has finished with them. I thank Carolyn and her staff.

I particularly thank you, Mr Speaker, and your deputy, the Chairman of Committees — or Chairwoman of Committees or Chair of Committees or whatever title she wants to be known by. I thank you both for your efforts. I concur with the Premier, Mr Speaker, in saying that you have done an outstanding job. I thank you for your independence and your judgment. Although we on this side of the house may not always agree with your decisions, I am sure the other side of the house does not always agree with them — which means you get it pretty right on most occasions. I wish you and your family well for Christmas.

I record our thanks for the work of Bruce Davidson, Gail Dunston and all the staff in the parliamentary library. We understand that the services provided by the parliamentary library are increasing at a monumental rate.

The parliamentary library staff do a great job in ensuring that the information needs of honourable members are well serviced and they always do so with friendly faces.

I recognise the efforts of the catering and other staff who provide service and assistance in the dining room. They provide impeccable service to both honourable members of this house and their visitors. They work extremely well catering for a large number of functions — indeed, an increasing number of functions are being catered for at Parliament House. They do their jobs very professionally. My best wishes go to John Isherwood and his staff. As the Premier said, John is already bringing a new standard to the parliamentary dining room and is attracting members back to eating in the dining room. I am sure it will mean not only more honourable members eating in the dining room but also that the gymnasium will be reopened! I urge the Premier to spend some money on reopening and extending the gymnasium as a direct consequence of the improvements being made in the dining room. I wish to make particular mention of Malcolm Sellar, the executive chef, and his staff. They have done an excellent job.

I thank Eamonn Moran, the Chief Parliamentary Counsel, for his efforts during the year. Opposition

members have worked with parliamentary counsel on a number of amendments and private members bills, and his expertise and understanding have assisted us considerably.

I put on record the opposition's thanks to the staff of the Department of Parliamentary Services, who work under some difficult circumstances at times. They have worked well during what has been a difficult year. The opposition places on the record its thanks to each of them individually because each of them has provided services to members to the best of his or her ability often in trying circumstances, as I said.

I acknowledge the staff who support our parliamentary committees, which play an important role in our democratic parliamentary system.

I make particular mention of the members of the fourth estate. The members of the press gallery are an integral part of Parliament, and they report on what takes place in Parliament. The opposition does not always agree with what they say or what they do, but they are an integral part of the process, and the opposition enjoys working with them and getting to know them as individuals. I am sure our relationship will continue to grow and develop.

I acknowledge and thank Paul Gallagher for maintaining the magnificent gardens at Parliament House and Bill for his continued vigilance in looking after the parking.

Like the Premier, I also acknowledge the staff who clean the building. They keep Parliament House in an absolutely magnificent condition despite the fact that people work here for many long hours. They have to do a lot of cleaning at extraordinarily odd hours, but they do it extremely well.

I extend my thanks and good wishes and those of the Liberal Party to everyone who supports the operation of this Parliament. In particular, I pass on my best wishes and those of the Liberal Party to the government, particularly the Premier and his family, for Christmas, the festive season and for the new year. I trust government members will take the opportunity to spend some time with their families and enjoy a happy Christmas and new year and can look forward to returning to Parliament to engage in spirited debate during the coming year.

I pass on my best wishes to the Independent members of Parliament and their families for a happy Christmas.

I thank the Liberal Party's former coalition partners, who have now become its divorcees. It was an amicable divorce, and the members of both parties are still good friends. The Liberal Party has had a constructive relationship with the National Party both in partnership and as independent parties. I wish the Leader of the National Party, his deputy and other members of the National Party and their families all the best for Christmas.

I also thank my staff. Being in opposition is often demanding, particularly when there is a small number of staff. The staff in the opposition rooms and in the electorate offices of Liberal members throughout Victoria have done a great job in supporting opposition members. I place on record my appreciation for their hard work, and I wish them and their families all the best for Christmas.

I also thank my Liberal Party colleagues. The first year and a bit in opposition has been challenging.

Mr Hulls interjected.

Dr NAPTHINE — As the Attorney-General has said, we have done very well. I take that as a badge of honour! I am sure the Liberal Party has grown and developed in its time in opposition and will continue to does so. I am sure it is doing the necessary work to make it competitive so it can win the next election. I thank my colleagues for their hard work, productivity and effectiveness during the year. My family and I wish them and their families all the best for Christmas and the new year.

I thank my leadership team, including the honourable member for Brighton, the Honourables Mark Birrell and Bill Forwood in another place, the manager of opposition business, the honourable member for Monbulk, and the Opposition Whip, the honourable member for Glen Waverley, for their hard work.

I ask the slight indulgence of the house to reflect on the fact that two of the more senior members of Parliament will be taking a significant step in the next few months. The honourable member for Doncaster will be married on 9 December, and the opposition wishes Jane and him well for their wedding and future life together. The Deputy Leader of the Opposition, Louise Asher, will also be joining the matrimonial brigade early next year by marrying the Honourable Ron Best. The opposition wishes Louise and Ron all the very best.

On behalf of the Liberal Party I thank the partners, families and children of all the members of Parliament and all the people who work in and around the Parliament. The work of parliamentarians and those who support the Parliament can be long and demanding, often fluctuating in fortunes, and it places

tremendous pressure on their families. I acknowledge the support given by their families, particularly the children, of members of Parliament. They often are subjected to comments about their parents at school or in the community, and they deserve special thanks. I trust they will put in a long list for Santa Claus and are duly rewarded.

Finally, I wish all Victorians a safe and happy Christmas and new year. In referring to a safe Christmas it is of concern to me that in recent weeks there has been a significant increase in the road toll. Considering the good work carried out in a bipartisan way over the past 10 or 15 years it is disconcerting to see an increase. I hope that over Christmas all drivers will make a special effort to keep the road toll down so that all Victorians and their families will enjoy a safe and happy Christmas and new year.

Mr RYAN (Leader of the National Party) — I join the Premier and the Leader of the Opposition in expressing my best wishes to those who work within and around the Parliament of Victoria. In so doing I pay particular tribute to the Clerk of the Legislative Assembly, Mr Ray Purdey — Mr Unflappable, if I might call him that. His advice is sought on many occasions when the heat is on, and it is inevitably available to all members. He is ably assisted by his deputies in Marcus Bromley and Geoff Westcott, and members are grateful for the help they receive from them.

Of Gavin Bourke, the Serjeant-at-Arms, I say: no-one in this place will ever pinch the mace while he has it on his shoulder! I was checking my facts earlier, and I think I am right in saying that both Marcus Bromley and Geoff Westcott held the position of Serjeant-at-Arms in former lives. While they had plenty of power and authority in the job when they held it, there is another 30 centimetres of power when Gavin is discharging the role, since he is about 2 metres tall. All members are grateful for the job he does.

Our thanks go also to Anne Sargent, the assistant chamber officer, and to Warren Smith and all the attendants. One of the features of their assistance in this place is the unfailing courtesy they offer to the many people who come through the doors of Parliament House. One of the things that members of Parliament tend to forget is that ours is a unique occupation and it is still a thrill for many people to come to this place and see the Parliament in operation. The chamber attendants do a terrific job in welcoming those people as well as providing assistance to all of us in our role as parliamentarians.

I thank also the staff of the procedures office, Liz Choat and Paul Venosta.

I thank the Hansard personnel — Carolyn Williams, the editor, and the reporters, who have the demanding task of making sense of speeches that are often difficult to transcribe. We are eternally grateful to them. The manner in which they are able to accommodate the pressures of contributions coming from all directions on occasions and yet sift through them and produce the outcome that is produced in *Hansard* is a great credit to their professionalism.

On behalf of the National Party I thank Bruce Davidson and the library staff. When one is in opposition — and in making that comment I reflect on a similar comment made by the now Minister for Transport a couple of years ago — one has a great dependence on the library staff, and we appreciate their assistance.

I thank Eamonn Moran, the Chief Parliamentary Counsel, and those who work with him for their professionalism. The way they are able to give shape to the form of words that comprise the legislation that goes through this place is to their eternal credit.

