PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

29 November 2001

(extract from Book 10)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

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JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

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Minister for Housing, Minister for Aged Care and Minister assisting the Minister for Health	The Hon. B. J. Pike, MP
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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.

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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

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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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

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The Hon. S. P. BRACKS

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

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

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THURSDAY, 29 NOVEMBER 2001

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QUESTIONS ON NOTICE

WEDNESDAY, 28 NOVEMBER 2001

Thursday, 29 November 2001

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

PETITIONS

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

Eastern Freeway: extension

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

The humble petition of the undersigned residents of Donvale who sheweth that upon direction from the relevant minister, consideration may be given to the inclusion of vehicle ramp connectivity at Park Road, Donvale, for the Eastern Freeway extension.

Your petitioners pray that vehicle ramp connectivity be provided for reasons as follows:

Emergency services must have vehicle ramp connectivity at Park Road for their own safety, the safety of residents and the general public.

Intersections such as the Springvale Road, Mitcham Road and McGowans Road intersection will become increasingly congested and more dangerous if the Eastern Freeway is extended without vehicle ramp connectivity at Park Road. This intersection has been the scene of many traffic accidents and is heavily loaded currently with traffic from Templestowe and Warrandyte to the north, traffic from Donvale to the north, east and west, plus traffic from Park Orchards to the east. Previously quiet, narrow, winding, heavily treed, residential streets located to the east of this intersection have become 'rat runs' for traffic from Park Orchards since the Eastern Freeway was extended to Springvale Road.

Traffic from Templestowe and Warrandyte accessing the freeway from Springvale Road to travel to the city, will cause significant congestion on the Springvale Road freeway overpass when the current freeway access loop from Springvale Road is eliminated. Vehicle ramp connectivity at Park Road would ease this congestion.

The spending of approximately $400 million for the Eastern Freeway extension to Ringwood will not optimise cost benefit ratios if the freeway extension lacks vehicle ramp connectivity at Park Road, Donvale, in which case the freeway extension would only service residents from Ringwood and beyond. It would be an inefficient use of taxpayers money and poor planning to construct a 4.5 kilometre long freeway extension through a suburban area such as Donvale if connectivity is only to be provided at either end of the freeway extension.

Your petitioners pray that the honourable minister for infrastructure and the honourable Minister for Transport take all necessary steps to ensure that vehicle ramp connectivity is provided at Park Road, Donvale, for the Eastern Freeway extension.

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

By Mr PERTON (Doncaster) (301 signatures)

Clarendon House Nursing Home, Maryborough

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

The petition of citizens of Maryborough and surrounding districts of Victoria draws the attention of the house to:

1. The quality of the aged residential care accommodation provided at the Maryborough District Health Service's Clarendon House Nursing Home.

2. The quality of certain aspects of the acute hospital at Maryborough —

   There are at least four (4) six-bed wards at Clarendon House Nursing Home.

   The privacy and dignity of the residents is compromised by the lack of single room accommodation with ensuites.

   Residents are disadvantaged by such conditions as it makes it difficult for staff to provide individualised care as required by the aged care standards.

   Such wards make it difficult for a home-like environment to be provided.

   Accident and emergency is out of date and lacks privacy.

   X-ray is removed from the main building and in need of relocation closer to other acute facilities.

Your petitioners therefore request the house to take urgent action to ensure that the above concerns are addressed by:

Providing initial funding in this financial year that will allow the Maryborough District Health Service to complete the design development stage as required under the Department of Human Services capital works program.

Providing sufficient capital funding in the next state budget (i.e. May 2002) to allow works to commence on the preparation for and to commence the building of a 45-bed nursing home and acute hospital located on the Maryborough hospital site.

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

By Mr HELPER (Ripon) (1662 signatures)

Laid on table.

Ordered that petition presented by honourable member for Doncaster be considered next day on motion of Mr PERTON (Doncaster).

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Women: marketplace discrimination

Mr LIM (Clayton) presented report, together with minutes of evidence.

Laid on table.

Ordered that report be printed.

SUPREME COURT JUDGES

Annual report

Mr HULLS (Attorney-General) presented, by command of the Governor, report for 2000.

Laid on table.

PAPERS

Laid on table by Clerk:

Dunmunkle Health Services — Report for the year 2000–2001

East Gippsland Region Water Authority — Report for the year 2000–2001

Far East Gippsland Health and Support Service — Report for the year 2000–2001 (two papers)

Financial Management Act 1994 — Report from the Minister for Agriculture advising of the delay in tabling the 2000–2001 annual reports of the:

Murray Valley Citrus Marketing Board

Murray Valley Wine Grape Industry Development Committee

Northern Victorian Fresh Tomato Industry Development Committee

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act for the year 2000–2001

Government Superannuation Office — Report for the year 2000–2001

Intellectually Disabled Persons' Services Act 1986 — Report of the Community Visitors for the year 2000–2001

Parliamentary Committees Act 1968:

Response of the Attorney-General on the action taken with respect to the recommendations made by the Drugs and Crime Prevention Committee's Inquiry into Public Drunkenness

Response of the Premier on the action taken with respect to the recommendations made by the Family and Community Development Committee's inquiry into the Effects of Television and Multimedia on Children and Families

Response of the Minister for Transport on the action taken with respect to the recommendations made by the Road Safety Committee's Inquiry into Victoria's Vehicle Roadworthiness System 2001

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations Notified between 1 October 2001 and 28 November 2001 — Ordered to be printed

Rural Finance Act 1988:

Direction by the Treasurer to the Rural Finance Corporation to administer the Farm Business Improvement Program (FarmBis)

Direction by the Treasurer to the Rural Finance Corporation to establish, operate and administer, a scheme of assistance for persons affected by changes in the regulation and management of the rock lobster fishing industry under the provision of the *Fisheries Act 1995*.

APPROPRIATION MESSAGE

Message read recommending appropriation for Crimes (Workplace Deaths and Serious Injuries) Bill.

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

Housing: rent arrears

Mrs SHARDEY (Caulfield) — I recently pointed to the incompetence of the Bracks government in running the Office of Housing by allowing public housing waiting lists to blow out.

I now cite the recent Auditor-General's report, which shows a 50 per cent increase in rent arrears — that is, money owed by public housing tenants to the department. This 50 per cent increase has occurred over the past two years of the Bracks government. There is also a 50 per cent increase in bad debts. We are now going down the irresponsible economic management

path of the Cain–Kirner years, when rent arrears blew out to an all-time high, from $6.4 million in 1984 to $15.3 million in 1988. Under the previous Liberal government this debt was halved, but now it is on the way back up and climbing, at $10.6 million in 2000–01 under this incompetent minister and incompetent government.

John and June Dickinson

Mr ROBINSON (Mitcham) — I place on the public record this morning my congratulations to John and June Dickinson of Blackburn, who on the weekend celebrated 50 years of marriage. In this day and age getting to 50 years is a great achievement. They are well-known figures in Blackburn, and despite the fact that they have not been in the best of health in recent weeks they deserve to enjoy that occasion.

Herb Feith

I also place on the record this morning my condolence for a well-known Melbourne academic, Herb Feith, who died recently in an tragic accident at Glen Waverley. Herb Feith was an eccentric, well-loved character who for many years lectured at Monash University in international relations and politics.

I quote a recent tribute to Herb Feith in the *Age* of 17 November:

> Damien Kingsbury, senior lecturer in international development said … Feith, as an official observer of East Timor's independence ballot in 1999, had discovered Indonesian students who came as observers were being killed by the Indonesian military.

To quote Mr Kingsbury:

> He went and squatted with dozens of these students to act as their figurehead and protector and stayed with them right up to the ballot. I thought it was an exceptionally brave and honourable thing to do.

He will be sadly missed.

Edenhope: sporting clubs

Mr DELAHUNTY (Wimmera) — I bring to the house's attention the concerns of Edenhope sporting clubs on the inaction of the Labor state government.

Back in July the president of the Edenhope Golf Club wrote to me requesting assistance for the replacement of bores, pumps and tanks. As we know, they are looking for an alternative water source because Lake Wallace, the sole source of water for sporting clubs, is nearly dry. Various letters were sent and calls were made and we arranged a deputation with the Minister for Sport and Recreation in the other place on 19 July, where he gave a good hearing and promised to respond within two weeks. He has handballed it now to the Minister for State and Regional Development.

On 14 November the *West Wimmera Advocate* headline states 'State government still to consider club request'. Yesterday I spoke to Cr Linda Guthridge, who after 10 weeks is still concerned that there has been no action from this state government. The clubs are looking for a positive response from the government. Next Wednesday the community is getting together and doing some work to clean up around the lake.

Congratulations to the Victorian Farmers Federation on its magnificent barbecue this morning. As this may be my last chance, to my parliamentary colleagues and their families, the parliamentary staff, Hansard, the catering staff and my electorate officers: I wish them all every Christmas blessing and peace and happiness in the New Year.

Burwood: Neighbourhood Watch

Mr STENSHOLT (Burwood) — In this International Year of Volunteers I pay special tribute to people who devote their time and energy to local Neighbourhood Watch groups in the Burwood electorate.

Honourable members will be aware that local volunteer groups take charge of areas of around 1000 houses, hold regular meetings, exchange information, prepare and letterbox newsletters, and generally increase community awareness about crime and community safety.

I have attended quite a few local meetings of Neighbourhood Watch groups. Tonight I will attend my local group's annual general meeting at Ashburton. The other week I handed out certificates for the International Year of Volunteers to the Burwood and Bennettswood annual general meeting at St Scholastica's. Last month I spoke to the Neighbourhood Watch group in Alamein and Ashburton, which meets at the Craig Family Centre, where I also handed out International Year of Volunteers certificates.

Earlier this year I spoke at a combined groups meeting in Box Hill South at the scout hall next to the community centre off Station Street. I particularly commend the work of the Neighbourhood Watch coordination team for region 4, division 2, at Blackburn, and the marvellous support it gives to local Neighbourhood Watch groups in my electorate.

Tourism Victoria: financial management

Ms ASHER (Brighton) — I draw attention to the latest financial failure of the Bracks Labor government — the financial failure of Tourism Victoria. In his latest report the Auditor-General, in pointing out that there had been two successive deficits in the last two years under this minister, states that the authority was facing financial difficulties. The Auditor-General refers to negative net cash flows, the deficit for the last two years, a negative net asset position and a negative working capital position within Tourism Victoria.

The Minister for Major Projects and Tourism has simultaneously presided over not only two deficits in a row, but a decline in domestic tourism and the stagnation of international tourism numbers. All of this — the tourism collapse both financially and in numbers — occurred prior to the collapse of Ansett and the events of 11 September.

The tourism industry is concerned about the minister's capacity to manage his own budget, but, more importantly, how he is managing Tourism Victoria's pitch to international and interstate visitors.

Preston Business Association

Mr LEIGHTON (Preston) — I want to congratulate the Preston Business Association and particularly its president, Mr Kym Wilkinson, for the magnificent work they have been doing in promoting Preston business.

Kym has been the driving force behind revitalising the Preston business centre. His approach has been to encourage the medium and small enterprises to work together, to cooperate with other community service organisations and to draw on Preston's diverse and multicultural background. The result has been to create a village environment.

At the same time it will lead to various economic efficiencies. A unique marketing focus has been developed for 2002 that combines a significant total of large, medium and small business interests in the Preston area. Examples include getting all the car dealers to work together, which is no mean feat, and working with Northland rather than in competition with it, which means Preston is the winner.

The business association has undertaken activities ranging from a separate rate to a food festival. We are now seeing the benefits, with new business entrants to Preston ranging from new banks to a new supermarket chain.

Preston is moving ahead. New employment activities are being created. The winner is not just the individual businesses, but the broader community.

Urban and Regional Land Corporation: managing director

Mr BAILLIEU (Hawthorn) — The Jim Reeves scandal stinks. In what has all the signs of unlawful coercion, the ham-fisted, secretive, dishonest and forced appointment of the Premier's best friend has sent a number of telling signals to our community. All Victorians should take note.

Firstly, the confidence and independence of government business enterprises in this state has been destroyed; secondly, well qualified, professional, decent, honest brokers need not apply.

Ms Kosky interjected.

The SPEAKER — Order! The Minister for Finance!

Mr BAILLIEU — Thirdly, the Victorian bureaucracy is being manipulated by this government in a disgraceful way; fourthly, this government is sneaky — it does one thing behind the scenes and another in public.

Honourable members interjecting.

Mr BAILLIEU — Fifthly, the integrity of the Premier is shattered — the smell of his lie to Victorians will follow him everywhere; and sixthly, as if Victorians did not already know, the government cannot make decisions. When the Premier knew he should sack Mr Reeves he did not act. Above all, the message is: sleaze rules. The selection was based on a crooked and corrupt process. It was put in place by a crook government doing crook deals.

Honourable members interjecting.

The SPEAKER — Order! Will the house come to order! That sort of behaviour by the honourable members for Bennettswood and Knox is unacceptable. I remind the honourable member for Doncaster that under sessional order 10 he could be asked to remove himself from the chamber very quickly.

St Albans business group

Mr SEITZ (Keilor) — I speak today on a matter that is very important. I raise the subject of the St Albans business group, and in particular I ask Sebastian Agricola, the president, to resign from that

organisation to give the St Albans business people — the silent majority — an opportunity to get on with their business and promote their shopping centre for the Christmas sales.

Sebastian and his little committee have alienated everybody within the region who can influence and assist the St Albans shopping centre — that is, the City of Brimbank, former and previous mayors of Brimbank, and the local members in the region.

My survey of the majority of the people who contribute to this association, and that includes me, is that the best thing the group can do is resign and let the business group elect a new committee which will work with the people of St Albans and the shopkeepers within the St Albans shopping district to promote the shopping centre, bring it back to its former glory and reinstate the good reputation of the shopping district and its former representatives, who worked with local and state governments without being manipulated by outsiders and people with vested interests.

Mr Viney — On a point of order, Mr Speaker, I was observing the honourable member for Hawthorn during his members statement a moment ago and noted that he was extensively quoting from his book, and I ask — —

The SPEAKER — Order! The Chair has ruled previously that it will not tolerate points of order that do not have some immediacy during members statements. I will take the honourable member's point of order at the end of member statements.

Beaches: Warrnambool

Mr VOGELS (Warrnambool) — Last week the surf lifesaving season started on the beaches of Victoria, but at Warrnambool we are still having some problems with rubbish on the foreshore. I am pleased to see that the Premier has intervened to ensure that the tea-tree is cleaned off that beach, and I understand that is to happen, but I am very concerned that even though this year's surf lifesaving season has started, last weekend the Warrnambool surf lifesavers could still not see the beach they are supposed to be patrolling.

I urge the Minister for Environment and Conservation to ensure that this beach clean-up goes ahead as quickly as possible, because it is important that we do not lose lives on the beach at Warrnambool. Last year three people nearly lost their lives. I know the Premier has said that the department will act as soon as it can to clear up this mess, but it still has not happened and the people down at Warrnambool are very concerned about it. I ask the minister to make sure that her department gets on and clears up the beach as soon as possible.

Darraweit Guim: photographic display

Ms DUNCAN (Gisborne) — I had the great pleasure last Sunday of opening a photographic display at the Darraweit Guim War Memorial Hall. I pay tribute to Helen Jerome and the other committee members of the Darraweit Guim War Memorial Hall committee, as there is now a permanent photographic record of the history of Darraweit Guim from the late 19th century to the present. The themes of the photographic display include bushfires, floods and other local disasters, local identities and activities, and landscapes.

I pay particular tribute to Leighton Davies and his family. Without his keen interest in photography, Darraweit Guim would not have the historic display it has today.

I was pleased just over 12 months ago to present the committee with a cheque for $1600 to make this display a permanent one in the war memorial hall, which is a great asset to Darraweit Guim. Last Sunday was a bit of a Back to Darraweit Guim occasion, with many ex-residents coming back to see their place on the photographic board and to discuss between themselves who was who in the zoo in the community of Darraweit Guim.

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

Mr Viney — Mr Speaker, I noted your request that I hold my point of order over until the completion of members statements, and I accepted your ruling.

Many times in the house members of the opposition have raised matters about honourable members quoting from documents, particularly quoting from documents that are attached to a file. My understanding of the procedures of the house is that when a member is quoting from a document attached to a file, that document should be tabled and the whole file should be made available to the house for the consideration of honourable members.

I noted that the honourable member for Hawthorn was not just briefly referring to notes during his 90-second statement, but he extensively quoted from a folder that he still has in his hand. I ask that that folder be tabled for the consideration of other honourable members.

The SPEAKER — Order! The rules of the house are quite clear. When a member is quoting from a document, he or she is required to source that document as well as making it available if an honourable member

requests that that be done. In the case of the honourable member for Hawthorn, the Chair does not believe he was quoting from a document.

In the past the Chair has indicated that points of order that have some immediacy should be taken then and others held over until a later stage. I consider the request for a document to be made available to be a matter of some immediacy, and the point should have been taken at that time. The Chair is not in a position currently to do other than not uphold the point of order raised by the honourable member for Frankston East.