Next I thank the executive officers and the staff of the parliamentary committees and the joint committee administration office. The role fulfilled by those committees in underpinning much of what happens in the chamber is often overlooked. As a former chair of the Scrutiny of Acts and Regulations Committee I know that the workload on the committees is enormous. The extent to which the committees contribute to the workings of this place is not generally recognised by the public at large.

The staff in the Department of Parliamentary Services keep the financial aspects of the Parliament ticking over. On occasions theirs is a thankless task, and they do it very well in looking after not only the Parliament itself but those of us who comprise it.

Michael Purdy and his team in the information technology unit are also a great source of assistance to members, and I thank them.

Malcolm Sellar is the executive chef in the parliamentary kitchen. I endorse the comments made by both the Premier and the Leader of the Opposition that the fare available to members, the way we are looked after and the service provided is much better than some members may recall it was formerly, without being unkind to predecessors. The staff deserve great credit.

I do not think people outside realise the way people are cocooned in the Parliament. Whether we like it or not, the reality is that to keep the place ticking over we are faced with going regularly to the parliamentary dining room. It is to the credit of the staff that the variety and standard of fare is of the highest degree. A wonderful feature is the number of young people who assist in serving.

To John Isherwood and those who are involved in the food and beverage area, I relay our thanks. If I were naming names I would particularly thank Shirley MacDonald. She and I share a birthday, but not a birth date. She would be horrified if I said we shared a birth date.

The manager of the gardens unit, Paul Gallagher, and his team do a truly magnificent job. It is a delight to stroll around the gardens when the opportunity presents itself. The tennis court looks wonderful, and as does the Premier, I look forward to getting out and having a hit. With the departure of the Honourable Bill McGrath those opportunities seem to have gone by. I used to win the odd hit with him.

I thank Brian Bourke, the maintenance engineer, and his team of Manny, Jeff and John. I also thank Peter the painter, the Parliament's answer to Michelangelo. Peter told me once that he started his apprenticeship in this place and has been here for more than 20 years. He is forever a friendly face, as is the whole maintenance team. I thank them very much for the way they look after this place. The same goes for the cleaners, who put in so much to make sure the place functions properly.

I thank Bill Schober, the car park attendant. There is nothing like having a Bill at the gate. He is assisted by the presence of the protective services officers, which is a good thing, but by Jove, you need to have your credentials to get past Bill! He is always there ready to have a chat about the day's events, either past or pending. It is great to have him doing his job.

The protective services officers — all the men and women who work around this place — form an invaluable part of the team at Parliament. That comment comes from one who won his last 10 fights by 6 back fences! It is always terrific to know that in the event that difficulties arise, as irregularly they do, there is a professional team of protective services officers there to fulfil their important role.

I thank the members of the press gallery for their attendance here this year. I also wish special felicitations to that mysterious race called subeditors. I have never yet met any of those people, but I know when you speak to members of the press gallery about a particular story that you thought you had absolutely set in concrete until you read it the next day you are told one of those subeditors has undone it. Whoever those people are and wherever they may be, I wish them well.

I thank my own parliamentary team, particularly my deputy, the honourable member for Swan Hill, Barry Steggall. I should have called on him to interject and we would all have known where he was. I thank him for his assistance throughout. I also thank the other members of the National Party for their work during the course of the year. It has been a significant year in the history of the National Party. I am grateful for the assistance I have had from all members of the parliamentary team throughout the year.

In July of this year, after leaving the partnership we had with our Liberal Party colleagues, we in the National Party set out to ensure we contributed to the Parliament in a manner that we believed would bring great credibility on the party we proudly represent and would look after the interests of those people we represent. I would like to think we have discharged that obligation, which falls on all honourable members. As leader of the third party in the Parliament I thank all members of the National Party parliamentary team. I thank Noel Maughan, the honourable member for Rodney, for his work in the double role of leader of business and whip.

I thank my own staff. Jan Gales has been in this place for many years. She worked with the Honourable Peter Ross-Edwards and then with my predecessor, the Honourable Pat McNamara. She is very able. The other members of my team are Danny O'Brien and Karinda Pike. I thank my electorate officer, Cheryl Norkus, who works at my Sale office, which is 200 kilometres away. As is the case with all country members of Parliament, I am absent from the place more often than not. A great burden falls on electorate officers, and Cheryl has done the job brilliantly.

I thank my hard-working driver Ray John. We reckon we are up to 100 000 kilometres for this calendar year. He does it very capably.

I wish the Premier and his family well. I hope he has a good break over Christmas. I extend the same wishes to government members and to the Leader of the Opposition, his wife and family.

The comments of the Leader of the Opposition are reciprocated. Our parties have separated in the sense of no longer being a team on the opposition benches, but the friendships National Party members have developed with the Liberal Party over the years still remain. I am

sure our respective parties will continue to perform the tasks their constituents have asked them to undertake while continuing those friendships.

I thank you, Mr Speaker, and your deputy, for the way you have discharged your role over the past 12 months. It has been done at all times with enormous dignity and with complete impartiality. I thank you on behalf of the National Party for the way in which that has occurred.

Generally, to the families of all parliamentarians, I echo the sentiments of the Premier and the Leader of the Opposition. It is a hard task to fulfil the role we have around this place; and although it is often difficult to be involved in the minute-by-minute operations of the process it is even more difficult for our wives, partners and children. That applies even more in to country members because by definition they have to be away from home more than those who are based in the city and who are at least able to go home during the parliamentary week.

I extend my Christmas wishes to each of the three Independents and their families. I wish them well. I hope that we can all return here safe and sound in the new year, having rested over Christmas.

Mr BATCHELOR (Minister for Transport) — I join with and endorse the Christmas felicitations extended by the Premier, the Leader of the Opposition and the Leader of the National Party. The leaders have thanked the staff and all those who have contributed to the operations of the Parliament this year in great detail. I concur with those remarks. I do not intend to go over that and to identify each and every person. I say simply that the collective staff of Parliament are fantastic. They do a great job in difficult circumstances and they are truly appreciated by all members of Parliament. They certainly are appreciated by me as Leader of the House.

Honourable Speaker, through your creative leadership we have seen some innovations take place in Parliament during the past year, including the joint sitting with the Legislative Council to invite the federal Parliament to sit here. A joint sitting is not that unusual, but that particular sitting was broadcast on the Web. I understand that was the first occasion for us.

On another occasion, in paying tribute to Aboriginal and Torres Strait Islander peoples as the custodians of this land we acknowledged the hurt that had occurred and as a Parliament expressed wholehearted support for reconciliation. In another innovation Aboriginal elders addressed Parliament from the floor in a formal session. Another useful and informative innovation was the provision on one occasion during question time of some signing translation for honourable members.

During the past year the way Parliament has dealt with some of these matters has changed. It is not easy to change the institution and form of Parliament but next year honourable members can look forward to the change continuing.

Because of the centenary of Federation celebrations, the federal Parliament will return to the Victorian chambers to conduct its business. At a later time as part of those celebrations the members of this chamber will visit regional Victoria, again an innovation and a recognition of the importance country Victoria plays in the life of the Parliament.

Mr Speaker, honourable members have congratulated you on your leadership this year, which, as I said, has been outstanding. It has been difficult for you. On occasions the government has disagreed with rulings, but that is the nature of political life. It is an interesting phenomenon for someone such as myself, a good personal friend of the Speaker serving a neighbouring electorate — —

Mr Perton — Don't embarrass him. He is such a nice bloke.

Mr BATCHELOR — He is, Victor, unlike some others! He is an extremely nice gentleman. We thank you, Mr Speaker, for your leadership and guidance and chairing. We wish you, Virginia and Johanna a wonderful break. You deserve it, and I am sure you are looking forward to it. We trust that as the family has holidays together you will enjoy that time and make up for the time you have been forced to spend away from them in your role as Speaker.

I also thank the Deputy Speaker, who has assisted you, Sir, throughout the year. She has a slightly different style in managing her responsibilities and the committee stage of debates. For many people who have been members of the Parliament for some time the committee stage until recently has been a rare experience. The sessional orders do not adequately reflect the needs of the committee stage. Today and on other occasions we have seen — —

Mr McArthur — I am sure you will amend them.

Mr BATCHELOR — I hope we will. It depends.

The Deputy Speaker has been of great assistance in ensuring the smooth running of the chamber. It is important to wish her and her family, particularly Limo

and Lottie, her animals, who are such an important — —

An honourable member interjected.

Mr BATCHELOR — Dogs are they? They are an important part of her family.

Through you, Mr Speaker, I thank the Acting Speakers who assist in the smooth running of the chamber.

I thank the Clerks of the chamber, Ray Purdey, Marcus Bromley and Geoff Westcott, for the work they have done. They have provided invaluable advice to all who have sought it. They provide guidance and assistance, and the smooth operation of the Parliament in this chamber could not proceed without them.

I thank the Hansard staff and the attendants. I thank parliamentary counsel for their work, which is so important to the running of the chamber. I thank the parliamentary committees and their staff, particularly the Road Safety Committee. It continues its tradition of bipartisan support, trying to implement the sorts of measures referred to by the Leader of the Opposition to bring about safer road conditions for Victorians and to bring down the road toll. It is doing a fine job in that tradition and I hope it will continue to do so.

I thank the honourable members for Monbulk and Rodney for their assistance in facilitating the government business program, on most occasions, in a laudable way. The government hopes it has been able to provide time for debates on the pieces of legislation the Liberal and National parties felt were more important and in which their members wanted to participate. Over the past sitting weeks as you observed, Mr Speaker, it has been clear that with a serious attempt by all three parties and with the assistance of the Independents good management can result and there can be a smoother flow of parliamentary work without any of the parties having to compromise their political positions.

I also thank the honourable member for Ivanhoe, the Government Whip, who has done a great job in assisting me, particularly at times when I have been called from the house to attend to committee or ministerial work. He has truly developed in that capacity and I pay tribute to him. His skill is recognised across the chamber. He understands the running of the house and the requirements of the government business program and facilities it.

I thank the Independents for their contribution. They have added a new dimension to parliamentary outcomes and — —

Mr Wilson — And three seats!

Mr BATCHELOR — Yes, and three seats. Together with the closeness of the numerical balance of the chamber, their presence provides an interesting dynamic. It produces a good outcome and a moderate way of dealing with issues. It has allowed for greater parliamentary involvement in the consideration of bills. The Independents have been a welcome addition. From the point of view of the government and the opposition they add further requirements for consultation and dialogue. It has meant that on some occasions things have taken longer to achieve than might otherwise have been the case, but I think it has served democracy well in this chamber.

I thank my staff and the staff of electorate offices, ministerial offices and the Premier's office, in particular, for the work they have done. Maureen Corrigan and Mary Salvucci who work in my electorate office shoulder an enormous load and go a long way to bearing much of the responsibility for making Thomastown one of the safest seats in Victoria for any party.

An opposition member interjected.

Mr BATCHELOR — That is right; credit must go where credit is due, and I am the beneficiary of the terrific work they do in the electorate office.

I thank my driver, Brendan Lynch, who carries out his tasks impeccably as a driver of long standing. He knows exactly what needs to be done. No minister could ask for a better person to carry out that function. I thank all my ministerial staff who have provided wonderful ongoing support, creativity and good advice, and, of course, ask them to continue that support!

I thank the parliamentary press gallery, who are conspicuous by the absence at this time. They have to work here under pressured conditions and in cramped quarters. High expectations are placed on them by the media moguls they report to. On many occasions honourable members may feel they have been harsh, but on almost all occasions members of the press gallery report what happens rather than attempt to try to make or create the news. I thank them for that and look forward to working with them in the coming year.

Finally, I wish to make sure that at this time of year in our multicultural Victoria — where different people come together and from different backgrounds, cultures and religions — we wish everybody seasons greetings and hope they all have a safe holiday and can spend time with their families. We will see them back in the new year.

Mr McARTHUR (Monbulk) — I am pleased to join with the Premier, the Leader of the Opposition, the Leader of the National Party and the Leader of the House in offering my best wishes for Christmas and the holiday period to all members of this place and to all who work in and around the Parliament and do so in a very professional, committed and friendly way. It never ceases to amaze me how they manage to get on and cope with their duties on a daily basis, putting up with members until late in the evening on a regular basis. Their efforts are truly worthy of thanks. I note the thanks offered to them by all honourable members who have offered felicitations so far.

All honourable members have been hard at it for some weeks now. I hope they spend some time over the Christmas break with their families and friends and that they get a chance to reflect on the achievements of the past year and the challenges of the year to come. Indeed, there will be some interesting challenges in the coming year, some of which have already been mentioned. This is a time for people to take a break, get some time with family and friends, recharge the batteries and come back to what is sometimes, but not always, a place of battle refreshed, invigorated and determined to do even better regardless of party, faction or Independent status.

I particularly thank Ray Purdey, Marcus Bromley and Geoff Westcott, with whom the Leader of the House and I deal on a regular basis. They have provided dispassionate, fair and professional advice to me every time I have sought it. They have never found it too difficult to take time out from their very busy schedules to provide advice and information relating to the procedures and rules of this place and the precedents that have been set both here and in other places in the past. I thank them for the professional and effective way they carry out their duties. I also thank Gavin Bourke, the Serjeant-at-Arms, for the work he does and the effective way he discharges his duties.

The Leader of the House and the Leader of the Opposition, and indeed most honourable members offering felicitations, have mentioned Liz Choat and Paul Venosta and the other members of staff of the procedures and tables offices. Those people also provide an extraordinary level of support to those of us who are intimately involved in the running and management of this place. Without them we could not discharge out duties properly. I thank them for their efforts.

I thank Warren Smith and the Assembly staff for doing their jobs, often so difficult in hours that are often over-long and in conditions that are not always comfortable. I hope Warren passes on my thanks to all members of his staff and that he and his staff get some time for rest over Christmas.

I must mention Carolyn Williams and the Hansard staff who always provide effective and professional services to this place. This year has been no different from the rest. Their challenges have been much as they have always been: unpredictable sitting hours, frayed tempers from time to time and honourable members who are at times querulous and questioning. Hansard has dealt with all of that very well.

The staff of the parliamentary library, the staff who work around the building and the outdoors staff all do very good work, and their efforts have already been mentioned. I also thank the catering staff, in particular Malcolm Sellar, the executive chef, for the work they do. I am fortunate to have Malcolm as a constituent and am happy he is here to provide excellent service, as he has done over the years. Honourable members have commented to me in recent weeks on the improving standard of food provided at lunch and dinner.

Mr Speaker, I thank you, the Deputy Speaker and the Acting Speakers for the excellent work done in the chair. You and I, Sir, deal with one another regularly on issues of procedure and management of the house. Your door has always been open. Your advice and rulings have been fair and dispassionate and I greatly appreciate the attitude you have taken to your duties in the chair. You have done an outstanding job over the past 12 months and I look forward to working with you next year.

The Leader of the House has mentioned a number of issues which I hope can be improved upon next year. The hours the house sits are at times an issue and honourable members need to reflect on them and try to make some improvements, not just the hour at which it finishes but also the hour it starts. Some of the issues need to be dealt with, and they can be. If it is a matter of the house sitting for a few more days but a few less hours each day then perhaps ways need to be found to achieve that.

They are issues not just for honourable members but also for the members of the various departmental staff who support this place, whether it be Hansard, the library, the Assembly staff, the protective services officers who provide the security or other staff associated with the Parliament. When the house sits ridiculous hours it poses an unnecessary and often unjustifiable burden on those people and ways must be found to reduce those hours and make them more manageable. Fortunately it has happened only a couple

of times this year and I hope a way can be found to make sure it is less frequent next year. I am looking forward to discussing those matters with the Leader of the House.

As you mentioned in your rulings and in private discussion, Mr Speaker, ways must be found to improve some of the procedures under sessional orders. I welcome the comment of the Leader of the House a few moments ago that he is willing to amend some of them to improve the operation of the place. I refer him to my notice of motion no. 1 which has been sitting on the notice paper for over 12 months. It contains one or two suggestions that may improve the operation of this place. Perhaps the Leader of the House can have a quick glance at those over the Christmas break!

This has been an interesting and challenging year for members on both sides of the house. Many members have taken on new roles and have become remarkably well accustomed to them in a relatively short time. Next year will see some interesting developments in the way the house operates.