WATER (IRRIGATION FARM DAMS) BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 4, page 3, line 11, after "51(1A)" insert "or 51(1B)".

2. Clause 6, lines 4 to 11 omit all words and expressions on these lines and insert —

'(2) In section 8(6) of the Principal Act, after paragraph (c) **insert** —

"(ca) a restriction or prohibition on the use, other than domestic and stock use, of water from a spring or soak or water from a private dam (to the extent that it is not rainwater supplied to the dam from the roof of a building) contained in an approved management plan drawn up under Division 3 of Part 3 for a water supply protection area; or".'.

3. Clause 6, after line 11 insert —

"(3) In section 8(6)(d) of the Principal Act for "the prescriptions" **substitute** "any other prescriptions"

4. Clause 10, page 15, after line 14 insert —

"(k) restrictions or prohibitions on the use, other than domestic and stock use, of water from a spring or soak or water from a private dam (to the extent that it is not rainwater supplied to the dam from the roof of a building);".

5. Clause 10, page 15, line 15, omit "(k)" and insert "(l)".

6. Clause 10, page 15, line 17, omit "(l)" and insert "(m)".

7. Clause 10, page 15, line 22, omit "(m)" and insert "(n)".

8. Clause 10, page 15, line 30, omit "(n)" and insert "(o)".

9. Clause 10, page 16, line 4, omit "(o)" and insert "(p)".

10. Clause 10, page 17, after line 33 insert —

"(14) Sub-section (13) does not apply to a contravention of a kind referred to in section 63(1A).".

11. Clause 19, lines 26 to 33 and page 29, lines 1 to 26, omit all words and expressions on these lines and insert —

"(1A) During the period commencing on 1 February 2002 and ending on 31 January 2003, a person may apply, without payment of an application fee, to the Minister for the issue of a registration licence to take and use water from a dam on a waterway other than a river, creek, stream or watercourse for a use other than domestic and stock use.

(1B) If an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a private dam, a person may, during the period of 12 months after the approval of that management plan, apply, without payment of an application fee, to the Minister for the issue of a registration licence to take and use water from the spring or soak or water from the dam (to the extent that it is not rainwater supplied to the dam from the roof of a building or water supplied to the dam from a waterway or bore), for a use other than domestic and stock use.

(1C) Sub-section (1A) only applies, in relation to a dam, to a person who at any time during the period of 10 years immediately before the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001** was taking and using water from the dam for a use (other than domestic and stock use) for which a licence under sub-section (1)(a) is not in force.

(1D) Sub-section (1B) only applies, in relation to a spring, soak or dam, to a person who at any time during the period of 10 years immediately before the approval of the relevant management plan was taking and using water from the spring or soak or water from the dam (other than water supplied to the dam from a waterway or bore) for a use other than domestic and stock use.".

12. Clause 19, page 29, line 29 omit "(1C)" and insert "(1E)".

13. Clause 19, page 30, lines 12 to 35, omit all words and expressions on these lines and insert —

"(ba) in the case of an application under sub-section (1A) in relation to a dam by a person who at any time during the period of 10 years immediately before the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001** was taking and using water from the dam for a use (other than domestic and stock use), set out the maximum volume of water to be used by the applicant in each year during the period of the licence, determined in accordance with the criteria specified by Order under section 52A; and

(bb) in the case of an application under sub-section (1)(ba) or 1(B) in relation to a spring or soak or dam by a person who, at any time during the period of 10 years immediately before the approval of a management plan for the water supply protection area for which the application is made that prohibits or restricts the use of water from the spring or soak or dam, was taking and using water from the spring or soak or water from the dam (other than water supplied to the dam from a waterway or bore) for a use other than domestic and stock use, set out the maximum volume of water to be used by the applicant in each year during the period of the licence, determined in accordance with the criteria specified by Order under section 52A; and".

14. Clause 22, lines 18 to 20, omit "the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001**" and insert "the approval of a management plan under Division 3 of Part 3 that prohibits or restricts the use of water from the spring or soak or dam".

15. Clause 26, lines 23 and 24, omit "licence issued under section 51(1A)" and insert "registration licence".

16. Clause 26, lines 31 to 33 and page 38, lines 1 and 2, omit all words and expressions on these lines and insert —

"51(1A) remains in force for an unlimited period.".

17. Clause 28, after line 9 insert —

'(1) In section 58(1) of the Principal Act, for "51" substitute "51(1)".'.

18. Clause 28, after line 17 insert —

'( ) In section 58(3) of the Principal Act, for "51" substitute "51(1)".'.

19. Clause 28, lines 21 to 28, omit sub-clause (3).

20. Clause 32, line 24, after "must not" insert "in contravention of an approved management plan for a water supply protection area".

21. Clause 32, page 40, lines 16 to 24, omit all words and expressions on these lines and insert —

"(4) If, an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a dam not on a waterway and at any time during the period of 10 years immediately before the approval of the management plan, a person was taking and using water from the spring or soak or water from the dam, sub-section (1A) does not apply in respect of that person in respect of that spring or soak or dam until the end of the period of 12 months after the approval of the management plan.".

22. Clause 56, page 53, lines 19 to 33, omit all words and expressions on these lines and insert —

"(8) If an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a dam (other than water supplied to the dam from a waterway or a bore) for a use other than domestic and stock use, a person who —

(a) at any time during the period of 10 years immediately before the approval of the management plan was taking and using water from that spring or soak or water from that dam (other than water supplied to the dam from a waterway or a bore, for a use other than domestic or stock use; and

(b) before the end of the period of 12 months after the approval of the management plan applies for a licence under section 51(1)(ba) in relation to the spring or soak or dam —

is not liable to pay an application fee in respect of the application.".

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

That the amendments be disagreed with.

The government does not support the amendments.

While the Legislative Council proposed some 22 amendments there are only two of substance and the rest are consequential or different parts of the same amendment. The first is the major amendment. It disagrees with the principal proposals in the government's response to the issue in the bill.

The first set of amendments limits licensing and regulation decisions to water supply protection areas only — they only come into force after a water supply protection area has been declared by the minister. The second set of amendments centres around registration licences being limited to five years, which is what is in the bill and what the government proposed. The amendments suggest that should be an unlimited period. The government rejects both sets of amendments.

It has been an interesting debate over the past three or four weeks. It has struck me that there has been a lot of agreement about the issue and the principles, and what the government is trying to achieve. Everyone has agreed to the principles in the original farm dams discussion papers. They were that the total water resources of a catchment should be included within the water allocation regime; water resource management issues involve the total catchment and require a partnership between the community and the government; and allocation mechanisms should be simple, efficient and equitable.

There is also strong agreement with the criteria used by the Blackmore committee. They were a policy response

that should be repeatable and easily understandable: that water is a finite and scarce resource, that any new arrangements should be based on assuring sustainable outcome and that issues of fairness and equity are important. Interestingly those principles have not been challenged, but were restated in the Legislative Council by the Honourable Philip Davis, a member for Gippsland Province in the other place, who outlined a set of principles.

I will go through them, and honourable members will recognise many of them: that water law must provide security to existing licence users — no disagreement; that access to stock and domestic water should remain unaltered — the bill does that; that we should provide for substantial use of our precious and finite resources; that we should protect and where possible enhance the condition of our rivers and streams; and that we should be fair and equitable and provide access to resources for new entrants. These principles seem to be broadly agreed and consistent between the houses and between everyone considering the issues. Despite that agreement we have substantial amendments to the proposals in the bill.

Essentially it comes down to two or three arguments. One is about so-called private rights, which are in fact statutory rights that the government is clearly amending, but so would the amendments of the Legislative Council and the Liberal Party. The amendments we are considering limit what people consider to be their private rights. They try to limit them in a less obvious way and to a lesser extent than is proposed by the government, but nevertheless even the Liberal Party accepts that there must be some limitation on the rights that currently exist.

That argument really does not hold water; you should not pin a point of principle on that. The argument that the government is changing a private right and that the Liberal Party opposes that is not correct — it is absolutely not correct. The Liberal Party amendments change the right. We will come a bit later to consider whether they work, whether they are fair and whether they will solve the problem. Let us be clear that what the Liberal Party is proposing would change people's rights.

The second argument that we heard a lot in this house was that we should not have a proposal that one size fits all — that that is not appropriate. However, what the government is proposing will ensure that local conditions are taken into account and that the local outcomes, through the stream flow management plans and as reflected in the licensing provisions, will take account of local conditions. The water supply protection plans are run by local committees who take into account local conditions and come up with local solutions. It is not one size fits all.

Similarly, extending the licensing system to all new irrigation dams provides a consistent framework for considering new dams, but the outcomes of those licence applications will depend on local conditions. Each licence application will be considered and assessed for its impact on the environment, water supply, downstream users, et cetera, and the outcome will be consistent with local conditions. So in both those ways what the government has considered and put up is not one size fits all. It takes account of local conditions.

Let us look at the substantial amendment that the Liberal Party has proposed, where registration and licensing will only come into play and be triggered by the water management plan process. It simply will not work in practice. You cannot do it. Let me just go through half a dozen reasons why that is so and why the government absolutely rejects it.

Firstly, we are all here to address the basic problem of what is a waterway — a problem that has caused controversy across Victoria. This amendment does not fix the problem. There will still be controversy about what is a waterway because that issue will still have to be determined every time there is an application to build a dam in an area which has not been declared. So if the north-east is not declared the honourable member for Benambra will still have the issue of deciding what is a waterway and what is not. That will still come up, and it will probably be worse than before. You will not have solved the problem. What are we doing here? Are we here to solve the problem? The government has put up a proposal that will solve the problem; this amendment would undo it.

Secondly, the other issue is arguments between neighbours. For example, a farmer who has invested in a dam needs security of access to that water supply, but the neighbouring farmer is able to build further up the catchment and affect the first farmer's supply of water. These amendments would leave that issue still raging, still dividing neighbourhoods and still causing arguments between neighbouring farmers. The amendments do not address that issue at all.

Thirdly, there is a real risk that the approach proposed by the Liberal Party will lead to overallocation and stress in our catchments. Local farmers — and, presumably, the Liberal Party, through this amendment — are only likely to consider putting in a

proper licensing regime, declaring an area and going through the process once the system is stressed.

It is not good enough to wait and let the problems build up until waterways become stressed and overallocated before something is done. That is not a sensible approach. That will ensure that every river across the state is stressed. But this is exactly what is proposed in the Liberal Party amendments.

Fourthly, in northern Victoria our compliance with the Murray–Darling Basin cap will still be a problem. This is simply because unsustainable development will still grow in those areas that have not been declared and where the committees are not at work and establishing a management committee and regime.

There will still be unlicensed, unregistered but quite legal new dams built, and water authorities will simply not know what is there — and what amount of water is being used and taken out of the system. It will therefore be impossible to comply with the cap. We simply will not know whether we are complying, because water authorities will not have the full picture of what is being used in the catchment because a large part of it will be simply unlicensed.

So our compliance with the cap is a problem. In this house, at least, we have agreed that we should comply with the Murray–Darling Basin cap. There is a general agreement within the community that that should be the case; but this amendment threatens it.

Another reason it will not work is that the water management planning process and the committees that undertake that work already find it extremely difficult. It causes division between neighbours, property owners and farmers, and the committees do an extraordinarily good job at managing those difficulties, coming together and making, usually, unanimous recommendations.

It is already a difficult process, which will become nearly impossible if this amendment is to become law because the implications of debate on registration and licensing would be extraordinarily difficult for a committee to handle. That debate is likely to continue in Parliament when the management plan is laid before Parliament. Pressure will obviously be brought to bear on the local member or members in the area concerned to overturn or rule out the particular recommendations. Obviously sides will be taken, and Parliament will be left in a very difficult situation, reflecting the ongoing controversy within the community.

One of the great benefits of the registration system proposed by the government is that water managers would know the total amount of water being used. Obviously now they will not. If this amendment gets up, clearly a whole range of dams will be able to be constructed and water managers will not be aware of those proposals. The whole system will continue until that particular catchment becomes stressed.

In catchments that are not capped water managers will be forced to provide a potential commitment, and water for new licences will be severely curtailed. This is similar to the 3 per cent rainfall proposal that we heard about in this house previously. Water managers simply have to provide for that situation. Even though it may not be taken up for years — and may never be taken up — it still has to be provided for because the legal right will be there. The same will apply with this proposal: water managers will have to make an estimation of it and will have to provide for it, and that will limit the development.

New licences will not be able to be taken up beyond that notional allocation; so we will still have the barrier to economic development and growth that is currently there, and that is the situation we are addressing. Therefore that uncertainty will continue, because the licensing authority simply has to factor in that allocation.

There are a number of very good reasons why we should reject the amendments that the Liberal Party has proposed, centring around the trigger for bringing in the registration and licensing proposals. The Liberal Party's amendments 16 and 19 concern an issue we have already dealt with in this house, and that is the term of registration of a licence. The government proposal is that it should be five years; the Liberal opposition is saying it should be an unlimited period. We have already gone through that argument, and the government does not support it.

The five-year renewal process ensures that the register is up to date, is live, and is current. It maintains an accurate register. If it is left indefinitely things can change. Dams may not be useful and they may be removed. The use to which they are put can be changed. The initial costs of registration are met by the government, and we have said only a nominal cost will be needed to keep records up to date. We accepted an amendment from the honourable member for Gippsland East which made that a statutory process so that the renewal fee could be examined by Parliament.

An interesting comment was made in the upper house by the Honourable Bill Baxter, who said that the amendment assumes that the water industry is static. He said it is not; it is a movable feast. That is absolutely

right. Our knowledge, understanding and perceptions change over time, and we have to ensure that legislation, regulations and our understanding also change over time. That is why we need the five-year renewal process, and that is why the government will oppose this particular amendment.

The Liberal Party's proposed amendments, if accepted, would be more divisive and ultimately work against sustainable development and would leave in place the two major problems that we have spent the last five years trying to address. These proposals simply will not work, and will not solve the issues that we came here to try and solve.

It could lead to expensive attempts to claw back water from existing users. The arguments would continue to rage and divide communities and neighbourhoods, and they would rage for 30 to 50 years unless we did something else. I suspect that if these amendments were allowed to sneak through, Parliament would have to retrieve the situation very quickly in the next few years. What we have proposed is a regime that maintains the existing licensing regime for water taken from waterways, provides for a registration process for existing development and extends the licensing regime for new developments off waterways.

The Liberal Party, in particular, needs to have a good long think about this issue. Everyone else has been working on it for a long time. Two weeks ago we had the 3 per cent proposal, which was absolutely stupid and could not work, and at least the Liberal Party has seen the error of that proposal and dropped it. It disappeared entirely between houses. Then it came up with another 1-minute-to-midnight set of amendments which are stupid and will not work either.

Mr Mulder — They have worked in New South Wales!

Ms GARBUTT — That comment demonstrates one of the problems we have had with this bill all along, and that is the total lack of understanding by the Liberal Party of what the bill is about and what it would do. The honourable member for Polwarth just demonstrated his total ignorance. The New South Wales proposal is nothing like what is proposed in this set of amendments or the last. Despite that vast gulf in understanding and total ignorance, Liberal Party members have shown a distinct willingness to go out and spread fear and misunderstanding right through their communities about something they clearly know nothing about.

One of the other features has been the contempt for the review committee and for the three reviews that preceded it — that long public consultation where lots of ideas were examined and rejected, and only one came forward — the one that the government has accepted and proposed in this bill.

Only one will work and solve the problems. Fundamentally it comes down to a lack of leadership. Clearly the Liberal Party cannot make a decision about good public policy. It is quite willing to put the misguided views of a few backbenchers ahead of good policy and to cast aside the views expressed right throughout Victoria that this issue needs to be fixed and that these proposals are the way to fix them.

Mr McARTHUR (Monbulk) — At the beginning of her contribution the minister made a number of comments about areas of agreement on water industry management and about this legislation and the issues currently before the house causing some debate throughout the community. To some extent she is right. There are a significant number of areas of agreement. They are substantive issues of principle, and I will go through some of them.

The Liberal Party believes the water law should provide security to existing licence users. It strongly believes that access to stock and domestic water should remain as is and should not be altered by the legislation. It also believes we should provide for the sustainable use of what is one of our most precious and finite natural resources — water. And it believes we should protect and where possible enhance the condition of our rivers and streams. There is no disagreement about those things: they are shared by people the length and breadth of Victoria.

The Liberal Party argues strongly that any change to the existing process should be fair and equitable and that we should have a water management system that provides reasonable and fair access for new entrants to the water industry, for people who want to get access to licences and for new users. There is probably substantial agreement on those things among everybody involved in the debate, not just in this place but in the broader community.

In taking up with the minister the issue of what is fair and equitable I need to go back to some of the statements that I certainly heard in briefings from Don Blackmore, the chief executive officer of the Murray-Darling Basin Commission and the chairman of the review committee appointed by the minister — what is now known as the Blackmore committee.