I thank my opposition colleagues for their support and assistance over the past 12 months. I thank the Leader of the Liberal Party for the work he has done and the leadership he has shown. I look forward to working with him and my colleagues over the next 12 months.

I also thank our former partners, our colleagues in the National Party. I deal with the honourable member for Rodney on a regular basis in relation to the management of the house — again always in pleasant and quite civilised discussions.

The general public perception of the operation of Parliament is unfortunate in that television coverage is only ever shown when there is an angry dispute. Coverage is never shown when the house is in agreement. The record shows that in the past 12 months honourable members have been overwhelmingly in agreement in the majority of cases. The opposition parties have voted against only three pieces of legislation and have sought amendment to only a handful. In the overwhelming majority of cases a broad consensus has been achieved. There have been many more days and hours of agreement than disagreement, yet that has not featured in the public description of the operation of Parliament, and that is a pity.

It is good that this place is open to the public. Some loyal and dedicated members of the community turn up to view the workings of Parliament on a weekly and sometimes daily basis. They spend extraordinary amounts of time in this place and are probably more familiar than we are with what goes on. I sometimes wonder why they are so dedicated and what they gain from it, but I welcome their interest and I hope it continues.

I hope all Victorians and visitors to the state have a safe Christmas and that they return to their duties, refreshed and invigorated after a pleasant holiday.

My best wishes to you and your family, Sir, and to all the other members of this place.

Mr INGRAM (Gippsland East) — It is a pleasure to speak during Christmas felicitations. As an Independent member of the house I am in theory not supposed to speak on behalf of my two Independent colleagues, but because I am sure most honourable members would not want all three of us to speak, I will take the liberty to speak on their behalf!

I thank my Independent colleagues for their support during the past 14 months of what has been an amazing career change for me. However, there is one remarkable similarity in job description. In the nine years before I was elected to this place I was an abalone diver, and the time I spent swimming with sharks was good training for politics. Honourable members will know that there are more sharks on the land than there are in the ocean!

I thank all honourable members for their efforts to ensure the harmonious and conciliatory operation of Parliament. I also thank them for the way in which they have made me feel welcome in this chamber over the past twelve months.

Mr Speaker, I congratulate you on the even-handed manner in which you chair debates in often difficult circumstances and under considerable pressure. Most honourable members feel there is a fair bit of theatre about the way the house conducts itself, but sometimes that theatre goes a bit too far. I also thank the Deputy Speaker and the Chairmen of Committees for the way they have performed their roles in this Parliament.

I thank the Premier for the leadership he has shown to all Victorians and his and his government's commitment to restoring the faith of country people in particular in the parliamentary process.

I thank the Leader of the Opposition and the Leader of the National Party for the manner in which they have carried out their leadership roles. Leaders of the opposition work in difficult circumstances. Theirs are often thankless roles, especially in leading newly formed opposition parties. I thank them for their many discussions with the Independents in informing us of

their positions on bills. In general I thank them for the way they have conducted themselves.

I thank the various parliamentary committees and their staff. As a member of the Environment and Natural Resources Committee I thank the honourable member for Keilor for the way he has performed his role as chairman. I also thank all the members of the committee — the honourable members for Carrum, Polwarth, Gisborne and Wimmera, and the two members from the other place.

The ENRC has just completed a difficult inquiry into the management of ovine Johne's disease. I thank the members of the committee staff and the staff of Hansard, who accompanied us around the state during the hearings and worked in very trying conditions.

I would like to join the Premier, the Leader of the Opposition, the Leader of the National Party, the Leader of the House and the manager of opposition business in thanking all the parliamentary staff and other workers around Parliament House. I thank the Clerks, Hansard, the parliamentary library and all the other staff of the Parliament. They have been extremely helpful in assisting honourable members to make the time they spend in this place bearable. That is particularly true for the country members, who are a long way from their families, which places them in difficult circumstances.

I also thank the parliamentary counsel for their assistance in the drafting of amendments and bills, particularly the drafting of the private member's bill of the honourable member for Mildura. Parliamentary counsel are always extremely professional, prompt and thorough when conducting their business.

I extend my special thanks to the Independents' advisers, Dr Helen Foard, Frances O'Reilly and Rick Brown, for their efforts in scrutinising all the legislation that comes before the house. It is a time-consuming and difficult job. They have conducted themselves in that role very well.

I also thank my staff and the staff of the other Independent members. I place on the record my appreciation for the advice, counsel and support given to me by the honourable members for Mildura and Gippsland West.

Finally, I wish all members of Parliament, their families and the staff of Parliament an enjoyable and safe Christmas and new year. I would like to see everyone back in this place next year — I am not in too much of a hurry — to undertake parliamentary procedure again.

Mr LANGDON (Ivanhoe) — I accept every word honourable members have said about the parliamentary staff, and I thank them for the smooth operation of Parliament. I also wish to pay tribute to the government backbenchers. Over the past 12 months some of them have prepared 3-minute speeches but have had to speak in debates for 20 minutes. Some honourable members have prepared what would have been some of the best speeches ever read to the house, but unfortunately they were not always able to speak. I compliment them for that effort.

The ministers have done a fantastic job and have made my life exceptionally easy. I give credit to the members of all parties in this house. This house runs remarkably well, and honourable members complement each other as much as possible — not so much verbally but by providing support in other ways. I add to the chorus of congratulations to the Speaker, the Deputy Speaker and all honourable members. I wish them a safe and happy Christmas.

As the deputy chair of the parliamentary Road Safety Committee, I wish all honourable members safe driving over Christmas. I know many honourable members are on the roads more often at Christmas than any other time, so I ask them to be careful, because we do not want to add to the road toll. I am sure all honourable members would ask the rest of the state to follow suit.

The SPEAKER — I join previous speakers in the Christmas felicitations debate in acknowledging the invaluable contribution of all staff members of this Parliament.

I particularly acknowledge the work of the Department of the Legislative Assembly. Appropriate words have been said about Ray Purdey, the Clerk of the Parliaments, who is the head of the department, and all the staff under him. I acknowledge the Deputy Clerk, Marcus Bromley, to whom I am particularly indebted for recently accepting additional responsibilities within this Parliament without flinching. He has carried out those responsibilities in the extremely professional manner one would expect of someone at the highest level of this Parliament.

I thank Geoff Westcott for the magnificent work he does in trying to keep committees in order. In saying that, I acknowledge the great work done by the committees in examining the important issues the Parliament and the government put before them.

I thank the Serjeant-at-Arms, Gavin Bourke, my executive officer, not only for the direct assistance he provides to my office but more importantly for the role

he plays as head of security of the Parliament. One is appreciative of the diplomacy required in carrying out that function. He always finds the middle ground and wades through that, all the time ensuring that the security of the Parliament is paramount in his thinking and at the forefront of his actions.

I thank the attendants for their assistance. When the house is in session they work long hours, sometimes too long, as has occurred on at least two occasions this year. That is something the Parliament must address before too long and before there are too many repetitions of those long sitting hours.

I wish to acknowledge the work of the other parliamentary departments. The staff of the Department of Parliamentary Services have had a difficult year. I acknowledge the words of the Premier in saying how difficult is their task, particularly in trying to service 132 very difficult clients! Nevertheless they have tried their best to meet the requirements of members. My thanks include not only the administrative staff but also the people who care for the gardens and the maintenance and catering staff. I was heartened to hear the remarks of several earlier speakers about the improvement in the dining room.

Bruce Davidson and the staff of the parliamentary library are great innovators and forward thinkers in the use of technology and in trying to do things better. They are always looking for new ways to be of service to members. If any members have not examined the library web site, they should do so at the earliest opportunity.

Eamonn Moran, the Chief Parliamentary Counsel, and his staff should be mentioned. They are always professional and work under strict time lines, but they always bring forward the necessary parliamentary papers to enable proceedings to be conducted in the chamber.

I thank the Department of Parliamentary Debates — Hansard — ably led by Carolyn Williams. I echo the remarks made earlier about Hansard somehow having the ability to ensure that members' contributions always appear better in the written form than when they were uttered verbally. It shows the professionalism of Carolyn Williams and her editing team.

I make particular mention of and express my thanks to members of the chamber. I start with my deputy, the honourable member for Essendon, whose work and loyalty are exemplary and who on many occasions has assisted and bailed me out at short notice by standing in as Chair and by representing me at functions.

One should not miss the opportunity of congratulating the Deputy Speaker on a recent achievement not well known to the house. It was one of the lesser moments recently when I signed the death warrant, so to speak, of the parliamentary bowling team, but it is a reflection of how quickly the Parliament has adapted to the multicultural society. Just before I had done that deed I was advised that at least 10 members of the Parliament had formed a parliamentary bocce team. It should be announced that it was the Deputy Speaker who rolled the winning bocce. I am appreciative of what she has done.

I recognise the work of the three whips in the chamber, the honourable members for Ivanhoe, Glen Waverley and Rodney, in providing lists to the Speaker. The preparatory work done in ensuring there is no lost time in the chamber is due mainly to their efforts.

I mention the Acting Speakers for their dedicated commitment in adhering to the roster for taking the chair.

It would be remiss of me not to mention the Premier, the Leader of the Opposition and the Leader of the National Party, particularly in view of the kind words they said earlier.

I also take the opportunity to congratulate the honourable members for Doncaster and Brighton. Marriage is a significant event. I hope all goes well on their forthcoming, and separate, big days.

Before I conclude my remarks, I thank my personal staff. Lilian Topic runs the Speaker's office and bails me out and ensures that matters are brought to my attention and things are done. Since taking up the position my orderly, Kate Murray, has done a magnificent job in servicing my needs and those of all members in regard to their requests.

Honourable Members — Hear, hear!

The SPEAKER — I conclude my remarks by congratulating all members of Parliament on their contributions this year and wish each and every one of them and their families the best for the forthcoming festive season. I very much look forward to seeing all honourable members in the autumn session.

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

ADJOURNMENT

Mr BATCHELOR (Minister for Transport) — I move:

That the house do now adjourn.

National Gallery: redevelopment

Mr CLARK (Box Hill) — I raise for the attention of the Minister for Major Projects and Tourism the delay in the renovations and additions project at the National Gallery of Victoria. At the change of government last year tenders for the project were to be issued in October 1999. At that time construction was scheduled for completion in 2002. The tenders were called very late and closed some months ago, but so far as I am aware no decision has yet been announced.

The project has been dogged by industrial disruption due to growing union militancy in the state. All honourable members will be aware of the union protest on 10 August against the involvement of Able Constructions in the demolition work at the National Gallery of Victoria site. Monday's *Age* — 20 November — reported serious allegations about the role of the Treasurer and Minister for State and Regional Development in the awarding of the contract to Able Constructions. The article stated that the secretary of the Construction, Forestry, Mining and Energy Union, Martin Kingham, believes the minister played a key role in securing the Able contract, partly to help the Australian Workers Union with its membership. That is a serious allegation, and I am surprised that to date there has been no detailed response from the government.

The project is also being undermined by ongoing uncertainty about the review of the Office of Major Projects. Honourable members know of the actions of the major projects minister in dismissing the Office of Major Projects from its involvement in Federation Square. There have been many rumours in the construction industry and in the broader community following the national gallery tendering issue. Mr Dick Roennfeldt, the director of the Office of Major Projects, is apparently on extended leave, and the uncertainty surrounding the review is causing great concern.

I call on the minister to restore confidence in the project. The delay is affecting not only the national gallery but also completion of the State Library of Victoria redevelopment. I call on him to give a full, public explanation of exactly what happened with the Able contract and to confirm or refute the allegations made in the *Age*. I also call on him to confirm that there is no political involvement in the ongoing tender process at the gallery and that the ministerial directions on tender processes are being complied with, to explain exactly what is happening with the Office of Major Projects review and to make public firm time lines for a decision on the tender, for the completion and for the opening of the gallery.

Child care: Swan Hill

Mr STEGGALL (Swan Hill) — I raise for the attention of the Minister for Community Services a matter concerning the Swan Hill Tennis Club and the married ladies who hold pennant competitions there each week, as well as a social tennis tournament each Wednesday.

The married ladies are having difficulties because they have received a notice from the Department of Human Services about the babysitting service they established so they could play tennis in the company of their children. The ladies have been notified that unless they set up a licensed creche with two qualified and two unqualified carers in attendance, the department will declare their service illegal. The department has also advised them that there are no alternatives.

The same thing has happened before in Swan Hill, last time affecting the netball people. The netballers ceased their babysitting service — —

A Government Member — How long ago?

Mr STEGGALL — It was about two and a half months ago. I would like the minister to look at what those ladies are doing and think about why married ladies' sporting groups, both tennis and netball, should be governed by the same regulations that govern profit-making creches, preschools and playgroups. The safe, self-help babysitting services set up by sporting clubs assist mothers who would otherwise not be able to participate in sports.

I suggest the minister have a serious look at the situation and make sure that self-help services such as those be allowed to continue.

Ascot Vale Primary School

Mrs MADDIGAN (Essendon) — I raise with the Minister for Education a pilot program started this year at Ascot Vale Primary School in Bank Street, Ascot Vale, and ask what action she can take to ensure its continuation.

Earlier this month 12 students and 3 staff from the Titjikala Aboriginal community, which is 120 kilometres south of Alice Springs, attended the

primary school. The school has more pupils attending it than the Titjikala Aboriginal community has people living within it. The community is isolated and does not have television. It was quite an experience for the 12 students to spend two weeks in urban Ascot Vale.

The program is sponsored by the Northern Territory government through a continuing exchange program run by the Department of Education, Employment and Training. The school would like to see the program extended so that the students from Titjikala could come to Ascot Vale one year and students from Ascot Vale could attend the Titjikala community the following year. The cultural experience of children from both areas would be greatly enhanced — they would learn more in two weeks about understanding other cultures than they would from many years of lectures.

Ascot Vale Primary School has used the program as part of its reconciliation program, and while the Titjikala students were at the school a banner was made that will be carried by the school during the Walk for Reconciliation on 3 December.

I visited the school just as the students were heading off to play sport at Debney Park. The Aboriginal children were enjoying their experiences and the teachers were having a wonderful time in the Melbourne shops, which are obviously very different to the shopping opportunities available at Titjikala. Many students in Victoria could benefit from similar programs, and what happens at Ascot Vale Primary School could be used as a pilot project.

The students from Titjikala came to Ascot Vale by bus — a long and expensive journey for primary school children. Ascot Vale primary is hoping to access funding streams available through the education department to enable its students to travel to Titjikala next year. I understand the Northern Territory government is keen to continue sponsoring travel to Melbourne by children from the Titjikala community on a two-year basis. It could work out to be a worthwhile program for both communities.

MAS: royal commission

Mr DOYLE (Malvern) — This morning I pointed out that the annual report of the Metropolitan Ambulance Service had not been tabled despite the requirements of the Financial Management Act. The minister snuck the report in here late this afternoon — a couple of hours ago. When one looks at a couple of the report's pages one can understand why he sought to evade his responsibilities under the act.

Page 41 of the report points out that the costs to the ambulance service of fees for the royal commission for the year to 30 June totalled $888 000. Page 31 of the report clearly states:

> The costs of attending the royal commission amount to $0.9 million. Funding for a portion of these costs will be received from government in 2000–01. The costs have therefore been met from internal resources and are reflected in the attached financial statements. No funding has been included in revenue.

I ask the Minister for Health to come into the house and explain why he misled the Public Accounts and Estimates Committee and refused to answer — in fact he evaded a question in the house when I asked him on 2 November — whether the service was funding its legal costs at the expense of its operational budget. He fudged his answer but it was obviously yes.

More importantly, and this is what the minister needs to explain tonight, I was at the Public Accounts and Estimates Committee hearing on 18 May this year when the minister said that the cost to the Metropolitan Ambulance Service of the royal commission was not his responsibility — that it did not fall into his portfolio area. In fact, he said the money was not coming out of the Metropolitan Ambulance Service budget.

But that is not what the audited accounts show! On 18 May that was coming out of the MAS operational budget. The minister needs to explain to the PAEC why he misled it, and he needs explain to the house why he did not answer in this place.