Because of his experience across Australia and throughout the world Don Blackmore well knows how contentious water management is and how potentially divisive it can be. He argued that in making decisions in this area issues about resource management have to be resolved. Some of those can be based on pretty objective data. But there are also issues where decisions are made based on policy or principle. In talking about reaching those decisions he argued that if you want to have something that is successfully agreed to and supported across the community you have to make some subjective decisions about what the point of equity is. The essential difference between the Liberal Party and the government on this issue is where the point of equity lies. It is not a matter of objectivity; it is not testable by science or hydrology. It is a matter of people deciding on what they think is fair and reasonable.

On this issue the essential argument between the government and the Liberal Party is whether what the government is proposing is fair and reasonable for the people who will bear the burden of the change.

The government argues that this package is fair and that the transition arrangements it is offering for the variation of statutory rights are fair and reasonable. There are people from many parts of Victoria who disagree with it. There are people who argue that those statutory rights should be protected at any cost; and there are people who argue that those statutory rights, if they are to be varied, deserve a greater compensation package than the one currently on the table.

As I said, the argument is about where the point of equity is. The government has reached the point that it thinks is fair and reasonable. The Liberal Party disagrees. It thinks that the government, if it is intending to vary those statutory rights, can provide a greater level of support to those who are about to lose their statutory rights and their access to water on their farms.

If we can reach agreement on that at some stage in the future then perhaps the legislation can go through. However, at the moment we cannot. As the minister said, there has been a substantial amount of discussion, debate and negotiation over this. There have been concessions on both sides. The minister agreed to a number of amendments to her initial intentions prior to this legislation coming into the house.

Mr Hamilton interjected.

Mr McARTHUR — The Minister for Agriculture talks about giving up when you are behind. I notice that he gave up very quickly when he was behind in relation to the animals — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Monbulk will ignore interjections from the minister, and the minister will refrain from interjecting!

Mr McARTHUR — He surrendered his regulation-making power in relation to the prevention of cruelty to animals. He gave it up in 5 minutes.

Mr Hamilton — We got the bill through, though.

Mr McARTHUR — Because you saw reason, Minister! Yes indeed, you did get your bill through — —

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

Mr McARTHUR — Because the minister was prepared to negotiate and reach an agreed position. On this one we have yet to reach an agreed position, and that is the problem.

Mr Hamilton — Everyone except you!

Mr McARTHUR — The minister has finally twigged to the fact that the government has to have the Liberal Party's agreement before the bill goes through. That is the fact of the matter, Minister!

Mr Hamilton — Even though it is a stupid position!

Mr McARTHUR — It does not go through unless you get agreement from the Liberal Party as well as from your acolytes.

The issue is about the point of equity. Is the transition package fair and reasonable? Does it go far enough? We say no. We say that the government needs to take a few extra steps on that prior to getting this legislation through.

We are arguing that the point of equity selected by the government is too far in the government's favour, too far in the bureaucrats' favour and too far in the regulator's favour and that it needs a bit more on the other side of the scales to balance the ledger for those people who are losing a long-held statutory right.

In terms of the existing statute, that right has existed for 12 years, but in terms of previous statutory positions it has existed ever since Victoria was first settled. It is long held and the people who currently have access to it think they deserve a slightly more — or perhaps a

substantially more — generous package than that which is currently on the table.

Let us deal with the six issues that the minister put on the table saying that our proposals will not work. I agree with her assessment that these amendments, 22 in all, fall into two groups: those that deal with the term and the price of registration licences, and those that deal with the use of water supply protection area (WSPA) declarations and water supply protection plans as the trigger for the licensing and regulation regime.

The minister listed six issues in her critique, particularly of the WSPA process. She said first up that it failed to resolve the problem of the waterway definition. She said that that was one of the catalysts for this issue. She is right. It is one of the major problems and it was the catalyst for a large part of the argument across the community, particularly in the northern part of the state. However, she is not right in her assessment that our amendment alone fails to deal with that. The government's bill fails to deal with that.

The bill still leaves open potential conflict over the waterway definition, because while it resolves the issue of a section 51 licence — the take-and-use licence — simply saying that if you want to irrigate in future you need a licence no matter where you get the water from or what you contain the water in does not resolve the issue of the need for a section 67 construction licence to build a dam.

The bill provides that if you want to build a dam in the future you will need a section 67 licence if your dam happens to be on a waterway. Who on earth is going to determine what the waterway is? The same people who determine it now. Under the government's bill the same water authority officers who are out there now having trouble coming to an agreed position with farmers about what is or is not a waterway will be the ones who determine where a farmer can build a dam.

Mr Hamilton interjected.

Mr McARTHUR — This will not change under the government's bill because the section 67 process is not varied. So the contention will still continue under the bill just as it would under these amendments. If it is going to be a problem with ours it is going to be a problem with yours.

Ms Garbutt interjected.

Mr McARTHUR — Not for the construction, Minister. The second issue is the conflict between neighbours. The minister argues that this will not prevent issues of conflict between neighbours. Neither will the government's bill because, as I read the act and the bill, there is no requirement for notification of neighbours for an application for a section 51 or a section 67 licence.

Ms Garbutt interjected.

Mr McARTHUR — Where is the notification requirement? I am happy for the minister to drag a copy of the act out and point to me where the requirement for notification is under the licence conditions. If the licensing authority knows, it can take it into account, but the authority does not have to notify the neighbours. If Farmer Brown wants to build a dam upstream of Farmer Jones, Farmer Jones does not get notified. There is no requirement for notification. So if that is a problem — —

Ms Garbutt interjected.

Mr McARTHUR — You need to deal with it, Minister.

The third point is in relation to the minister's criticism that under this proposal it will not be possible to measure compliance with the cap or permissible annual volumes. I reject that.

Mr Hamilton interjected.

Mr McARTHUR — I do not believe it is right. I do not believe it would be impossible to do it under our amendments any more than it would be impossible to do it under the current structure of the bill. Once the minister decides that there is an existing or emerging issue in an area she can declare a water supply protection area. She can trigger the management, licensing and registration processes by declaring that area a water supply protection area. She can appoint the local committee and issue the guidelines, which are entirely in her hands, as to how that committee reaches its recommendations. She does not have to wait until there is a crisis.

There is no trigger for the minister's decision in relation to the declaration. She can do it of her own volition at any time. If she thinks that there is an emerging problem — next week, next month, next year or next decade — she can make the declaration. The capacity is there under our amendments to allow that to be properly and fairly dealt with.

In her fourth point of criticism the minister said that the water supply management plan will be a difficult process because you might get people arguing about what the plan contains.

Ms Garbutt interjected.

Mr McARTHUR — It will be a difficult process, Minister, because as you know these issues are contentious! Our amendment does not make it any harder — —

An honourable member interjected.

Mr McARTHUR — Let us have a look at the stream flow management process for, say, Hoddles Creek or the King Parrot Creek. They are the blueprints for the water supply management plan process. They have been hard, they have involved people in lengthy discussions, and they have been contentious.

An honourable member interjected.

Mr McARTHUR — No, they are not easy. They will never be easy. However, the existing conditions or tasks that the bill sets up for the committee that develops this plan include the restrictions to be imposed on the taking of surface water from any location specified in an area. For the committee to tell farmers they could not pump water out of a dam would be just a wee bit contentious and hard for them to deal with. The bill also says they can specify the conditions under which section 51 licences are issued. To impose conditions via the water supply management plan process on the issue or use of section 51 licences would be contentious and difficult. What we are proposing will not make it any more so.

I agree that the whole water supply management plan and process is hard and difficult, but I believe that the people the minister appoints should and will be people with appropriate experience, intelligence and bona fides, and with a genuine belief in providing and developing a plan which will work for their areas. If the minister does that, difficult or not, she will get a reasonable outcome.

Regarding the fifth point, the minister argued that our amendments avoid assessment by the registration process. No. If she wants the registration process in place in an area all she need do is make the declaration for the area, appoint the committee and give it the task. That is the trigger for it.

In her sixth point the minister argued that under our amendment water authorities would need to set aside a provision for the potential uptake of future statutory rights. I say to the minister that that is just bollocks, because they are not doing it now. Show me a water authority anywhere in Victoria that has a provision in its annual report against the future uptake of private rights or statutory rights. It does not happen. I agree that if the 3 per cent rule had been approved there may have been incentive for a water authority to do that because the 3 per cent rule was quantifiable and assessable. However, this one is simply saying that a farmer's statutory rights will continue until the water supply management plan limits them. That is an unquantified process which no water authority can assess any more than it could assess now the likelihood of the current uptake of the existing statutory right under the act.

Goulburn-Murray Water does not have a provision for the uptake of statutory rights in its current management process. Southern Water does not have a provision for the uptake of statutory rights in its current management process. Similarly our amendment would not compel them to do that, nor even encourage them to do that, so that argument is simply nonsense. It shows that those who have examined these amendments have either not understood them or have not wanted to understand them. I am happy to sit down and discuss the detail of them at any stage.

The assessment made by the government is, I suppose, an overenthusiastic, knee-jerk reaction. The amendments were put, as I think the Honourable Philip Davis, a member for Gippsland Province, mentioned in the upper house, in a genuine attempt to make the legislation work better and more fairly. There is agreement about the need for some restructuring and reorganisation of the Water Act. There is no problem about that at all. There is agreement about the broad principles we all should strive for in achieving that reorganisation. There is agreement about the challenges and the issues throughout the process, but there is disagreement about where the point of equity lies. If we can reach agreement on that we can reach agreement on how this can go forward, but until we can agree on the point of equity we have an impasse.

Mr STEGGALL (Swan Hill) — Today we have heard probably the first attempt by someone to explain the Liberal amendments made in the upper house. I can assure the honourable member for Monbulk that anyone who was present during the debate in the upper house when these amendments were first introduced would have had no explanation for what they were supposed to achieve — or if they did, there would be some disagreement over the explanation. Unfortunately the Liberal members in the other place did not argue their case for the amendments.

The bill has been through a very long process. In many ways the debate on it has been unfortunate, but I guess it is one that country Victoria had to have. Regrettably it is not over yet. Honourable members in this place have had an interesting time during the past few weeks.

We have gone from a position where all groups were agreeing in principle to the Blackmore report and to the propositions being put. We then ran headlong into an 11th-hour amendment on the 3 per cent. We were told that the private right and the 3 per cent were just so vital to people's rights and to equity and all those things that the debate became clouded. It also gave many people false hope, and it divided communities.

Not many people believed that in 2001 we would try to introduce a 3 per cent rainfall amendment to the Water Act. We had great difficulty getting people in many of our areas to believe that that was on the table, because it is not a believable position. However, times have gone on, and as many of the media and public arguments in the country predicted, the 3 per cent disappeared while the bill was between the two houses.

Then there were the discussions about the 10 per cent run-off. That was never presented as an amendment, but it was discussed and looked at one stage as being an alternative. The honourable member for Polwarth, who was rather keen on the 10 per cent run-off and the New South Wales situation, will be interested to know that in New South Wales the operation of the 10 per cent run-off is an absolute disaster. There are catchments in New South Wales that are 400 per cent above their annual volumes, and the state has a management problem on its hands that it will have difficulty getting out of.

Then there is the argument about compensation. New South Wales is in a very interesting position because of the argument whereby people need to be compensated for property rights, and it will have enormous difficulty doing that. That is one way in which we did not want to go, although I must say it was far less of a problem to us than the 3 per cent.

Last week we were presented with another set of circulated amendments which contained some rather strange things that once again we could not believe. This week they were changed, and then we had another set of amendments, which are the ones before us today. So we have had a little bit of trouble getting to understand fully what is behind the amendments of the Liberal Party. Although we now have them they have not been argued, because no-one in the upper house was prepared to do so. With due respect to the honourable member for Monbulk, he was the first person to attempt to put some arguments on them.

I will now look at where we have been since the bill came to this house, because we have been through a long and detailed process. We have been through the Baxter report, the Heath report, the Bill Hill report and the Blackmore report, so we have not just jumped into this in the last few minutes. After the recommendations were put into the legislation with assistance from the Liberal and National parties, we had our debate. We made more changes, which were agreed to involving the make-up of the stream flow management plan committees, the concept of curtilage irrigation around homes in the upper catchments and the exchange rates — a vital area. For the first time we are getting exchange rate recognition, which will be a great help to people in both the upper and the lower catchments in understanding the Snowy River and interstate trading situations.

We then introduced what I call the amnesty amendment. That was about needing to draw a line so that as the starting point for this legislation we began with a clean sheet. That meant all existing dams not on a water course — that is, not on a river — could be registered during a 12-month period starting in February next year. Even dams that are today illegal would be picked up. That was the downside to that amendment, but it was there to pick up and protect the status quo — even if the status quo in some cases was not kosher. As a Parliament and as a state we needed a clean beginning. The Liberal Party should look closely at that, because it is now proposing to amend that very one.

We had an interesting debate on the stream flow management plans, or water management plans, and agreed that a tabling of any water plan would be achievable and that any member of Parliament would be able to use this place to settle any grievance, if one exists — as it will from time to time.

That is the principle we imposed in the Water Act of 1989. We took away the power that used to be with those distant commissioners of the State Rivers and Water Supply Commission of earlier years and brought that responsibility back to the responsible minister so that any person in Victoria could get the grievance heard in this place. That was agreed to, and it has improved things enormously. An increased package for assistance also came out of the Blackmore inquiry, and I am happy that people will benefit from that. The transition from where we are today to this new structure, which we have sought for many years, will be made a lot more easily because of those changes.

It is true that the legislation takes away private rights. It is interesting to note that the Liberal Party's amendments keep them away and do not try to put them back. However, the problem I have is that the amendment reintroduces the need to distinguish between a dam on and a dam off a waterway, which

goes back to the core of why we got into this problem in the first place.

Water is now a far more scarce commodity than it was in the early 1990s because of the Murray–Darling cap. The cap is there because of the stream flow management plans, to which we have all agreed — not in this legislation but previously, when about 20 stream flow management plans were in process. The sharing of the Murray River, or the bulk entitlements of the Murray, was the second of the major stream flow management plans. The Goulburn River was the first. These are not easy, but they can be made easier if you can involve, as we have in those processes, members of the community who definitely want to achieve the fairness and equity which I hear spoken about in this place from time to time. That includes an understanding of water and the water law that underwrites our irrigation, our stock and our domestic and urban requirements.

More will be said in years to come about those same principles being used for metropolitan Melbourne as they currently are applied in country areas. I say to Melburnians: please be aware of some of those things which you demand of country people and which we have done, because the same will be required of Melbourne in the future!

The amendment to the unlimited registration is one which the National Party was drawn to. We sat down and tried to work out what amendment would be required to this legislation if registration in perpetuity were introduced. I refer to the registration of water being allocated to land use. That takes us back to where we were before 1989, when water was regarded as being attached to land and you could not move it from land in those areas. But that is okay. It caused a lot of trouble, but the Water Act has been changed to overcome that.

I do not mind the issue of registration, and I did not mind the issue of perpetuity, as long as we can get a fair and equitable way of converting it to a licence at some time down the track. The bill is written so that we have five-year timeslots where registration could be changed to a licence. For the uninitiated, as the water issues develop and progress — particularly in the south-west and in Gippsland — there will be more water trading within streams and people will want to trade. They will want to either sell or purchase more water.

People today should look at the technological changes in the water industry and think of what they will be like in 5 to 10 years time. A small farm in the upper catchment areas will have far more opportunities in the future. The grandchildren of those farmers who are there now — the older ones and the sons of those farmers — will have a very exciting future, even if they have only a small amount of water under their registration. They may wish to convert that to a licence in the future if they wish to add a few more megalitres for those enterprises that already exist in some parts of Victoria, and they will come in upper catchment areas. That was one of the arguments, and one of the reasons for this debate is to try to get upper catchment development under way. There is a shortage of development in those areas, and we should take the opportunity to use the latest technology.

An honourable member for Gippsland Province in another place tried to make the point that this debate was a divisive one between people in upper catchment areas and those in lower catchment areas. It is not. At 3 per cent it would have been more than divisive — there would have been civil war! Let us not mess around with that one. This legislation is not an issue between the upper and lower catchments, because the opportunities that exist in lower catchment areas are agreed to, are in place and are being developed. The National Party wanted to overcome the problem of the upper catchment areas so those people can participate in existing opportunities.

From the perspective of the Victorian food industry, one thing we are short of in the wine grape and horticultural areas is the development of cold-climate production and volume coming from those areas. That is an existing market opportunity, and as regulators we need to put in place a set of circumstances where people are able to achieve it.

When we looked at the unlimited registration concept, which as I said we were drawn to and do not have a problem with, we realised that we needed to have a mechanism whereby the conversion of that to a licence would enable people to develop, expand or withdraw from the industry. The more we looked at that the more difficulties we found. On balance, our farmers and our communities are better of with what is in the bill today than they would have been if we had tried to amend a perpetuity licence or registration in perpetuity for people to convert in the future. I believe the bill is better as it is.