The figure of $888 000 equates to about 6 ambulances, 11 officers and 25 370 people — who have paid their subscription to the ambulance service so that that money could go to funding the royal commission! One cannot go back to last year and reimburse the people for that and say, 'We will attend 4331 emergency cases'. Similarly, one cannot go back and transport 1569 emergency cases. It is already over.

The minister has a case to answer about what he said to the PAEC on 18 May — that is, why he said money was not coming out of the MAS budget when the audited figures clearly show that it was. Even if he can explain that, the ambulance service says it will be reimbursed for only a portion of it. These are serious matters that go straight to the question of the minister's credibility, and he needs to answer that.

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

Drugs: Geelong detox unit

Mr TREZISE (Geelong) — I direct to the attention of the Minister for Health the need for detoxification beds in my electorate. I assure the house that Geelong is not immune to the scourge of drugs on its suburban streets. I have raised this issue in the house on a number of occasions in the past 12 months and no doubt will raise it again during 2001.

This community cancer was again highlighted recently in Geelong with the release of a study conducted by Mr Peter Miller of Deakin University. The study was comprehensive and based on interviews with 60 heroin addicts and data relating to a syringe-use program, ambulance attendances, police arrests and treatment. The key findings of Mr Miller's study were of no surprise but of great concern to the Geelong community. The findings included the following facts: 28 people died from heroin overdoses in Geelong in the past five years; during the past 18 months ambulances have attended 130 non-fatal overdoses and in the same period there were 93 heroin-related hospital attendances; the number of people accessing the methadone treatment program in Geelong has doubled in the past five years, although that is probably a good sign; and there were 76 heroin-related arrests in the City of Greater Geelong for the nine months up to September.

In light of the latest report and these disturbing findings, I seek the minister's action to advise of the steps being taken to ensure that the four-bed youth detoxification unit in Geelong operates as soon as is practicable. The operation of such a unit, which has been approved by the government, will be a very practical step in combating the drug problem in Geelong. It will provide young drug users with a real gateway out of the vicious downwards spiral. The detoxification centre in Geelong will be a first step not only in providing young people with an opportunity to withdraw from drugs but also in putting them on a course of rehabilitation and support to regain rewarding and productive lives in the future.

Mr Miller made a pertinent point in the local paper the other day when he said:

> The drug market in Geelong is often home based or run by mobile phones — it is just like dialling for pizza.

The abuse of drugs in Geelong is the no. 1 issue facing the community, and it is a problem that needs real solutions on the streets.

Bairnsdale Secondary College

Mr INGRAM (Gippsland East) — I direct to the attention of the Minister for Education the Bairnsdale Secondary College and its classification as a split campus. That status is a result of the amalgamation of the former Bairnsdale technical and high schools. I seek the minister's action to reclassify the Bairnsdale Secondary College from a split campus to a multi-campus college in accordance with the memorandum of understanding reached with the former education department.

In 1991 a memorandum of understanding was signed by the Bairnsdale technical and high schools and the education department guaranteeing, among other things, that for the purposes of calculating all entitlements the amalgamated Bairnsdale Secondary College would be considered a multi-campus college. Because the college is located on two campuses, separated by some distance, there is a duplication of teaching, library and administrative facilities. The college is currently entering into facilities master planning. Architects have been appointed, but they are unable to proceed unless one campus is pulled down and all construction takes place on the other site thereby coming into line with the college's budget. Because it is a technical college many of the rooms are much larger than they are supposed to be, particularly the double-sized libraries.

I ask the minister to either reclassify the Bairnsdale Secondary College, which is currently classified as a split-campus college, as a multicampus college, or facilitate the college in making the necessary arrangements to undertake its normal functions and ensure that maintenance funding is provided to the campus.

Attorney-General: FOI requests

Dr DEAN (Berwick) — I ask the Premier to inquire into the conduct of the Attorney-General with respect to the Freedom of Information Act. I am referring to the answer the Attorney-General gave in this house in response to a question on FOI yesterday in which he revealed the nature and identity of specific FOI applications made by private citizens that were not made to his department — in fact in one case a request was made to the Victoria Police.

I ask the Premier to determine whether that information was obtained improperly by the Attorney-General and contrary to FOI principles. How did he obtain the information, and what is the basis for his using it in the way he did?

I ask the Premier to advise whether it is his government's policy for private FOI applications to be shown to the Attorney-General and whether Victorians should anticipate that their FOI applications will be revealed to the public in Parliament by the Attorney-General.

When making his investigations I ask the Premier to look at the guidelines laid down by his own government, particularly the guideline that refers to the privacy of such information, which states:

> Generally such information is regarded as being provided in confidence, and if the council were to give it to you it would deter people from making such reports in the future.

I ask him to advise the house whether the Attorney-General will continue to follow that practice and whether his conduct was inappropriate. I also ask the Premier to advise me of that as soon as possible, because I must make a decision about whether the Ombudsman should investigate the matter.

Schools: funding

Ms ALLAN (Bendigo East) — I raise a matter for the attention of the Minister for Education concerning education funding. I take this opportunity to commend the minister on her fine work, particularly the $140-million boost to school global budgets that was announced this week. The announcement was welcomed by school communities, particularly those in my electorate of Bendigo East.

I ask the minister what further action she is taking to rebuild school infrastructure and improve staffing levels following the seven dark and destructive years of the former Kennett government and its legacy of closing schools. The previous government had a policy that resulted in the closure of 176 country schools and the sacking of more than 9000 staff members. The privatisation policy of the previous government also involved the attempted implementation of the flawed self-governing schools model. Some 12 months later the school communities in my electorate are now welcoming the fact that Victoria has an education minister who cares about public education.

I ask the minister to inform the house of the action she is taking. Tomorrow I have the honour of opening a new school building at the Huntly Primary School. Huntly is a semi-rural community on the outskirts of Bendigo, and the school is its main focus, as is the case with many small Victorian communities. Some 187 students attend the school, which has 19 teaching and administrative staff.

The school community has worked incredibly hard and waited for many years to see the building opened. I congratulate the school council, particularly the president, Mark Browne, and the parents who have formed an active fundraising committee. The committee and the school community have raised $44 000 towards the new school building, which has seen the establishment of an information technology (IT) room.

The facility will be important not just for the students in Huntly but also for the community, which after hours is isolated from the main part of Bendigo because of inadequate public transport links. The school has opened up its rooms, including the IT room, for the benefit of the community. The state government has contributed $1.6 million towards the new building and the federal government, $760 000.

I congratulate the school on its special achievement. Along with the school community, I am hoping that the weather in Bendigo tomorrow will be fine and that the sun will shine not only on the opening of the new building but on the school fete. The school is forever fundraising, and the committee does an excellent job.

In raising the opening of the Huntly Primary School with the Minister for Education I ask what action she is taking to rebuild Victoria's school communities. They are vitally important, particularly when one considers the legacy the former government left the school system. I ask the minister for action.

Minister for Education: staff

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to a telephone call I received yesterday from a school principal in my electorate. I was told that that morning he had received a telephone call from the regional director of the Department of Education, Employment and Training. The principal told me that the regional director told him that on specific instructions from the ministerial office he was to call all principals in the Portland electorate.

He was told to find some principals in the electorate of Portland who supported the Minister for Education's new and fundamentally flawed school global budget formula. The principal advised me that the regional director said he also had to seek out any adverse comments the principals wished to make about the local member of Parliament.

I seek immediate action from the Premier. I ask that he discipline the Minister for Education for her totally inappropriate action and discipline her ministerial staff for abusing their positions. I also ask that he stop the

minister and her staff from using for base party-political purposes public servants who should be independent.

I call on the Premier to examine the issue, which clearly shows that the Minister for Education fails to understand the difference between the role of a minister and her ministerial office and the role of public servants. In this case the minister's office directed the regional director of education to undertake politically based activities. I again ask the Premier to investigate the matter and discipline the Minister for Education and the staff of her ministerial office.

Planning: Footscray redevelopment

Mr MILDENHALL (Footscray) — I request the assistance of the Minister for Planning and his department in planning the redevelopment of the Footscray business district. It is no secret that the Footscray business district has been through difficult times in recent years. It suffers economically from fierce competition from the Highpoint shopping centre and the greatly expanded Sunshine shopping centre. It has also been badly affected by the scourge of drug dealing.