Despite the issues and arguments that we have been through that concern a fair and equitable approach and access to the water industry, the legislation is quite good in enabling people in upper catchment areas to enter into an irrigation industry with some confidence and surety without experiencing the doubts and problems we have today.

When you speak with people in upper catchment areas you realise that they are furious about the way the rural water authorities will come and challenge their right to build dams because of the waterway definition. Because of that, we wanted to fix this. We wanted to get rid of it. I ask honourable members to look at the amnesty amendment. That fixes up all those people who are there now and gives them a right to and a guarantee of future use and access. The legislation takes away a very small and narrow statutory right.

Mr Mulder interjected.

Mr STEGGALL — It is small, and it is narrow. In the honourable member's area it would be very difficult to do that, because his area is already under stress. So under the amendments the Otways would be declared a water supply management district area straightaway.

The Otways will benefit enormously from the equity between Warrnambool and Geelong, because that is the balance. The Otways sit in the middle. The pressure for water in those two urban areas is very much the issue. Farmers in those areas will be the losers until we get proper stream flow management plans for ground and surface water. If you want to know where it is going to work best in combining the ground water and surface water area, it will be in the Otways. That is how the people of Colac and the farmers in those areas will be able to get a fair shake for what I think is the first time. I do not think they have had a fair shake.

The people of Geelong will have to have a good look at where they get their water, as will the people of Warrnambool. That discussion is to take place, and this bill will help very much in that.

I am sorry that the bill has shown up divisions between country conservative politicians. That is something I have really agonised over. Those who know of my history in this place would know that that is the killer for me: to have people from country Victoria not able to sit down and resolve the problems. One of the challenges for members of the National Party is that we are virtually independent geographic politicians. When there are issues such as that involving both the Snowy River and the Murray River we have to find an answer — we have to find a way through the issue because we represent both areas. Here we have a situation where we conservative members of Parliament have not been able to come to a proper workable agreement. I am sorry that is the case and I am sure a lot of members behind me share that sorrow.

For me this legislation is the best effort that anyone in Australia has made on this very difficult issue. Queensland and New South Wales will have to follow in some way to address their problems, but we have to look after our own. The process has been long and difficult. The future will be very clear and understandable as we go forward. The National Party will be supporting the bill and voting against the amendments.

Mr PLOWMAN (Benambra) — I would like to comment on a few of the issues raised by the honourable member for Swan Hill. He finished by saying, 'We have to look after our own'. How true those words are. The National Party has clearly been looking after its own in the irrigation areas, despite the fact that it should be representing the interests of farmers right across Victoria.

Honourable members interjecting.

Mr PLOWMAN — He said also, 'We want to fix up the definition of a waterway — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable members for Kew and Narracan will cease interjecting across the chamber. If they want to do that they should go outside.

Mr McIntosh interjected.

The ACTING SPEAKER (Mr Lupton) — Order! I have just asked the honourable member for Kew to make no more interjections across the chamber.

Mr PLOWMAN — The honourable member for Swan Hill said, 'We want to fix up the definition of a waterway because this has caused division within communities'. It certainly has. We had 700 angry farmers at Tallangatta to indicate the division that this issue has raised within the communities. How did he propose to change that? He proposed to eliminate or extinguish all the private rights that farmers have had for the use of their own rainwater on their own land for 150 years. It is an incredible way to approach divisiveness over one issue — that is, the definition of a waterway. I am quite sure that if the National Party had taken the time to sit down with the Liberal Party and discuss how we could overcome this definitional problem, we could have put the answer to that question quite deliberately to the government to ensure that it actually did approach and overcome this issue.

This issue, as the honourable member for Monbulk rightly says, is still a major problem in respect of getting a licence to build a dam. To suggest that the definition of a waterway is unimportant or no longer required shows complete ignorance of what is actually in the bill. In quite a few areas the bill requires the

definition of a waterway to be the determining factor, particularly in obtaining a licence to build a dam.

The honourable member for Swan Hill suggested that in the upper house the Liberal Party did not give advice as to why and how the amendments would be supported. Might I suggest that anyone who is questioning that should read in *Hansard* of Tuesday, 27 November the contribution made by the Honourable Philip Davis in the other place. It covers about five pages of *Hansard*. For anyone to suggest that is not supporting documentation of what the Liberal Party actually put forward in support of its amendments would indicate that they were not there, have not read it or did not understand what Mr Davis was saying.

I was delighted to hear the honourable member for Swan Hill mention and give recognition to the exchange rates. I agree that the exchange rate should be variable. I do think, though, that between catchment areas and irrigation areas there should be a minimum of two for one because that equates to about the difference.

Mr Steggall — You don't understand what the exchange rate is!

Mr PLOWMAN — On the basis that there are about four or five criteria that determine what the exchange rate should be, quite clearly anything less than two for one would not equate to meeting those needs.

I was interested to note also that the honourable member for Swan Hill talked about the stream flow management plan and said that 'Sharing the Murray' was the second stream flow management plan to come forward for Victoria. In talking about fairness and equity, the one area that was forgotten and not addressed in 'Sharing the Murray' is the requirement for water in catchment areas. I agree with the honourable member for Swan Hill — we want equity and fairness, but you cannot leave out one important area of the whole catchment of the Murray–Darling Basin when you are considering the usage of that water in the irrigation areas.

I found it extraordinary when the honourable member for Swan Hill referred to the argument about the unlimited registration and extending it beyond the five years and making it free. In the other place, when asked whether the National Party was against free registration, an honourable member for North Eastern Province, Mr Baxter, said, 'Of course we're not'. In fact, when asked if the National Party would support it if there were an opportunity for free registration as a result of the opposition amendments, his answer was, 'We would go along with that'. What members of the National Party in the other place say could not be clearer. Either the National Party members of the upper house and the lower house are not speaking to each other on the issue or the honourable member for Swan Hill wants to deliberately distort the comments clearly made in the upper house by Mr Baxter.

Honourable members interjecting.

Mr PLOWMAN — The point is that I do not understand why he should. Again, clearly it is in the interests of all farmers to have that registration for an indefinite period and for that registration to be free, and to suggest that that registration could not be curtailed by the declaration of a water supply protection area means again that the concept of the retention of a water supply protection area is not understood.

The minister talked about those two major issues and the 22 amendments that are before the house. She said that one amendment proposes limiting the licensing provisions until a water supply protection area is declared. It does not in any way limit those licensing provisions. In fact the Liberal Party should be assuring all farmers and actually trying to persuade them that they should be registering all their dams. Any dam that is being used for a commercial use should be registered because it is in the farmers' best interests to do that. Once the dam is registered, particularly if our amendment is agreed to and the registration was free and indefinite, that would give them some licence and a grandfathering of the use so that the registration of that use would give them that level of security.

The proposed amendment to proposed new section 51 to be inserted by clause 4 will not change the licensing provisions.

The other point the minister made was about the five-year extension of registration licences. Clearly this is in the best interests of all farmers because the minister said that a dam might be removed. If a dam is removed, so what? What difference does that make? Dams are not going to change. If someone has a licence for use of water on a farm over a five-year period what is going to happen over a five-year period to change the use of that water? Either they have the right to the use of it or they do not. Frankly in my farming lifetime I have yet to see a dam removed from a farming property unless it is for road making or something of that nature. These things do not happen, so I suggest that that is an absolute furphy.

Fairness and equity was the major point made by the minister. Fairness and equity is fine when it comes to looking at the use of water in irrigation districts, but this argument must extend to catchment areas. I suggest that the equity side of this debate had not been addressed until the Liberal Party introduced its amendments.

The Liberal Party's amendments address the fundamental removing of all statutory rights across the state. The minister also talked about the one-size-fits-all argument. Why would you want to remove the rights south of the Divide? What is the reason for removing the rights south of the Divide except in a catchment that is under stress? When a catchment is under stress the Liberal Party amendments clearly say that the water supply protection area is to do just that — to look after that catchment, to look after that overstressed or overcommitted catchment. To suggest that a registration licence could not be affected by a water supply protection area contradicts what is in the legislation. I believe the whole argument comes back to the basis that the waterway determination in respect of where a farmer could or could not build a dam in order to irrigate incurred an enormous amount of anger, frustration and controversy.

Again quite clearly when it was addressed by Don Blackmore he said that since the cap was introduced in 1995 water authorities had taken a totally different approach to their interpretation of a waterway in order that those waterways could be driven further up the catchments so that deliberately less and less water could be used. Quite clearly that has occurred. The honourable member for Swan Hill has mentioned that in his speech, as has the minister, but in the very same breath they say that if the Liberal Party's amendments went through all hell would break loose, that there would be dams built everywhere, there would be overallocation, there would be environmental damage and we would have a complete breakdown of the existing system. You cannot have it both ways.

The minister has said clearly that this take-up is not happening at the moment. On the other hand she is saying that if our amendments went through it would. Will the minister tell me what would trigger the difference? What we are asking for is a continuation of the existing private rights except where a catchment is seen to be under stress or is clearly overcommitted. The Liberal Party would not argue that in either of those circumstances the bill, the water supply protection areas, the management plans are the effective weapon, the effective part of that act, to bring about the change that is required.

The other point the minister made was about compliance with the cap. North of the Divide, since the Murray–Darling Basin cap has been introduced it is clear that the cap has been used as an argument to prevent development in the catchment areas. It is being suggested that if the Liberal Party amendments went through authorities would not know where dams were being built and how much water was being taken up. Again my experience of development in catchment areas is that the water authorities know exactly where dams are being built. It is not hard to see a bulldozer operating in a paddock.

Goulburn-Murray Water representatives in my area are very astute at picking up where development is occurring and at noticing where irrigation is occurring. For a dam to go up, particularly a dam of any size, and not be noticed and talked about is completely unbelievable. The authorities would know what is going on. The authorities would have every indication as to what was happening. If for no other reason than that the minister has to agree to the licence to build a dam quite clearly for any dam of any size or consequence to make any difference at all to the amount of water in any of our catchments north of the Divide the existence of the dam would be clearly understood by the water authorities, as would the size of the dam and the purpose for which it was built.

A further statement made by the minister was that the registration and licensing provisions of our amendments would bring about further debate and argument. Frankly I am not afraid of further debate or argument. We have had it for the last four years and I am damn sure those debates will continue. The debates are the most healthy thing because what really worries me is the possibility a water authority comes in by stealth and introduces a change under the Water Act to the interpretation of the definition of a waterway and by stealth introduces changes to the way people can harvest their private right to water. I suggest that argument and discussion is the best thing to stop that happening.

The minister said that when this is before the Parliament it is going to increase further debate on these issues. I say that is the most healthy thing that could happen. I believe this debate over the farm dams bill has introduced the level of debate that should have happened a long time ago. People are now understanding what is happening by subversion — the loss of rights of farmers right across the state. I suggest this level of debate at long last is making clear to farmers what this government is trying to do.

The last point the minister made was that this will create a barrier to economic growth. Clearly there has been a barrier to economic growth in the catchment areas of the Murray–Darling Basin in Victoria. Clearly the limitation on the use of water — on the ability to build dams and to use water in the catchment areas where the water is best used, where it is most economically used, where there is much less risk of any environmental damage — has cost economic development in the catchment areas. I suggest our amendments will at least bring about a level of certainty to catchment farmers that their private rights will remain. It will bring about a level of certainty that division between catchment farmers and the irrigators should be lessened. I also suggest that issues like the five-year registration being extended indefinitely will bring about a registration system that farmers should be able to use, and will use.

The other major point in contention at the moment is that this system could break the cap in the Murray–Darling Basin. The simple way of overcoming that is to implement a bulk entitlement for the catchment areas. It is a simple arithmetical way of introducing a system that could accommodate the accounting system within the Murray–Darling Basin. It would be a very simple system for the bulk entitlement that covers sleeper licences. It is so simple that the government will not consider it!

All I can say is that the more one looks at the amendments the Liberal Party has proposed, the more one realises how workable they are and how fair they are. Liberal Party members do not want a management regime introduced right across Victoria if there is no need for it, and our amendments suggest that we not do that. Our amendments clearly propose that where there is a need a management plan for a water supply protection area should be introduced to overcome any problems.

Mr HOWARD (Ballarat East) — I am somewhat disappointed to have to rise to speak on this bill again. In speaking to the bill just last week when it went through the house I was very satisfied that the government had presented a far-reaching bill that had gained the acceptance of the house and was on its way to being accepted in the upper house and enacted across the state.

Honourable members certainly recognise the importance of water as a resource, and the tenacity with which debate on this bill has been continued demonstrates how important our water resources are and how strongly that is felt by people in rural Victoria, who depend on water for their economic and farming wellbeing and to secure their future.

That is really what this bill is all about — that is, securing the future of those who depend upon the water to protect their investments. It is not as though this bill was developed overnight: this bill was developed after extensive consultation, as honourable members in this house are aware. The committee headed by Don Blackmore consulted widely and came up with a very sensible and workable series of proposals that are the essential part of this bill.

What have we seen from the Liberal Party? Unfortunately we saw it throw up spurious and unworkable amendments when the bill came before the house last time. We saw the putting forward of a 3 per cent right, to be applied across the state, but that has been dropped since the bill went to the other place. We now see a new series of amendments which would not make the bill any more workable because they pose many more problems than they would help to overcome. The amendments that have been put forward by the Liberal Party — which, of course, are not accepted by the National Party — are ones the government cannot accept.

The proposals in the bill allow for the proper planning of our water resources across the state by recognising where existing dams are and enabling them to be registered and licensed. It will provide dam owners with the ongoing security of knowing that once their dams are registered they will have a right that in turn will enable the proper planning of our vital water resource across the state. However, the amendments that have been put forward by the Liberals would not help to provide any further security.

Unfortunately honourable members have heard through this debate of the attempt to make this an upper catchment versus lower catchment issue, but that is simply not the case. All those with rights to use water — as well as those who have dams in place and who, through this bill, will have an amnesty on using water from them and those who in the future will be able to construct dams and obtain licences for them — can be assured that they will have security of use because it will not be a willy-nilly process.

The argument for the right of people to harvest water off their land, which has been put forward so passionately by members of the Liberal Party, is hard to understand. It is certainly something that tugs at the heart strings, and when that button is pushed out there in regional areas it certainly raises passions. But I would have thought that if people want security within

their own industry it would be far more sensible for them to be talking about having dams in place to provide them with that security, and that is what this legislation is about.

The house heard the honourable member for Benambra say that the view in his part of the state is that this is a right that has been taken away. However, he then went on to say, 'But there are no plans to take up that right, so why is this government moving the legislation?'. That seemed to be his line of argument, but it does not make sense. If he is right then he has nothing to be concerned about, because if people are not going to take up that right they will not be losing anything.

The point is that if he is wrong and people want to take up that right, it needs to be done in a planned way to ensure that in taking up their so-called right they will not be impeding other people who have a significant investment in place and who have been working on the premise that because of that investment they could rely on their water supply in an ongoing way.

The government realises, of course, that in this issue, as in so many of its other programs across the state, Victorians need to ensure that they use water more wisely in the future. The key thing is to allow for planning across this state which will not put some Victorians at significant risk, as would be the case if the Liberal Party's amendments were accepted. If the government went down the path of having to declare water protection areas, then it would have to wait until a problem became very clear and very serious before it could act to declare stream flow management plans and so on.

The government needs to be proactive. It needs to know where dams are, and it needs to know what the water usage patterns are ahead of time so it can plan instead of waiting for a serious problem to develop, such as a fight between land-holders, before acting.

The other issue that the Liberal amendments hand back to us is the argument about what a waterway is. When discussing issues relating to the taking and using of water, arguments about what a waterway is or is not have not been helpful. Arguments such as, 'If it is not on a waterway, where is the water going anyway?', have been very unhelpful. They have led people down a false track and have simply not dealt with the issue. Arguments between the department and land-holders, and between one group of land-holders and another, as to what a waterway is can become very volatile, and we have seen that happen time and time again during serious debates. The legislation before us helps to reduce that concern and looks at the overall issue of water usage across the catchments and how planning can best take place.

It would not be practicable for the minister, as has been suggested, to simply introduce more water supply protection areas, because that would go against the whole philosophy of the legislation and would simply not help the issue. It would certainly not help people in the north of the state in the Murray–Darling Basin, where there is a shortage of water. It would simply exacerbate the problem somewhere into the future if these amendments were adopted.

What this bill is about, and what it needs to be about, is providing a good, sound and consistent approach across the state which recognises water as a scarce resource and enables the government to plan accordingly. I hope that this bill will be able to proceed again through this house and that next time it goes before the upper house commonsense will prevail and it will be passed in its entirety and then enacted.

Mr MULDER (Polwarth) — I rise to support the Liberal Party amendments to the farm dams legislation. I will not go over old ground. The honourable member for Benambra has strongly presented the position of the Liberal Party, and my view on this piece of legislation is on the record, the main thrust being that we do not believe that statutory rights should be removed for the sake of removing statutory rights, and that the declaration of a water supply protection area is the mechanism to use, and that is the position of the Liberal Party.

Throughout the debate possibly the most disturbing issue for me has been the silence of the Minister for Agriculture. Other than his paltry interjections across the table today — which I hope *Hansard* has picked up — the Minister for Agriculture has failed on any occasion to stand and represent farmers of rural Victoria.

Several farming organisations and politicians in general have spoken of the need to take agriculture out from under the arm of the Department of Natural Resources and Environment. I support that position because it would, at some stage or another, at least give the minister the opportunity to stand and speak for farmers. As long as he continues to hide behind the skirt of the Minister for Environment and Conservation on issues such as farm dams, the Victorian Environmental Assessment Council Bill and the attack on rights through the marine national parks legislation, rural Victoria will be poorly represented by the Labor government.

One issue which has concerned me greatly over the past couple of weeks in relation to the public debate is the pack of downright lies being peddled by the Minister for Environment and Conservation and the misleading statements that the Liberal Party amendments will mean that a stream or a river will not be able to be declared under a water supply protection area until it is stressed. Proposed section 27(1) inserted by clause 10 of the bill states that the minister, on the minister's initiative, can declare an area to be a water supply protection area. This would probably be difficult for the minister to pick up and run with because in my area, the committee recommendation for a ground water supply protection area, the Warrion aquifer, was placed before the minister prior to last Christmas but due to extended holidays was not signed off and the whole process had to be undertaken again.

As the honourable member for Benambra has pointed out, the debate will go on. Government is tough work; being the minister is hard work but you cannot turn around, walk away from your responsibilities and hope the issues will go away and will not be debated out there in the public arena.

What we are trying to do here, despite intimidation and fear by the government, is to put through a series of amendments over a short period of time. In the mid-1980s the Cain government sought to amend the Victorian water legislation and over a period of two years 500 amendments were made to the legislation. Enforcing this piece of legislation on Victorian farmers without solid debate and strong opposition by the Liberal Party, and a set of proposed amendments that would greatly enhance the legislation, will not happen.

As was pointed out by the honourable member for Monbulk, a neighbour having to notify another neighbour when a dam was being built is not even picked up in the bill. The minister called out, 'Why don't you bring on another amendment?'. Well, this gets back to the heart of the problem. This is being pushed too hard, too quickly, and the minister is trying to quash debate on how our farmers are going to be treated under this legislation.

As I stated, my position is on the record. The legislation is nothing more than a further attack on rights. As for the Minister for Environment and Conservation, the day she sees farmers walking around in grey suits with pitchforks over their shoulders running state-government-owned farms is the day she will be happy that she has done her bit for Labor socialism in the state of Victoria.

Mr HELPER (Ripon) — I usually rise to speak in this place by indicating that it is my pleasure to speak on a particular decision before the house. This is quite different and, like my colleague the honourable member for Ballarat East, I think it is an absolute disgrace that for internal Liberal Party reasons the legislation has come back from the upper house with another set of lamebrain amendments. I say 'another set' because we all observed the ridiculous proposal put up by the Liberal Party in the lower house previously to have the 3 per cent rule introduced into the legislation. It is disappointing for anybody observing the deliberations of the Parliament on the bill to see politics played with something so fundamental to the wellbeing of regional and country Victorians, whether they live north or south of the Divide, in a stressed catchment or a non-stressed catchment. It is an absolute disgrace that a small rump of the Liberal Party is wagging the tail of an already debilitated Liberal Party.

Specifically, I would like the Liberal Party to explain how with its amendments it is possible or necessary to take out a licence for a dam which is to be constructed in a catchment that is not declared but becomes declared. There will be no licensing requirements. The Liberal Party has buggered it up in this amendment as it buggered it up with the 3 per cent amendment, and members ought to be ashamed of themselves for the sloppiness with which they try to convey their politically motivated ideas into this chamber.

The other disappointment I would like to — —

Mr Plowman interjected.

Mr HELPER — You may be the colour of a yabby — talking about farm dams — but your interjections really are stunningly unproductive!

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member will address his remarks through the Chair.

Mr HELPER — Through the Chair I make that comment to the honourable member for Benambra.

The other disappointment today is the continuing lack of understanding by the honourable member for Monbulk. I have given up on the honourable members for Benambra and Polwarth, but being the opposition spokesperson on water matters I would have thought that the honourable member for Monbulk would by now have picked up on the difference between waterway declarations on the basis of resource allocation and waterway definitions purely for planning and farm dam construction approval processes. There is a significant difference. The bill talks about removing

the need for waterway definitions to be put in place in the framework of resource allocation. It is quite a separate thing from whether under section 67 there is a requirement for you to effectively seek a building permit for the dam, and that is contingent on a waterway definition.

This bill is about a fair regime for resource allocation; it is not about a planning scheme. Liberal members should get the difference through their heads and stop playing politics with this, because Victoria wants to get on with having a regime and a framework for the water resource allocation that serves us well into the future. The only thing standing between that happening is the Liberal Party, which regrettably has control of the upper house.

Mr MAUGHAN (Rodney) — I will make a few comments on this bill because it is one of the most important to come before this place in the last 40 years affecting the electorate that I represent — the people of northern Victoria — and indeed Victoria generally, because water law is absolutely vital to the future of this state.

It goes without saying that water is a finite resource, and we in this place need to spend time, as the honourable member for Benambra has been suggesting, debating this very important issue and trying to strike that right balance between agriculture on the one hand and irrigation on the other. This government, like the previous government, has a target of increasing agricultural production, and irrigation is absolutely vital to increasing that target. At the same time we have growing urban populations with an ever-increasing need for water, and as a community we appreciate far more than we ever did the importance of providing adequate water for conservation purposes. So you have those three areas in particular that are in some ways competing for that finite resource.

Then within agriculture or catchments you have the competition between the upper catchment landowners and the lower catchment; not just landowners but urban communities as well. So whatever we do we are going to find some people who believe they have not been fairly treated; whatever the outcome groups of people, be they farmers or urban users, will believe they have not had a fair go. That is the nature of the game and that is what Parliament is for — to try to balance those competing interests. At the end of the day, even though some people will be disappointed, most of those interests that I have referred to will be treated in a fair and equitable way.

I intend dealing with the general principles rather than the detail because my colleague the honourable member for Swan Hill has dealt with that very adequately, as has my colleague in the upper house, the Honourable Bill Baxter. I simply want to talk briefly about the importance of water and irrigation to northern Victoria: the fact that irrigation started in the late 1800s with various irrigation trusts and that led to the development of places like Shepparton, Kyabram, Echuca and Cohuna. Those trusts were developed to provide irrigation for the land and increased agricultural production. Then Alfred Deakin — a member of this Parliament and later a member of the federal Parliament — came along and had a vision of what could be achieved.

Mr Plowman — A good Liberal!

Mr MAUGHAN — He was a good Liberal, but he was also a great Victorian and a great Australian, and he had tremendous vision about what could be achieved with water law in this country. We owe an enormous debt of gratitude to him — it has stood up for 100 years or more, as the honourable member for Benambra points out.

Shortly after I came into this place — in 1989 — the Water Act was being debated. That was an amazing piece of legislation that put together all of the legislation from the previous 100 years. I think four acts of Parliament — about 1000 pages of legislation — were consolidated into that single 1989 Water Act. From memory — and the honourable member for Swan Hill will correct me if I am wrong, because he will remember it well — I believe there were about 400 amendments.

Mr Steggall — Seven hundred and four!

Mr MAUGHAN — There you go. There must have been about 400 government amendments. It was a massive piece of legislation, and that was the next step. In the last 10 years there have been many changes in water law, and this is yet another. We are getting towards the finalising of that whole process; and I acknowledge there has been genuine debate. It will never come to an end, it will keep evolving, but we are better understanding those competing issues and making a better fist of trying to balance the competing interests.

Over the years water law has changed and evolved, as the honourable member for Benambra has indicated by interjection. It will continue to change and evolve, but as the honourable member for Swan Hill has been saying for many years now, we firstly acknowledge the

importance of the Murray–Darling Basin cap. We are getting sound principles in place on which water law is based, and this is yet another step forward in refining some of those principles.

The outcome of the bill is absolutely vital to the people of northern Victoria, and particularly those I represent in the Rodney electorate. As the honourable member for Swan Hill pointed out in his contribution, the bill has been a long, evolving process. When we were debating this legislation in the house last time the National Party, and certainly the people of northern Victoria, were concerned to find the 3 per cent amendment, which would have devastated northern Victoria and effectively transferred entitlements for 400 000 megalitres of water from the irrigation areas to the upper catchments. That would have had a devastating effect not only on the farming community but on the food and milk processing industries and the towns in northern Victoria. That would have been totally unacceptable and should be rejected.

I make brief reference to the number of committees that have looked into the water industry over the years: the Sharing the Murray committee, which the honourable member for Swan Hill chaired; the Baxter committee; the Heaps committee; the Hill committee; and finally the Blackmore committee, which did a marvellous job in making recommendations to the government. Each and every one of those committees added to our knowledge and understanding of the very complex water law when we were trying to find certainty, equity and fairness in the legislation. It is not easy, and it will never be acceptable to everybody, but we are making a pretty good fist of it.

I appreciate the sincerity of the honourable member for Benambra with his proposed amendments, but they are unworkable and unacceptable to people in northern Victoria. The National Party obviously opposed the 3 per cent amendment and I noted with interest that that amendment disappeared between houses.

In conclusion, much has been heard in the debate about the abrogation of private rights. In practice those private rights are very narrow in their application. We are looking at abrogating some of those rights, but I remind members of the Liberal Party that there are other people who have rights to water as well, and I am talking about the irrigators. Those rights and allocations have been built up over a long period and there has been an enormous investment based on them, not only on farm but in the food processing industries, for example in the case of Murray-Goulburn and SPC. It is not just one part that is losing its rights: if we go too far the other way, we will take rights away from another group of people. It is a matter of getting the balance right.

The legislation as presented by the government and amended in this house is fair and equitable. It provides certainty and should therefore be supported by all honourable members.

Mr VOGELS (Warrnambool) — I fully support the amendments moved by the Honourable Philip Davis in another place. In Victoria we need a water management regime that takes into account the huge differences that exist between the catchments north of the Great Divide, Gippsland and western Victoria. One size does not fit all. The Liberal Party's amendments were developed to overcome that issue.

There is a Murray–Darling Basin cap, and it has been talked about extensively in the debate. Many people argue that it is stressed, and it might well be. But the Bracks government had no difficulty in finding 330 000 megalitres of water to send down the Snowy River for environmental flows. It is there just like that!

An Honourable Member — Where is it coming from?

Mr VOGELS — That is not the argument. I read a statement from Professor Lovering when he was president of the Murray-Darling Basin Commission saying that if our irrigators improved their efficiency by only 10 per cent then 1.2 million megalitres a year would be left in the system that is now being lost. The Liberal Party's policy is to finish the Wimmera–Mallee pipeline, which would save up to 85 per cent of the water that is lost through evaporation and seepage.

We should be looking at those issues to start with; trying to save water that has been wasted. The amendments go to the area of flexibility, to cater for differences between areas. They will give the minister the required powers to step in and properly protect the resource and make sure that our water is used in a sustainable manner. The minister keeps saying that it is very hard and difficult, but that is what ministers are for. They have to make hard decisions. They should not shy away from them.

Any authority or organisation that uses ground or surface water can ask the minister to declare a water supply protection area, which will trigger the licensing and registration processes set out in the bill. Consultative committees will then be appointed — and 50 per cent of their members will have to be farmers. Stream flow management plans will be set up and permissible annual volumes allowed to be harvested, et

cetera. That is good policy and the Liberal Party does not object to it.

It is great that with the support of the Victorian Farmers Federation the Liberal Party was able to get through the amendment that 50 per cent of the members of a consultative committee have to be farmers. That is very important in rural areas.

In a last-ditch effort to get the Liberal Party to support the bill apparently the minister offered another 2000 megalitres of water in the northeast catchment area worth about $800 000. Let me tell the minister: we are not in this for money. This is not about money; it is about proper management. The Liberal Party is not selling out its farmers for money.

The other amendment that is important is the one-off registration rather than farmers needing to register every five years. The five-year re-registration process simply means that the government can, if it likes, limit or reduce the amount of water that can be harvested or increase the fees every five years. This means nothing is sacrosanct, even though the government claims that if a dam is registered, it is grandfathered. But if the bill goes through without any of the Liberal Party amendments, every five years the matter will be open to debate.

In conclusion, and as the honourable member for Benambra said before, the minister seems to be trying to have two bob each way. On the one hand she claims that no developments will be able to take place because of uncertainty and no-one will be able to build dams. On the other hand she is saying that everybody will be building dams willy-nilly, which will stress all the catchments. The government cannot have it both ways.

The one-off registration is important. The honourable member for Benambra made the point about people being able to build dams that no-one would know about. The minister has obviously not heard about the satellite data system. Each year the Department of Natural Resources and Environment can pinpoint a trough in a paddock that was not there the year before. Anybody can get their hands on that information. The idea that people can build dams without anybody knowing is utter rubbish. I support the amendments from the other house.

Mr McINTOSH (Kew) — I wish to make a brief contribution to the debate and I want to raise the overall thrust of the bill. The bill essentially does two things in amending the Water Act. It provides a mechanism for the bureaucracy — the water authorities — to take a census of the one great variable in any catchment area. That one great variable is the exercise of a statutory right by farmers in a catchment area to harvest water on their own land. Rainfall, run-off and river flows can all be measured, but the one thing that is a variable at this stage is the actual use that farmers put water to on their own land subject to statutory right. The first process of the bill is to fix that by registration not only of dams but also the use — and you can put it in concrete and define it precisely — that farmers put that statutory right to. The second aspect of the bill, and that is downstream, is to essentially democratise the process.

The minister already has the power to deal with the environmental aspects of any river system. Clause 40 sets out a number of parameters which are already referred to in the Water Act to be used when somebody comes to deal with renewing a licence in, say, the Murray–Darling area, which is represented by and was spoken of passionately by the honourable members for Rodney and Swan Hill. Most of the water diverted from the Murray system in totality is as a result of people exercising their licence entitlements under section 51 of the act.

The overall impact of high-catchment farmers exercising their statutory right in taking water out of the system is minuscule compared to the impact of those people who are represented by the honourable member for Swan Hill and the honourable member for Rodney. However, the minister does have the power, and has had it for a long time, in determining whether to renew a licence to look at existing and projected water quality in an area; the availability of water in an area; the need to protect the environment, including the riverine and riparian; and also to adopt the conservation policy of the government and the government's policies concerning the preferred allocation or use of water resources.

I understand that the political damage of a minister exercising that power by taking a tough decision to implement government conservation policies may be very dramatic. This minister has to understand that becoming a minister is not necessarily just getting upgraded from the back of an aircraft to the front, to say business class; it also means making tough decisions. But I understand what the minister is doing.

The second aspect of the bill is to democratise the process of determining water supply protection areas because there are indications that there is a problem. This would involve setting up a consultative committee — 50 per cent of the members will have to consist of land users in that area — to determine how a waterway will be wound back, with the exception of domestic and stock uses. That may have an impact on

people who have section 51 licences, and it may impact those who have registered their dams and their use. That may be wound back, but it would be down the line after an investigation by one of these consultative committees.

Our Liberal Party amendments say that we are prepared to surrender a statutory right once one of these democratic committees has determined that it is appropriate that a waterway be wound back. That is all that is proposed. It is no more than what the government is perhaps doing with people who have a normal section 51 licence in the electorates of Swan Hill, Rodney, south of the Divide or elsewhere — that is, once the government determines that something is so stressed and so significant that it needs to implement its policies it sets up a water supply protection area. The one thing that the minister might do is adopt the amendments of the Liberal Party and perhaps require not only the registration of dams but also the registration of their use, because the minister is removing a substantial right. It may be minuscule in respect of the overall water detriment in the Murray–Darling area, but it involves rights that have been adopted and used both north and south of the Divide.

I suggest the minister adopt these amendments. I certainly support them.

House divided on motion:

Ayes, 52

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

Noes, 34

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

Motion agreed to.

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

APPROPRIATION MESSAGE

Message read recommending further appropriation for the purposes of the Victorian Institute of Teaching Bill.

HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 1 November; motion of Ms KOSKY (Minister for Finance).

Mr CAMERON (Minister for Local Government) — It is a pleasure to join this debate on the House Contracts Guarantee (HIH Further Amendment) Bill. The first clause goes through the purposes of the bill to amend the House Contracts Guarantee Act in relation to domestic building.

As a matter of background, I point out that the changes are necessary because of events which have transpired. As honourable members will recall, the House Contracts Guarantee (HIH) Act 2001 was developed rapidly and passed in June. The purpose was to minimise disadvantage that home owners would otherwise have suffered through the collapse of the HIH Insurance group. Honourable members will appreciate that the collapse of HIH caused enormous angst and grief to many people in the community, and that angst and grief was also felt in this sector.