Commendably, the City of Maribyrnong has been undertaking a comprehensive and detailed redevelopment planning exercise. It has been assisted by the Pride of Place program in preparing the Footscray Central Urban Design Framework to guide future development to both the business centre and the riverfront. A key focus is the area around the Footscray railway station, which includes up to 7 hectares of private and public land in the immediate vicinity.

Some of the key objectives include an upgrade of the major commercial spines in the centre: the Barkly Street, Hopkins Street, Nicholson Street and Leeds Street corridors; the development of urban design guidelines to facilitate the best possible development; the concept of place management, which is a similar concept to that used in Cabramatta, New South Wales, where council services and community are brought together to bring about a consensus forward plan for the area; and the redevelopment of the Footscray railway station precinct.

It is an unfortunate fact of history that because of the low retail and investment margins in the area, Footscray often had to put up with second best in quality development. I seek the minister's assistance in bringing some of the best brains and financial resources into play to help the council in realising a quality development and a framework that will ensure that for decades to come Footscray will have the best possible strategic outlook for business, retail and living environments.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member's time has expired. The honourable member for Warrandyte has 2 minutes.

Grovedale Primary School

Mr HONEYWOOD (Warrandyte) — I ask the Minister for Education to conduct a full independent investigation into serious allegations of potential fraud at Grovedale West Primary School raised by Sandra McLure, a school services officer, who is currently on Workcover as a result of financial issues that were taken out of her hands and subsequently caused her great stress.

In December last year, Mrs McLure wrote to the minister and letters came back throughout the three or four-month period that transpired before the minister agreed to an investigation. The investigation was then flick-passed from the minister's office to the very same public servants at the local level — the ones of concern to Mrs McLure in the fraud allegation.

Finally, Mrs McLure raised the matter with the Ombudsman, whose response was that because the minister's office had said it was investigating he did not need to investigate the issue. Mrs McLure is concerned that the minister's office left the matter to the local public servants. Her lawyers, Slater and Gordon, have raised the matter with the minister's office and had no response whatsoever.

A new gym and a multimedia centre were built, and it is alleged that the builder took off with the money — some $282 000. A subsequent amount of $282 000 was made available to pay the second builder for the same job. A letter arrived from the receivers of the original builder saying that the original payment had not been made.

Prima facie, money seems to have gone missing and, according to Mrs McLure, school programs have suffered as a result. For the entire year only $100 was spent on physical education; only $100 on art; and $90 000 that was intended for information technology suddenly became $30 000.

The lady in question is genuinely worried that the principal involved, Miss Kay Morgan, conveniently took leave for six months when the allegations were raised and will soon reappear in the school. Miss Morgan was apparently forced on the school community by Trevor Fletcher.

The ACTING SPEAKER (Ms Davies) — Order! The time for raising matters has elapsed.

Responses

Ms CAMPBELL (Minister for Community Services) — The honourable member for Swan Hill raised a matter in regard to the Swan Hill lawn tennis club and the married ladies pennant teams, but as he is not in the house I will put my response in writing.

Ms DELAHUNTY (Minister for Education) — The honourable member for Box Hill raised for the attention of the Minister for Major Projects and Tourism some issues surrounding the construction of the National Gallery of Victoria.

The honourable member for Essendon raised for my attention a magnificent idea, which has been piloted by Ascot Vale Primary School, for an exchange program with the Titjikala Aboriginal community in the Northern Territory. It is an extraordinarily promising project.

I assure the honourable member for Essendon that the government is keen to support the links that have been made by the program. The benefits of such an exchange are clear, not only for those who take part but also for those who get to hear about it — in particular, the members of the Aboriginal community and the Ascot Vale school community.

The potential of a program such as that has been flagged in a story called 'Faces of reconciliation', which is featured on the front page of the *Education Times*. I know that the links established through such an exchange can readily be translated to the Curriculum Standards and Frameworks 2 learning outcomes. We need to consider a program that involves Victorian and interstate Aboriginal communities and students and leads to a full appreciation of Aboriginal culture. I am particularly impressed by the Ascot Vale Primary School for driving such an innovative program. The government is keen to support it.

The honourable member for Gippsland East raised the apparent injustice of having Bairnsdale Secondary College classified as a split campus. The distance between the two school campuses is well under 1 kilometre; I know that because I have stepped it out myself. The college is about to enter a master planning process. Although it does not strictly meet the criteria set by the previous government as a multicampus school — since the two campuses are less than 1 kilometre apart — I will ensure that, in recognition of its special circumstances, Bairnsdale Secondary College is compensated for any deficiency by maintaining the allocation of the additional teacher and the annual contribution of $45 000.

The honourable member for Berwick raised for the attention of the Premier the Attorney-General's magnificent stewardship of freedom of information applications.

On the eve of its opening the honourable member for Bendigo East drew to my attention a new building at Huntly Primary School. The honourable member is right to say that the new building is a symbol of the rejuvenation of schools under the Bracks Labor government — a rejuvenation that has long been required in regional Victoria. I congratulate the parents and teachers and the principal of Huntly Primary School and wish them well for the opening tomorrow.

The Leader of the Opposition raised for the attention of the Premier the support of principals for the school funding model of the Department of Education, Employment and Training.

The honourable member for Warrandyte raised the serious allegations of fraud — I think he said 'allegations' — at Grovedale West Primary School. The government will continue its investigations.

Happy Christmas to all!

Mr THWAITES (Minister for Health) — The honourable member for Footscray referred to the City of Maribyrnong's program to implement an urban design framework. I am well aware of the opportunity presented by the railway station redevelopment to reinvigorate Footscray's business centre. I am also aware of the need for a coordinated approach to integrate and link the development of the station with other parts of the centre. The City of Maribyrnong received a Pride of Place grant of about $100 000 in this year's funding round to assist it with preparing an urban design framework. The council is undertaking the design framework for the Footscray business centre and railway station.

The framework has become an important document not only in guiding future development but in identifying new redevelopment opportunities. The framework for Footscray provides an effective planning tool that integrates physical planning with social, cultural and economic issues. The plan will provide the blueprint for the development of the Footscray centre over many years. The City of Maribyrnong has made a further application to the Pride of Place program for funding to assist in the implementation of the project. I am currently considering some 142 applications from all

parts of the state and will be in a position to announce the successful grants in the future.

The honourable member for Footscray is a consistent advocate for the Footscray business centre area. The Bracks government is committed to the western suburbs. It believes those suburbs need greater interest and support from this government than they had under the previous government, and I am happy to work with the honourable member on that.

The honourable member for Geelong raised the issue of drugs and particularly drug withdrawal services for young people in Geelong. He has worked with me to provide additional youth withdrawal services. I am pleased to advise the honourable member that the Barwon Association of Youth Support and Accommodation (BAYSA) will lead a new alliance to run a four-bed residential unit in Geelong as part of a coordinated approach to assist young people in the Barwon region struggling with drug addiction. The government will provide $688 132 annually for a new four-bed residential withdrawal unit in Geelong to address the lack of services in that city. Under the previous government some drug and alcohol services were closed. By comparison, this government is opening services.

BAYSA is a leading youth agency that has a good track record and already provides services to young people in the area, and I compliment the organisation. Following a process of open and transparent expressions of interest, additional funding has been awarded to BAYSA, which will be an excellent recipient. BAYSA will be the lead agency in an alliance with the Youth Substance Abuse Service and Barwon Health, both of which have an excellent reputation. The Youth Substance Abuse Service started in Melbourne and is now working throughout the state. It will be seen as an expert agency, assisting young people with substance abuse problems.

The unit should be operating by April next year in premises already owned by BAYSA. That is another positive part of this proposal by BAYSA in the alliance because it already had premises, and there is less delay than there might have been had new premises been required.

The new facility will provide short-term intensive support, time out and drug withdrawal services to young people in a community residential setting. I am very pleased to make this announcement. The Bracks government is increasing counselling services and supported accommodation in the region to help young people who are afflicted by drug abuse.

The honourable member for Malvern raised a matter — I am pleased that he has been allowed to do so tonight — in relation to the Metropolitan Ambulance Service report. The report represents very good news. The chief executive officer's report within the document states:

> By any measure the past year has been the most successful the Metropolitan Ambulance Service has enjoyed.