As a consequence the government agreed in May to a proposal which was based on the due diligence of the available HIH claims files. The scheme has operated for

several months, and it is now clear that some insurance policies issued by HIH between November 1996 and December 1999 contained clauses that in different cases benefited property developers and disadvantaged home owners. The bill rectifies those anomalies. Honourable members would appreciate that we are trying to give home owners the benefits of the government's policy intention which was passed through Parliament.

Both the second-reading speech and the parliamentary debate on the original bill made it clear that the scope of the state scheme was to include all home owners with defunct HIH policies. Honourable members may very well recall the speeches that were made at that time. The second-reading speech makes no reference to property developers, and it explicitly excludes builders as beneficiaries of the scheme. That reinforces the view that the social policy objectives of the scheme were not intended to assist property developers, and I think we were all very well aware that that was the intent of what occurred back in June.

The bill amends the original act, the House Contracts Guarantee Act 1987, to do a number of things, which include excluding claims by property developers. In other words, this bill makes that intent clear and explicit. In addition it excludes claims unrelated to builder warranties insurance and enables claims to be made by house owners whose policies lapsed when HIH ceased to trade. It precludes the Housing Guarantee Fund Ltd from being obliged to accept claims simply because they were lodged with HIH more than 90 days previously, and enables direct claims on HGFL as agent for the state by home owners under HIH policies where the builder was the insured.

This bill is sound, it is sensible, and I wish it a speedy passage.

Ms KOSKY (Minister for Finance) — The House Contracts Guarantee (HIH Further Amendment) Bill is important for a number of reasons — two in particular — and it is also important that we maintain in total the intent of the bill.

The first aspect of the bill is to provide assistance to legitimate claimants who have been excluded from access to HIH funds because of particular clauses in their policies — clauses that we could not have been aware of at the time that the original bill was brought into the house because of the state of HIH. We could not get full detailed access to the files at that stage. We had an actuary go through the files available to us at HIH but we could not obtain all of the information.

The second intent of the bill is to ensure that developers and those with bundled policies not be allowed to access an entitlement that was never intended. This is fundamentally consumer legislation, and developers are not viewed as consumers in this case. That has been further emphasised by the 1998 ministerial order which indicated that developers did not have to be considered as consumers by insurance companies at that stage under the previous government.

I want to thank all of those who have contributed to the debate. I also want to thank the opposition spokesperson for the way that he has handled the information in this debate; we have had a number of discussions about the bill.

The two particular issues that I know that the opposition has moved amendments for are worthy of my response at this stage.

It is a well-established principle that parliaments are entitled to correct errors or oversights in legislation and can do so retrospectively. *Hansard* records contain many such instances, many of which were introduced by the previous government. The real concern about retrospectivity is that government can use it to deny a person a right or a liberty that was understood and in place at a time when they made a decision or did something only to discover at a later stage that the rules have been changed. However, in the case of the HIH rescue package we are not talking about Parliament being asked to reverse out a right.

When HIH collapsed the Parliament offered a gift to home owners who were stranded by the demise of their insurer. The gift by taxpayers is not in the nature of a right and it is not offensive for the Parliament to clarify the scope of those people who should be able to benefit from the gesture. This is particularly so when it is so clear that the opportunity for developers to access the fund was so obviously an error and was not intended by the Parliament when the legislation was passed in June. In the June debate the honourable member for Brighton sought an assurance that the government would come back to the Parliament to correct any errors that came to light in the operation of the rescue package, and that is exactly what we have done. However, rather than responding positively to something that they asked of the government at that time, the opposition seeks to advantage very few developers who could never have had an expectation to access the fund.

No evidence has been brought forward that establishes that persons other than home owners were the objects of the Parliament's original proposal. In the case of the developers we should also take into account the fact

that in 1998 the previous government excluded developers from access to certain insurance benefits. This was done because their inclusion was inconsistent with a scheme that is essentially about consumer protection.

In relation to bundled policies and retrospectivity, the government was aiming at legislation that tries to cover the full range of possibilities so that taxpayers and builders will not be taken advantage of and forced to pay for policies that are demonstrably unrelated to building activity. If the opposition can give a guarantee that no application can find its way into the scheme for boat, car or other forms of insurance unrelated to the building industry, and this amendment proceeds, then the government might be able to agree to the proposal. Unfortunately those with greater access to the HIH paperwork and experience of the people we are dealing with do not share such confidence.

In any case the government thinks the opposition has misunderstood the proposal and that the use of the term 'of a kind' in proposed subsection 38(1)(ba), which is inserted by clause 7, ensures that payments for building warranty claims need not be the bare minimum that the opposition is suggesting the government is trying to limit the entitlement to. There have already been cases through the HIH rescue package of payments above the minimum, but all of those payments relate to building works and not to other forms of insurance.

Finally I make it clear that if the opposition were to proceed with the amendment and if it were passed by the Parliament a situation would arise where developers would be subsidised for their building works by thousands and thousands of builders around Victoria. These builders would be subsidising a handful of developers who have used a loophole to access the funds. As we know, known claims by developers are approximately $10 million. This would increase the total cost of the scheme by around one-third. That is a very significant increase in the cost of the scheme — a scheme that is funded fifty-fifty by taxpayers and by builders from an additional levy on domestic building permits. At this stage it is worth stating that only 10 per cent to 20 per cent of the domestic building permits are for developers; the rest are for ordinary home owners.

If this amendment were to proceed a situation would arise where developers who contribute only around 10 per cent to a fund as builders would be accessing at least one-third of the fund. That would mean that the scheme would continue for around two years so that builders and taxpayers would provide funding to developers who were never intended to benefit from the legislation.

A fair bit of lobbying has occurred around this bill. There have been lots of phone calls and quite a few lobbyists on the trail, but I hope that the lobbying of a few will not disadvantage thousands and thousands of builders around this state. I hope it will not disadvantage those people who currently cannot access Housing Guarantee Fund Ltd funds who were intended to be able to access those funds but who because of particular clauses in their policies cannot do so. It would be an absolute travesty of justice if those ordinary home owners, who are really struggling, were not able to access HGFL funds this side of Christmas or well into the future.

I ask for some sensibility around this legislation. I hope that commonsense will prevail and that the debate we had in June about what was needed for builders and home owners in terms of consumer protection continues to be the focus of this bill and not a handful of developers who have been able to use a loophole to attempt to access funds that were never intended for them.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 6 agreed to.

Clause 7

Mr CLARK (Box Hill) — I move:

Clause 7, page 5, after line 27 insert —

"(7) The exclusion by sub-section (1)(aa) of a developer covered by a HIH policy from an indemnity under section 37 in respect of building work does not apply to a developer who lodged a claim with HGFL before 1 November 2001.

(8) The exclusion by sub-section (1)(ba) of a loss indemnified under a HIH policy from an indemnity under section 37 does not apply to a loss a claim for which was lodged with HGFL before 1 November 2001.".

The CHAIRMAN — Order! Unfortunately, I cannot accept the amendment moved by the honourable member for Box Hill because it has financial considerations involved in it.

Mr Clark — On a point of order, Chairman, I would like to invite you to reconsider that ruling, and let me put the following to you. There are two relevant provisions that affect this. The first is section 62 of the

Constitution Act, and the second is standing order 170. Section 62 of the Constitution Act provides that:

> All Bills for appropriating any part of the Consolidated Fund and for imposing any duty rate tax rent return or impost shall originate in the Assembly and may be rejected but not altered by the Council.

Following on from that, section 63 provides:

> The Assembly may not pass any vote resolution or Bill for appropriating any part of the Consolidated Fund or of any duty rate tax rent return or impost for any purpose which has not been first recommended by message of the Governor to the Assembly during the session in which such vote resolution or Bill is passed.

I submit to you that the vote that would be taken on the amendment I am moving would not be a vote for appropriating any part of the consolidated fund. It is only by an indirect route that there may be implications for the consolidated fund from this amendment.

The principal legislation provides that the state must indemnify persons in certain circumstances. Our amendment confines the scope of a government amendment which proposes to reduce the scope of that indemnity. However, that indemnity will only result in a call on the consolidated fund if the claim for the indemnity is not met by the indemnity fund that is already established in legislation. That indemnity fund, as the minister mentioned in closing the second-reading debate, is funded by a levy on building permits, and it is also funded by moneys that are expressly appropriated by Parliament.

Obviously it is a matter for Parliament as to when it appropriates moneys into the fund, and the fund receives moneys from other sources, anyway. It would only be if the fund defaulted on making a payment it was obliged to make and therefore the state was sued in the courts and a judgment obtained against it for non-payment that there is a possibility that the Crown Proceedings Act would result in an appropriation.

Standing order 170 provides:

> No proposal for the appropriation of any public moneys should be made unless the purpose of the appropriation has been recommended to the house in the same session by a message …

Later there is a further reference:

> No amendment of such proposal shall be moved which would increase or extend the objectives and purposes …

I submit that the rider at the end of that standing order is not relevant, because the amendment that I am proposing does not fall within the opening words of the standing order since it is not a proposal for the appropriation of public moneys, for the reasons I have already described.

Mr Lenders — On the point of order, Chairperson, the provisions of standing order 170 are quite explicit: for any bill to be passed by the Assembly it requires a message from the Governor specific to it. The proposed amendment to this bill does not have the required message to enable the Assembly to appropriate money for it.

The honourable member for Box Hill said that the amendment would raise only an incidental issue. There is a specific appropriation of $35 million that was dealt with in the last piece of legislation. The amendment would by definition extend that if the beneficiaries are extended. Legislation does provide for special appropriations for some particular matters which do not come through the normal budgetary process. This is certainly not one of those. They are limited to issues such as provisions for the Auditor-General or the Electoral Commissioner and a number of others, or salaries of judges — certainly not for this sort of matter. So it would require a specific message from the Governor before the Assembly could actually appropriate for it, and that message has not come.

Mr McArthur — On the point of order, Madam Chair, I think the honourable member for Dandenong North has hoist the government on its own petard because he relied on the appropriation that was made for the principal legislation. He said there was an appropriation of $35 million for that and that our amendment would seek to extend that appropriation. That is completely inaccurate. In fact what the amendment seeks to do is to maintain that core, because our amendment proposes preserving the provisions and parameters of the principal act. It does not seek to extend them any further or admit any new claimants. So I submit that the honourable member for Dandenong is wrong on that.

Secondly, I am well aware of the provisions of standing order 170 and have discussed them a number of times with the Clerks. The issue of a direct call is very important. As the honourable member for Box Hill pointed out, the amendment does not involve any direct call on the consolidated fund.

In considering the issue, I refer you to page 20 of *Rulings from the Chair — 1920–2000*. There are three possible areas where there have been Speakers' rulings before which may apply to this matter. Firstly, under the heading 'Suggesting new expenditure item', Speaker Mackey ruled it out in 1923. But I do not think that ruling applies here because clearly this amendment

does not include any new expenditure item. As I pointed out before, it merely maintains the status quo under the principal act.

The second area is 'Providing for compensation', where Speaker Knox ruled that an amendment which would provide for compensation from the consolidated fund was not allowed. I suggest that that ruling does not apply either because this amendment does not entitle anyone to any compensation directly from the consolidated fund, nor does it allow anyone who did not previously have a claim on an insurance fund to gain that access, as far as I am aware.

The third ruling is in relation to 'Suggesting liability for losses', where Speaker Mackey disallowed amendments which would have required money to be provided from the consolidated fund for losses. I suggest that this also is wide of the mark. There is no compensation for losses caused by the amendment. The amendment proposes retaining the existing access to an insurance fund for a group of people who gained that access under the provisions of the government's initial legislation. The government is now seeking to close off that access. The amendment does not seek to extend the access in any way at all. It is simply posed on the basis that the initial intent of the original legislation should stand.

We can argue the merits of that. That is the perfectly acceptable thing for the house to do. There may be argument on either side of the merits. What I suggest is that moving the amendment does not infringe against either the standing orders of the house or the rulings of previous Speakers. It is allowable because it does not provide for any additional call on the consolidated fund, any additional compensation or anything that is not already there. On that basis, I suggest that the amendment should be considered.

The CHAIRMAN — Order! The honourable member for Box Hill has sought to move an amendment to clause 7. That clause sets out exclusions to the indemnity originally set up in the House Contracts Guarantee Act 1987 by amendments to that act passed earlier this year. The effect of the proposed amendment is to narrow the exclusions, effectively, therefore, increasing the circumstances in which claims can be made. Successful claims are paid from the Domestic Buildings HIH Indemnity Fund, established by section 46 of the 1987 act. It is clear from that section that the fund includes moneys appropriated by Parliament and that, therefore, a state liability exists. Under standing order 170, referred to by members in the discussion, no amendment can be moved which increases or extends an appropriation unless a message from the Governor recommending such appropriation is presented.

In the absence of any message, and it being clear that the proposed amendment extends the state's liability, I rule it to be inadmissible.

Mr CLARK (Box Hill) — I will briefly make some comments on those aspects of the minister's remarks in closing the second-reading debate that relate to clause 7 and to the matters which my amendment sought to address.

The opposition and government are in agreement on two points — first of all, that this bill is important for a significant number of potential claimants. We all want to get the legislation through Parliament quickly so that those potential claimants who do not currently have rights due to oversights in the June legislation but who everybody agrees fell within the scope of the scheme of the June legislation can get access to those rights. We would like to see the bill go through quickly so that can take place.

We are also in agreement that if those provisions relating to developers and the scope of insurance policies were simply loopholes then it would be appropriate to close them, and close them with retrospective effect. That is what the opposition has agreed to in relation to another measure.

However, we say it was reasonable and genuine for people reading the June legislation to take it to cover the whole range of building owners who fell within the terms of that legislation for all the reasons I gave during my second-reading remarks and which I will not repeat now. The government is saying, in effect, that these people should be sacrificed for the good of the state — that we can take away the rights of the nine that the minister referred to because we want the money back — and the fact that they have relied on what was given to them and have acted in accordance with that reliance is just too bad.

We do not know the full scope of the situation of these nine people, but it is perhaps worth making the point that the amendment is not just for large developers. Potentially a husband and wife who had put savings into developing a block of three units would also be caught, but whether they are or are not depends on the identity of the nine. But regardless of who the nine are, it is they who are being sacrificed for the purposes of covering up and papering over the mistake that the government now says it made in its June legislation.

I respond to one further argument that the minister raised which seems to me to be incorrect. Her argument

is that only 10 per cent to 20 per cent of building permits are issued for developers and that therefore they will only be putting in 10 per cent to 20 per cent of the levy money. As I understand it, the levy is based at $32 per $100 000 of building works, so if developers tend to undertake larger developments than those involving people having single homes constructed, they will be putting in far more than 10 per cent to 20 per cent of the levy contribution.

The minister also referred to the policies that go beyond the strict letter of the legislation and contested the interpretation we have put on these provisions. Her interpretation is that works of a kind covered by ministerial orders will still get covered, not simply those strictly under the terms of the ministerial order. I am not sure if I agree with that interpretation, but in any event if that argument is correct then it is not pre-empted by the second change which the opposition believes should be made to the bill.

Clause agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

VICTORIAN INSTITUTE OF TEACHING BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 8, line 11, omit "19" and insert "22".

2. Clause 8, line 15, omit "9" and insert "12".

3. Clause 8, line 22, omit "3 are to be teachers" and insert "one is to be a teacher".

4. Clause 8, page 9, lines 2 and 3, omit "or a school registered under Part III of the **Education Act 1958**".

5. Clause 8, page 9, line 7, after this line insert —

   "(e) one is to be the parent of a student in a school registered under Part III of the **Education Act 1958** selected by the Minister following the Minister's consideration of names submitted to the Minister from organisations representing parents of students in those schools;".

6. Clause 8, page 9, line 8, omit "2 are to be persons" and insert "one is to be a person".

7. Clause 8, page 9, line 13, after "**1958**" insert "that is operating under the auspices of the Catholic Education Commission.

8. Clause 8, page 9, line 14, after this line insert —

   "(g) one is to be a person nominated by the Minister following the Minister's consideration of names submitted to the Minister from person or bodies employing teachers in schools registered under Part III of the **Education Act 1958** (other than schools referred to in paragraph (f) or bodies or organisations representing those employers;".

9. Clause 8, page 9, line 15, omit "one is to be a person" and insert "2 are to be persons".

10. Clause 8, page 9, line 22, omit "7" and insert "10".

11. Clause 8, page 9, line 23, omit "elected by registered teachers".

12. Clause 8, page 9, line 25, omit "one is" and insert "3 are to be elected by and from registered teachers who are".

13. Clause 8, page 9, lines 26 and 27, omit "currently teaches" and insert "are currently teaching".

14. Clause 8, page 9, line 30, after "is" insert "to be elected by and from registered teachers who are".

15. Clause 8, page 9, lines 32 to 33, omit "or currently teaches" and insert "that is operating under the auspices of the Catholic Education Commission or is currently teaching".