This annual report is full of good news!

Some of the good news that honourable members might be interested in is that this year we have had the biggest upgrade in air ambulance services in more than a decade. We have opened two new mobile intensive care ambulance units at Dromana and Clayton — the first since 1995.

The report also refers to the fact that there has been a large increase in demand on emergency services — 11 per cent, from 189 200 cases to 209 700 cases in 1999. The demand for non-emergency ambulances has increased by 16 per cent.

Despite that, emergency ambulances have arrived in 8 minutes or less in at least 50 per cent of cases. I am advised that as a result of the measures introduced by the government, the response times and services are improving. We are doing something that the previous government never did. We are putting additional ambulance officers on the road. Ninety additional officers — —

Mr Doyle — On a point of order, Madam Acting Speaker — —

Government members interjecting.

Mr Doyle — Actually, I do like it. I am pleased the ambulance service is working well, and it shows that for the six years the present Minister for Health criticised it, it actually worked.

The ACTING SPEAKER (Ms Davies) — Order! I will cease to hear the honourable member's point of order unless he gets to the point.

Mr Doyle — The fact that one line is quoted from an annual report in a matter of relevance does not give the minister licence to quote from any other part. I ask you, Madam Acting Speaker, to direct the minister — given that the entire subject of my contribution related to a single financial line item of reporting and — —

The ACTING SPEAKER (Ms Davies) — Order! I am not prepared to hear a long debate on the issue. I

would like the honourable member for Malvern to address the point of order.

Mr Doyle — Madam Acting Speaker, I am happy to explain why I believe the relevance of the minister's answer is at issue here. The minister has been speaking for some time and I point out that my quotation from the annual report was a very brief paragraph and a single line with a single issue about why the minister's statement to the Public Accounts and Estimates Committee and the evidence of the audited MAS annual report are at odds. That is what the adjournment matter was about, and I ask you to direct the minister to answer that.

The ACTING SPEAKER (Ms Davies) — Order! I do not uphold the point of order, but I ask the minister to address the issue that was raised.

Mr THWAITES — I am happy to come directly to the point that the shadow minister has raised, because obviously the opposition does not like to hear how the performance of the ambulance service has improved so much under the Bracks government.

The honourable member for Malvern claimed that I misled both Parliament and the Public Accounts and Estimates Committee. The claim is completely false. I told Parliament the system involves the ambulance service engaging legal counsel, incurring a liability and subsequently going to the Department of Premier and Cabinet for reimbursement. That is exactly what is occurring. I advise the honourable member — and I know he will be disappointed about this — that every penny of that $900 000 is being paid by the government following application to the Department of Premier and Cabinet. Every penny of the funds is being paid — —

Mr Doyle interjected.

Mr THWAITES — I am addressing the matter raised by the honourable member for Malvern. Not a penny will be taken from ambulance services, as he claimed. He shows that he has absolutely no understanding of the budget or the ambulance service because there are surpluses and deficits year after year. The report indicates that the deficit — —

Mr Doyle — On a point of order, Madam Acting Speaker, I did not claim that the minister misled Parliament; I said he ducked the question that was asked on 2 November. It is a very serious accusation to make in this Parliament. I did not make that claim.

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member for Malvern to address his point of order.

Mr Doyle — It is a serious matter. I have the audited report of 30 June. The issue I raised was about the fact that on 18 May the minister made statements to the Public Accounts and Estimates Committee that were not true — —

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Malvern should not take the opportunity to merely repeat the matter he raised. The point of order needs to be clarified quickly.

Mr Doyle — The point of order concerns relevance. The issue raised on the adjournment debate cannot be addressed unless the minister addresses the dissonance between the statements made to the Public Accounts and Estimates Committee and the audited evidence of the annual report of the Metropolitan Ambulance Service. His answer cannot be relevant without reconciling the two statements.

The ACTING SPEAKER (Ms Davies) — Order! I was listening to the minister. He was addressing the issue of the ambulance service and the statements he made to the Public Accounts and Estimates Committee. I do not uphold the point of order.

Mr THWAITES — The responsibility for the indemnity is with the Department of Premier and Cabinet. The department has said it will indemnify — —

Mr Doyle interjected.

Mr THWAITES — He does not like the answer! He is disappointed the Department of Premier and Cabinet will fully indemnify the ambulance service for the $900 000 claim.

To assist the honourable member I will provide the facts. It appears that at the time the report was produced the ambulance service was under the misapprehension that its claim would be limited to the amount that individuals are able to claim — that is, $3000 a day or thereabouts. Given that the ambulance service is an organisation, the government accepts that it would incur a greater liability than would an individual and that it should be fully indemnified for the $900 000 claim. Unlike the previous government, this government is committed to fully funding the additional operations of the emergency services. When the Labor Party came to office it inherited a $7-million black hole. The government is fully funding the ambulance service, unlike the honourable member for Malvern — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! It is quite late and honourable members are still excited. The house will come to order while it finishes the business at hand.

Mr THWAITES — Unlike the opposition, of which the honourable member for Malvern is a part, the government is fully funding the ambulance service and paying the $7-million black hole it was left with.

The ACTING SPEAKER (Ms Davies) — Order! I take the opportunity to wish all members of the house and all staff the season's greetings. I hope we all have a good rest and a calm time with our families and friends.

Dr Napthine — On a point of order, Madam Acting Speaker, I do not wish to delay the departure of the house. However, the honourable member for Berwick and I raised issues on the adjournment debate for the attention of the Premier. I note that he is now in the house and I wonder if he would see fit to respond to those issues.

Mr Honeywood — On the point of order, Madam Acting Speaker, concerning the issue raised by the Leader of the Opposition, I distinctly recall — and *Hansard* will show — that the Minister for Education did not say that she would refer the matter raised by the Leader of the Opposition to the Premier. Accordingly, it would be entirely appropriate if the Premier were to answer it. No mention was made of this important issue being referred to the Premier.

The ACTING SPEAKER (Ms Davies) — Order! Does the Premier wish to speak on the point of order?

Mr Bracks — I am happy to address the question directly, Honourable Acting Speaker, or you may wish to make a ruling.

The ACTING SPEAKER (Ms Davies) — Order! I do not uphold the point of order. I heard the minister at the table at the time refer to the issues raised. However, as the Premier has indicated he is prepared to speak I will hear him.

Mr BRACKS (Premier) — Thank you, Honourable Acting Speaker. I had an appointment in my office at the time the matters were raised. I am prepared to examine *Hansard* and the requests made and to offer a full report back to the Leader of the Opposition and the honourable member for Berwick.

Motion agreed to.

House adjourned 7.42 p.m.

QUESTION ON NOTICE

The answer to the following question on notice was circulated on the date shown.
The question has been incorporated from the notice paper of the Legislative Assembly.
The answer has been incorporated in the form supplied by the department on behalf of the appropriate minister.
The portfolio of the minister answering the question on notice starts the heading.

Thursday, 23 November 2000

Post Compulsory Education, Training and Employment: FYROM

235e. MR KOTSIRAS — To ask the Honourable the Minister for Post Compulsory Education, Training and Employment — Will the Minister issue a directive or instruction to their department and its agencies as to the terminology to be used when making reference to the language spoken by people originating from or associated with the former Yugoslav Republic of Macedonia; if so, what will that instruction or directive be.

ANSWER:

I am informed that:

This issue has been addressed across all Departments and Agencies of the Victorian Public Service.

A determination regarding the language spoken by people living in or originating from the Former Yugoslav Republic of Macedonia (FYROM) was made by the Human Rights and Equal Opportunity Commission on 8 September 2000. As a result of this determination, the Secretary of the Department of Premier and Cabinet directed all Victorian Public Service Departmental heads to distribute within their organisations instructions withdrawing the previous Government's 1994 directive on the use of the term Macedonian (Slavonic) with reference to the language.

Guidance on the revised policy was drawn from nomenclature utilised by the Commonwealth, including use of the terms Former Yugoslav Republic of Macedonia (FYROM) and Slav Macedonian in describing the country and people of that region. With reference to the language itself, and in the absence of a definitive precedent in Commonwealth practice, Departments and Agencies have been advised to consult among their clients within the communities concerned to identify and adopt appropriate descriptors for future use.