16. Clause 8, page 10, line 1, omit "one is" and insert "3 are to be elected by and from registered teachers who are".

17. Clause 8, page 10, lines 2 and 3, omit "currently teaches" and insert "are currently teaching".

18. Clause 8, page 10, line 6, omit "currently teaching" and insert "to be elected by and from registered teachers who are".

19. Clause 8, page 10, lines 8 and 9, omit "or currently teaches" insert "that is operating under the auspices of the Catholic Education Commission or is currently teaching".

20. Clause 8, page 10, line 11, after this line insert —

   "(v) one is to be elected by and from registered teachers who are currently teaching in a school that is registered under Part III of the **Education Act 1958** (other than a school referred to in sub-paragraph (ii) or (iv) or is currently teaching at least one subject in such a school;

   (vi) one is to be elected by and from registered teachers who are currently teaching in a special school for students with disabilities or impairments;"

21. Clause 9, line 15, omit "81" and insert "80".

22. Clause 13, line 32, omit "81" and insert "80".

23. Clause 18, line 22, omit "81" and insert "80".

24. Clause 21, line 15, omit "81" and insert "80".

25. Clause 21, line 27, omit "81" and insert "80".

26. Clause 59, page 42, lines 26 to 35 and page 43, lines 1 to 3, omit all words and expressions on these lines.

27. Clause 61, omit this clause.

28. Clause 62, lines 16 to 25, omit all words and expressions on these lines and insert —

"member has all the powers and may perform all the functions of the member."

29. Clause 65, page 47, line 3, omit "64" and insert "63".

30. Clause 69, line 11, omit "68" and insert "67".

31. Clause 71, line 13, omit "68" and insert "67".

32. Clause 71, line 15, omit "70" and insert "69".

33. Clause 71, line 17, omit "84 or 94" and insert "83 or 93".

34. Clause 74, line 3, omit "70" and insert "69".

35. Clause 75, line 13, omit "70, 72 or 73" and insert "69, 71 or 72".

36. Clause 76, line 23, omit "70, 72 or 73" and insert "69, 71 or 72".

37. Clause 77, line 7, omit "70, 72 or 73" and insert "69, 71 or 72".

38. Clause 78, line 20, omit "70, 72 or 73" and insert "69, 71 or 72".

39. Clause 78, page 54, line 10, omit "70, 72 or 73" and insert "69, 71 or 72".

40. Clause 79, line 14, omit "70, 72 or 73" and insert "69, 71 or 72".

41. Clause 84, page 59, line 1, omit "consultation" and insert "agreement".

42. Clause 88, page 62, line 8, omit "88" and insert "87".

43. Clause 90, line 5, omit "19" and insert "22".

44. Clause 90, line 16, omit "91" and insert "90".

45. Clause 93, line 21, omit "92" and insert "91".

46. Clause 94, line 23, omit "84" and insert "83".

47. Clause 94, page 67, line 16, omit "84" and insert "83".

48. Clause 94, page 67, line 21, omit "consultation" and insert "agreement".

49. Clause 94, page 67, line 26, omit "84" and insert "83".

Ms DELAHUNTY (Minister for Education) — The Victorian Institute of Teaching Bill is an important piece of public policy that has the support of all stakeholders in the educational community — the teachers, the teacher unions, both independent and government schools, parents, parents councils, school councils, both secondary and primary principals associations and all supporters of both the Australian Education Union and the Victorian Independent Education Union.

The ACTING SPEAKER (Mr Richardson) — Order! I urge the minister to move the amendments. She needs to move amendment 1 and then address the house.

Ms DELAHUNTY — I move:

That amendment 1 be agreed to with the following amendment:

Omit "22" and insert "20".

As I was outlining to the house, Acting Speaker, this bill has outstanding support from the educational community. The only support it has not received is from the Liberal Party, despite the Honourable Andrew Brideson in the other place saying, and I quote, 'The Liberal Party does not oppose this bill'.

The Liberal Party has opposed this bill, but in the spirit of compromise, and being urged on by all three sectors of the educational community — the government sector, the Catholic education sector and the independent sector — the government has proposed compromises progressively to the Liberal Party to entice it to reach agreement with the rest of the educational community on this bill.

This amendment reduces to 20 the opposition's wish for a governing council membership of 22.

Mr HONEYWOOD (Warrandyte) — In addressing this amendment it is worth while noting that the bill was brought into this sittings of the Parliament very late. It is a highly complex bill, and it is a shame we have had to have these last-minute negotiations, particularly given that at the briefings provided to the opposition it was indicated that the bill would be introduced by the government some weeks before it actually came in.

Notwithstanding that, the opposition has made extraordinary efforts to get the bill through the upper house in record time. It was first and second-read very quickly to allow the government time to look at whether it would come part of the way towards

addressing some of the key anomalies as they relate to a democratic and independent professional association.

The opposition is pleased to see that the government, despite its total intransigence of only a few days ago, is now offering at least that there be 10 elected members and 10 appointed members. However, opposition members are very keen to ensure that the chair of the governing council is also seen to be independent. We are hopeful that between here and another place negotiations will succeed in ensuring that rather than being appointed by the minister of the day and having a casting vote, as is currently proposed, the chair will be elected by the 20 members of the body. We would then be able to say to the teaching profession, 'We have had a win for you. We have gone out there and held the minister up to the rhetoric she has been going on with for two years' — the rhetoric being that this would be a body totally independent of the government.

The minister's own working party laboured away for two years and came up with a recommendation almost identical to the opposition's original recommendation, which was to have 12 elected positions and 10 appointed positions. We have really been supporting the minister's working party in this regard, and we are pleased to see that the minister has come some way towards our recommendation by proposing 10 elected and 10 appointed positions. However, we still have this concern about the chair being elected by the 20 people rather than being appointed by the minister, which we hope can be resolved when the bill is between here and another place.

Mr KILGOUR (Shepparton) — I have had discussions with the honourable member for Warrandyte on the issue. The National Party supports his amendments and hopes that the issue can be finalised when the bill is between the two houses so the institute can go ahead before the next sittings.

It is very important that the house support the principals in particular, as they have been very strong in advocating that they have their own college and that it not be interfered with. The proposals of the honourable member for Warrandyte will support the principals. I am appreciative of the fact that the minister has come quite a long way since the original bill came before the house and has been prepared to take part in discussions over many days to ensure that the house can get this bill through the Parliament. The National Party certainly supports the position put by the honourable member for Warrandyte.

Motion agreed to.

Ms DELAHUNTY (Minister for Education) — I move:

> That amendment 2 be agreed to with the following amendment:
>
> Omit "12" and insert "10".

I do not need to speak to this amendment, as it reflects the compromise that was put to the opposition in an attempt to reach agreement, which is what the stakeholders want. It will provide for an independent council and a statutory body. As the discussion paper of the advisory council to the minister put it, the best way to make an institute independent is to create it as a statutory authority, and that is precisely what the government is doing. This amendment would mean that the governing council would be composed of 10 elected members and 10 nominated members.

Mr HONEYWOOD (Warrandyte) — I will make a very brief contribution on this amendment. The arrangement is that the additional member the government has agreed to will be a representative of the special schools sector. I am pleased that the government has at least seen the light on that issue, given that the special school system looks after the needs of children with severe learning and physical disabilities. The government, in coming part of the way, has at least acknowledged the need for that special area of education to be represented.

However, let the record show that the government's refusal to agree to the other two representatives the opposition requested will have the effect of leaving out some government-school-elected positions. That is a shame, given that the opposition was trying to ensure that there would be three primary government school teacher representatives and three secondary government school teacher representatives. Unfortunately the effect of this amendment will be to dilute the ability for government-school-elected positions to be maximised.

Motion agreed to.

Ms DELAHUNTY (Minister for Education) — I move:

> That amendments 3 to 9 be disagreed with.

This will maintain the ministerial nomination of teachers and educational stakeholder representatives as per the original government bill.

No other professional representative board in Australia would have the composition that the opposition originally proposed. I will turn in a moment to what the opposition leader said when in government during a

debate on nurses registration — which is precisely the issue we are talking about here, as we are talking about an institute that will register government school teachers. At the moment there is no system of registering government school teachers in this state; that system was overturned by the Kennett government. Parents have been lobbying the Labor government hard for registration of teachers so they can be assured that the quality of the teachers in front of their children's classes is of the highest possible standard.

I cannot believe that this opposition when in government removed the registration of government school teachers and is now, in appearing to consistently oppose this bill, again working to ensure that there will be no registration of government school teachers in this state. That is an extraordinary proposition.

However, the opposition leader when in government argued on five occasions when introducing legislation for the registration of nurses and other professionals that even with all the ministerial nominations the bodies were independent from government. The professional boards for chiropractors, osteopaths, optometrists, podiatrists and Chinese medicine practitioners are nominated, in the majority, by the government of the day, and all are considered independent professional organisations. Substantial inconsistency is being shown by the opposition on both these issues.

Mr HONEYWOOD (Warrandyte) — The minister is now ranging far and wide, and we could be here all day if she chooses to go down that path. In terms of her rhetoric on the issue of parents rights and the difference between having registered and non-registered teachers, I challenge the minister to show me the clause in this legislation that gives parents the right to sack teachers.

I refer to the education supplement of the *Age* of Wednesday, 21 November, which reported the minister as saying:

> Victorian teachers are about to get a major dose of parental supervision. Parents will be allowed to make direct complaints to a new registration board that will have the power to sack, or at least discipline, incompetent teachers and principals.

It is amazing that she is saying that as a result of this bill parents will have the power to sack when there is no clause in the bill that would allow that to happen. Yet in another place only yesterday the Minister for Sport and Recreation, the Honourable Justin Madden, who is the minister in that place responsible for this bill, said he was advised that the institute did not employ teachers so it did not have the power to sack them. Perhaps the Minister for Education would like to have a discussion with the minister in the other place about who is right and who is wrong. It is all window-dressing by the Minister for Education, and the responsible minister in the other place has directly contradicted her. That is on the record of the other place, and the minister might like to check that.

Having said that much, let me add that there is already de facto registration, and there has been since 1992. No teacher in a Victorian government school is currently allowed to teach without a mandatory police check and unless they can convince the principal of the school in question that they have appropriate teaching qualifications. For example, hundreds of Japanese assistant teachers come into our system every year, and none of them are allowed to take a class alone because the government, which runs government schools, has regulations in place to ensure that teacher assistants are not allowed to take a class unless a qualified teacher is in the classroom with them. So it is a nonsense to say that anything whatsoever will change in registration, given the methods that have been in place for some years since so-called registration was gotten rid of.

We then come to the issue that the minister is saying that the current Leader of the Opposition has, in another lifetime, talked about registration boards and the need for government to control them. What she has neglected to mention is that many of the boards she quoted were of professional associations that are not employed by the government. I put to the minister that in many cases even nurses are employed by nursing agencies or, to use the language of the Minister for Health, are employees of independent health networks, not the government.

Mr Hardman — Some teachers are too, Phil.

Mr HONEYWOOD — The honourable member for Seymour rushes in and says, 'So are teachers'. But no, 70 per cent of our teachers are directly employed by the government. That is quite different to the situation where nurses, according to the government, are employees of independent health networks in the state of Victoria nowadays. If they are not the employees of independent health networks, they are employees of independent nursing agencies whom government hospitals hire to provide them with a work force.

In finally addressing the minister's contribution to this interesting preamble, when it comes to the international situation, I note that the minister referred to the Australian context only, while the opposition likes world-class standards of education. We like to compare ourselves with other similar jurisdictions overseas, and

you only have to look at the systems in Canada or the United Kingdom to find that they have a majority of elected representatives on their equivalent teacher registration boards. In Canada the board has the power to register and in the United Kingdom it has a whole array of powers similar to those proposed in the bill. It is cute for the minister to stop at the national borders. In the opposition, we like to think of ourselves as comparable to world-class standards.

Motion agreed to.

Ms DELAHUNTY (Minister for Education) — I move:

That amendment 10 be agreed to with the following amendment:

Omit "10" and insert "8".

This decreases the number suggested by the opposition but increases the number proposed by the government to eight, and I think it is a good compromise.

Motion agreed to.

Ms DELAHUNTY (Minister for Education) — I move:

That amendment 11 be agreed to.

Motion agreed to.

Ms DELAHUNTY (Minister for Education) — I move:

That amendment 12 be agreed to with the following amendment:

Omit "3" and insert "2".

This specifies that two government primary teachers are elected by government primary school teachers. This is a good compromise position put by the opposition. The government is happy to accept it.

Mr HONEYWOOD (Warrandyte) — While the government may be happy to reduce the number of elected government school teachers, the opposition would prefer to have three rather than two. Let the record show that.

Motion agreed to.

Ms DELAHUNTY (Minister for Education) — I move:

That amendments 13 to 15 be agreed to.

Motion agreed to.

Ms DELAHUNTY (Minister for Education) — I move:

That amendment 16 be agreed to with the following amendment:

Omit "3" and insert "2".

Mr HONEYWOOD (Warrandyte) — We have a similar concern to the one I previously raised, and that is that the government is reducing government school representation in putting forward this amendment. Let the record show that the government does not support proportional balance. There is proportional voting in some jurisdictions but the government does not support it. A ratio of roughly two-thirds to one-third applies to the number of government teachers to the number of non-government teachers. Here the government is reducing the representational clout of government school teachers on the board of the Victorian Institute of Teaching.

Motion agreed to.

Ms DELAHUNTY (Minister for Education) — I move:

That amendments 17 to 19 be agreed to.

Motion agreed to.

Ms DELAHUNTY (Minister for Education) — I move:

That amendment 20 be agreed to with the following amendment:

Before "special" insert "State".

It specifies that we have one independent teacher elected by teachers from the independent schools and one government special school teacher elected by teachers in these schools. This was a compromise suggested by the opposition which the government is happy to accept.

Mr HONEYWOOD (Warrandyte) — The opposition is pleased the government has come part way here. We are pleased that we will have sectoral voting. In the original legislation it was clearly a nonsense that government school teachers could vote for Catholic school representatives or that independent school representatives could vote for a government school representative. As I said, that was a clear nonsense. It invited the occurrence of the very issue that the minister has been at pains to suggest should not occur, and that was that it would have invited the teacher union to run a ticket across Catholic and

independent sectors and it would do very nicely in the process.

Therefore in terms of union capture this amendment will ensure that each sector will be able to vote for its own representatives, and we cannot understand why the government did not propose that in the original legislation. Of course it is particularly fitting that special school teachers should only vote for special school teachers as well, and we are pleased that we have come a long way from the other compromise that the government suggested only a few days ago that would have allowed each elector to elect 6 of the 9 representatives — it is now 10 — which would still have had the effect of allowing, for example, the government school teacher to elect a Catholic school representative.

Motion agreed to.

Ms DELAHUNTY (Minister for Education) — I move:

That amendments 21 to 25 be disagreed with.

These simply are the renumbering of the clauses that would flow from the opposition amendments in the upper house.

Motion agreed to.

Ms DELAHUNTY (Minister for Education) — I move:

That amendment 26 be agreed to.

It deletes a specification on the ballot paper as now we will have separate electoral colleges.

Motion agreed to.

Ms DELAHUNTY (Minister for Education) — I move:

That amendments 27 to 42 be disagreed with.

Motion agreed to.

Ms DELAHUNTY (Minister for Education) — I move:

That amendment 43 be agreed to but with the following amendment:

Omit "22" and insert "20".

Motion agreed to.

Ms DELAHUNTY (Minister for Education) — I move:

That amendments 44 to 49 be disagreed with.

Again, these are consequential amendments.

Mr HONEYWOOD (Warrandyte) — In closing I place on record that it is hoped that while the bill is between here and another place the two obstacles we have with these amendments between the government and the opposition can be accommodated. The first is the rights of the principals colleges and other colleges to have some independence and not be open to total control by the institute of teachers. We are particularly concerned that principals should be seen to be the chief executive officers of our schools rather than controlled at the whim of a teachers institute.

Importantly the other sticking point is that we still have some disagreement on the chairmanship, which I have noted before. If the government's rhetoric on the independence of this institute is to be put into action, given that we now have 10 elected and 10 appointed representatives, then at the very least let us do what they do in Canada and the United Kingdom and ensure that by having the chair elected by the 20 people on the governing board rather than appointed by the minister the institute will be seen to be independent rather than in practice being controlled by the whim of the minister of the day.

Motion agreed to.

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

Sitting suspended 1.01 p.m. until 2.03 p.m.

DISTINGUISHED VISITOR

The SPEAKER — Order! It gives me great pleasure to welcome to our gallery and to Melbourne today Mr Timothy C. Phillips, the Vice-Consul of the United States of America.

QUESTIONS WITHOUT NOTICE

Urban and Regional Land Corporation: managing director

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to the fact that this morning on radio the honourable member for Gippsland West said that the Premier had assured the Independents that Mr Jim Reeves had left Sovereign Brewery Ltd 'quite a long

time before it actually went bust'. I further refer to documents obtained from the Australian Securities and Investment Commission which prove that Jim Reeves was company secretary and a director from December 1987 to August 1997 and its chief executive officer from December 1987 to December 1995, and that Sovereign Brewery went bust in mid-1990 Is it a fact that the Premier lied to the Independents, and through them lied again to the people of Victoria?

Mr BRACKS (Premier) — The answer clearly is no to that last question. I refute the imputation in that last part of the question. Secondly, Mr Reeves was not even in Ballarat for the last two years before the company went bust. He was in Canberra.

Manufacturing: union activity

Mr MILDENHALL (Footscray) — Will the Premier advise the house of the major challenges confronting Victorian manufacturing and the latest action the government is taking to address them?

Mr BRACKS (Premier) — I thank the honourable member for Footscray for his question. Before I get to the particular matter of a new initiative I should say that manufacturing exports in this state have grown some 33 per cent in the last two years, which has been a significant increase and shows the strength of the change in manufacturing from a solely domestic enterprise to one which is outward looking and is about export and competition internationally.

Employment in manufacturing has had a net increase also of about 29 900 jobs since August 1999. We have seen some significant new announcements, particularly in the car manufacturing area such as those from Ford and Holden, but also Bombardier and the recent announcement of the rolling stock which will be produced in Dandenong here in Victoria. I am encouraged and I am supportive of the direction of manufacturing. I must congratulate the Minister for Manufacturing Industry in particular for his leadership in chairing the Manufacturing Industry Consultative Committee and ensuring that all parties — employers, unions and others interested in manufacturing — are there, signed on, committed and ready to go ahead on manufacturing jobs in this state.

I refer to one particular problem that I believe is inhibiting the growth and development of jobs in some sections of manufacturing and the potential for further jobs that might be developed, and that is one rogue section of the Victorian branch of the Australian Manufacturing Workers Union (AMWU). I have some significant concerns about the actions of elements of that branch, some of which are under appropriate investigation and others which have occurred, including intimidation and the breaking up of enterprise agreements.

In particular, as has been submitted to the arbitration commission and supported by the state government in Victoria, is the concern around Saizeriya, the Japanese company that was set up under the auspices and support of the Victorian government. We are concerned about the demarcation that the AMWU is having with other sections of the union movement, and we have stood side by side with that company in the Federal Court and in the Australian Industrial Relations Commission to support it in every action that is required.

In addition to the steps we have already taken, today I have written to the national secretary of the Australian Manufacturing Workers Union urging the national office of the union to take immediate and urgent action against its state office here in Victoria. I certainly want to ensure that the interests that we have in manufacturing, that the wide body of the union movement — 98 per cent — has in manufacturing, is reflected also in one section of the union movement here in Victoria. I have concerns about it. I am urging that action be taken at the federal level against that section here in Victoria. By following through on that we will be able to have both more productive and better paid jobs and further growth in manufacturing in Victoria.

Ansett Australia: assistance package

Mr RYAN (Leader of the National Party) — Given the significance to country Victorians of the availability of access to local air services I ask: will the Premier release full details of the assistance package offered to the Australian Council of Trade Unions-supported Fox–Lew bid for Ansett Australia while also confirming that a similar package is available to any alternative bidder who bases Ansett in Victoria?

Mr BRACKS (Premier) — I welcome the question from the Leader of the National Party and thank him for his interest in the matter. I hope he is different from his federal party leader and that he shares my view of wanting Ansett up in the air again. His federal counterpart does not share that view, as evidenced by his behaviour over the last two to three months. If you plotted the statements of the federal Minister for Transport and Regional Services, Mr Anderson, on the question of Ansett and its return to the air over the last two to three months, you would see contradictory statements day after day and week after week.

Mr Ryan — On a point of order, Mr Speaker, the Premier is debating the question, which was directed to the assistance package which he has proposed. I asked if it is available to people who are making another bid to keep Ansett based in Victoria.

The SPEAKER — Order! The latter part of the point of order is out of order. I do not uphold the point of order.

Mr BRACKS — Contrast the contradictory statements of Mr Anderson with the consistent application of a principle to get Ansett up in the air from the Victorian government. There can be no clearer distinction.

The government welcomes the fact that the administrators have sold the business to the Fox–Lew syndicate. It is prepared to stand by and support that syndicate. The government has not yet committed to any arrangements for support, but it will commit in the future, once it has had further discussions and once there is a conclusion by the federal government about the rights of the Fox–Lew bid to go ahead, which is yet to be agreed and signed off by the federal National Party leader.

I am already on the record as saying that the government will offer the Fox–Lew syndicate the equivalent of some payroll tax relief in a grant arrangement over several years, realising that it will get the benefits of that payroll tax relief in the third, fourth, fifth and so on years in the future. That is a good investment for Victoria because it means that about 50 per cent of the total Ansett jobs will be here.

Contrast that to what Mr Anderson preferred, which was the bones picked over by Chris Corrigan and the Lang Corporation.

Honourable members interjecting.

Mr BRACKS — That was the preference you wanted! It means that jobs would not be here in Victoria. There are a total of 2500 jobs around Australia in the Corrigan–Virgin Airlines bid with no head office in Victoria. That was the proposal from the friends of the federal government, Mr Chris Corrigan and the Lang Corporation.

Honourable members interjecting.

Mr BRACKS — That is what was to happen and that is what was prevented by the administrator deciding to sign up with the Fox–Lew bid. It means better value for money and better jobs. There was a clear alternative. The federal National Party leader is stung by the fact that the administrators have made a good business decision. He would have preferred a political decision after the election, to keep it on hold and effectively to do in Victoria and do in Ansett.

The Victorian government is not going to do in Ansett. It wants to see Ansett up in the air again. It wants to see true full-service competition. Ansett will deliver it and it is a Victorian airline.

Information and communications technology: government initiative

Ms OVERINGTON (Ballarat West) — My question is to the Minister for State and Regional Development and I ask: will the minister inform the house what initiatives have been announced today to promote the information and communications technology (ICT) industry and what has been the industry's response?

Mr BRUMBY (Minister for State and Regional Development) — I thank the honourable member for Ballarat West for her question. At lunchtime today I had the privilege of launching Victoria's first-ever plan for the ICT industry in this state entitled *Growing Tomorrow's Industries Today*.

Mr Perton interjected.

Mr BRUMBY — I will sign one for you in a moment, Victor!

The plan has been developed in consultation with industry. In fact more than 100 stakeholders have been consulted and had input to the plan.

The Information and Communications Technology Advisory Group (ICTAG), the group set up by the government, was chaired by Dr Terry Cutler, who has also recently been appointed by the Howard government as chair of the Australia Council.

Growing Tomorrow's Industries Today outlines a series of ambitious but realistic and achievable targets that will make Victoria a global ICT industry hotspot by 2010. It puts in place — —

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster!

Mr Perton interjected.

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

Mr BRUMBY — The honourable member for — —

Mr Perton interjected.

The SPEAKER — Order! I warn the honourable member for Doncaster!

Mr BRUMBY — The honourable member for Doncaster has a somewhat confused identity. He is not sure whether he is a WEO — wired electoral official — or a bat activist!

The SPEAKER — Order! The minister should answer the question.

Mr BRUMBY — The Bracks government will provide the right policy framework to ensure that a number of long-term objectives are met. These include exports from Victoria of more than $1.5 billion per annum from ICT and a significant increase in the number, success and start-up rate of Victorian companies and Victoria's ICT industry, surpassing international benchmarks in trade and employment.

We have also identified in the study a number of clusters of excellence where Victoria has already acclaimed international status, and these will be the focus of ongoing activity. These are in the areas of telecommunications, creative content development, interactive applications and specialist information and communications technology (ICT) manufacturing.

What makes this plan different is that it has an unambiguous goal of making Victoria a leading producer as well as a consumer of ICT. The Bracks government does not agree with the view of the Howard government that if you are consuming ICT products you are doing all right on the world stage. Australia is running a trade deficit of $16 billion in ICT products. Through this plan we in the Bracks government want to export more, replace more imports and reduce that trade balance. We believe we can do it.

I was asked about the attitude of industry to the plan that I released today. I will quote a few statements from ICT industry leaders — —

Mr Ryan interjected.

Mr BRUMBY — You hate good news, don't you? You hate good news!

Ms Asher interjected.

Mr BRUMBY — No, this is new. You will be pleased — —

The SPEAKER — Order! The Minister for State and Regional Development should ignore interjections and address the Chair.

Mr BRUMBY — Adam Lancman of the Game Developers Association says, and I quote:

> The Victorian computer game industry is already benefiting from the Victorian government's innovative approach to industry development.

Dr Terry Cutler, the chair of ICTAG, says:

> The development of this plan was a great partnership between government and industry.

Brad O'Brien, general manager of Dataworks, says:

> I am excited by the Victorian government's ICT industry plan as it is not simply for the giants of our industry.

Lynne Spender, executive director of the Australian Interactive Multimedia Industry Association, says:

> The Victorian government is a committed supporter of the Australian interactive media industry and that commitment is wholeheartedly reaffirmed in the ICT industry plan.

There was also strong endorsement of this plan by John Gwyther, chairman of the Australian Information Industry Association, because it is the first plan of its type, and not just in Victoria. The speakers at today's launch said that they want to see a similar plan from the Howard government, because there is a policy vacuum federally and we need a plan like this if we are to tackle that $16 billion deficit.

Finally, since the election of the Bracks government there have been more than $300 million of new initiatives for the IT industry — far more initiatives in two years than was ever made in seven under the former government. Since the election of the Bracks government our share of national employment in information technology has increased, and our share of national research and development in IT has increased from 33 per cent to 40 per cent. It is a great set of outcomes and a great set of achievements, and this is a plan to take our state forward.

Urban and Regional Land Corporation: independence

Mr BAILLIEU (Hawthorn) — Can the Premier now guarantee the independence of the Urban and Regional Land Corporation and not resume — —

Mr Viney — On a point of order, Mr Speaker, during members statements today I raised a matter referring to the fact that the honourable member for Hawthorn was quoting in detail from a book. You, Sir,

asked me to wait until the end of members statements, and I did wait until the end. You said that I needed to raise such a matter immediately. I raise the matter before you again. Consistent with previous Speakers' rulings, as the honourable member for Hawthorn is clearly reading from a book, I ask that the book be made available to the house.

Honourable members interjecting.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Frankston East. The honourable member for Hawthorn had hardly had an opportunity to commence his question, let alone to quote. There is no point of order.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House will not behave in that fashion! The honourable member for Doncaster is on a warning.

Mr BAILLIEU — My question is to the Premier. Can the Premier now guarantee the independence — —

Mr Loney interjected.

The SPEAKER — Order! I warn the honourable member for Geelong North!

Mr BAILLIEU — Can the Premier now guarantee the independence of the Urban and Regional Land Corporation and not resume the plundering of its assets that was undertaken in the early 1990s by the Kirner government when the Premier was Mrs Kirner's adviser?

Mr BRACKS (Premier) — I thank the honourable member for Hawthorn for his question. As to the period he is referring to — that is, the early 1990s — my memory is that from 1992 onwards the coalition parties were in government.

On the wider point of the organisation, the Urban and Regional Land Corporation (URLC), there is a new act in place. The new act was debated in this house and was adopted having been voted on by both sides. That new act requires two ministers to be responsible for the administration of the URLC — that is, the Minister for Planning, who is representing the state as a shareholder, and the Treasurer, who is representing the state as a shareholder as well. Included in the act under the prudential supervision arrangements is a requirement that the viability of the organisation be intact. That is no. 1. No. 2 is that — —

Dr Napthine interjected.

Mr BRACKS — I am coming to that. The Leader of the Opposition wants to ask more and more questions but the same ones. He is repeating them.

The SPEAKER — Order! The Leader of the Opposition is being disorderly by interjecting.

Mr BRACKS — I will come to that, Mr Speaker. The question was, 'Will its independence be maintained?'. Yes, it will! Of course it will, it is there.

Docklands: investment

Mrs MADDIGAN (Essendon) — I ask the Minister for Major Projects and Tourism to inform the house of the new investment in the Docklands project and how much money has been invested in that project to this date.

The SPEAKER — Order! The honourable member for Monbulk!

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — I thank the honourable member for her ability to ask a question without reading it, unlike the honourable member for Hawthorn, and for her keen interest in Docklands. I am aware of her ongoing interest and commitment to this project.

Certainly I have more great news about the biggest major project in town — that is, the Docklands. The house should be aware, and if honourable members have driven down Spencer Street they have seen another major project, the next biggest project in town, the Collins Street extension worth more than $30 million, is now under construction. That has generated a huge amount of positive interest in the development sector in Docklands as it is opened up for business.

I am pleased to advise the house that the first Collins Street gateway at Docklands has been secured with plans for a $130 million commercial development abutting this Collins Street extension. The joint venture is between Folkestone Ltd and Leighton Properties. They have been awarded a development agreement for this Docklands site with its new and exciting opportunities that businesses are so much aware of. This will be a commercial office and retail development in the Batmans Hill precinct with 30 000 square metres of office space, 2400 square metres of retail space and 350 car spaces, all up creating about 450 new jobs as a result.

I am pleased to inform the honourable member, because she did seek information on the current

investment in the site, that there are $4.7 billion worth of projects under contract, with $1.2 billion worth either completed or in construction. I am also pleased to inform the honourable member that the National Australia Bank has in recent weeks commenced groundwork on its new headquarters there of 50 000 square metres. Also MAB Newquay and Mirvac are ahead of their schedule for their apartment construction program. And in today's *Australian Financial Review* Pan Urban Corporation is reported as doing extremely well in the sales of its apartments.

Certainly Docklands is progressing well — another vote of confidence by the Folkestone and Leighton groups in Docklands with this $130 million project. This government has worked together with the Docklands Authority to make sure it is an attractive site to invest in, and it is. You have only to look at what has been happening there in the last year to know that.

Urban and Regional Land Corporation: communications contract

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to the fact that a company headed by his Williamstown electorate campaign manager and current friend, Mr Adam Kilgour, is the beneficiary of the exclusive communications contract for the Urban and Regional Land Corporation. What role did the Premier have in securing this appointment?

Mr BRACKS (Premier) — My understanding is that it was a decision of the previous government to appoint this firm. The previous minister is sitting over there. My understanding is that this appointment was made before we came to government.

Mr Maclellan — On a point of order, Mr Speaker, the Premier has in his answer to the previous question offended me by indicating that I made a decision in relation to whoever had the communications contract for the Urban and Regional Land Corporation. I did not, and I ask for that remark to be withdrawn.

The SPEAKER — Order! Is the honourable member for Pakenham taking a point of order under standing order 108 that he was impugned by the Premier's comments?

Mr Maclellan — That is right.

The SPEAKER — Order! I do not uphold the point of order. I was listening carefully to the Premier's response, and I do not believe that his remarks did that.

Dr Napthine — What he said is not true!

The SPEAKER — Order! The Chair is not in a position to direct a minister to answer in any particular way.

Mr Maclellan — Perhaps he could tell the truth!

The SPEAKER — Order! The honourable member for Pakenham will find himself outside the chamber. There is no point of order.

Mr Maclellan — On a further point of order, Mr Speaker, it has been the tradition of this house that where a member has taken objection there has been a withdrawal. I have asked for a withdrawal of the implications and remarks made by the Premier. I again ask for that withdrawal, and I ask you, Mr Speaker, to abide by the traditions of the house.

The SPEAKER — Order! The honourable member for Pakenham has now taken a point of order saying that he has found the remarks of the Premier personally offensive. It has been the tradition of the house that where a member has found a remark offensive, it be withdrawn.

Mr BRACKS — The comments I made were not personal but general, but if the honourable member takes offence, I withdraw.

Education, Employment and Training: expenditure

Ms ALLEN (Benalla) — Will the Minister for Education inform the house of what action the government is taking to crack down on waste in the Department of Education, Employment and Training, and will the minister give the house examples of waste that will be targeted?

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for her question. The honourable member for Benalla knows that the Bracks government came to office with a promise to cut waste, particularly in consultancies and advertising. I am pleased to announce to the house that the three ministers with portfolio responsibilities in the Department of Education, Employment and Training have cut $1 million from the consultancy bill in the first year. We have cut a further $400 000 this year.

In education we want to make sure that we get value for money — that is the aim — in advertising, consultancy and marketing. I have asked the department to look closely at the way the government spends through the department — spends and has spent — on consultancy, advertising and marketing. In examining that very closely we came across an intriguing invoice. The

invoice — May 1997 — really puzzled me. It is addressed for the attention of the Department of Education, level 7, Rialto Tower, and it is for biographical videos.

So we looked closer at this invoice of May 1997, which was for 'Minister Honeywood's biographical videos'. This really was intriguing so I looked more closely at this — and here is the receipt. It is for biographical videos for Minister Honeywood for use in Singapore, Malaysia, Vietnam and Indonesia. The bill is for $50 000!

There was another invoice dated 27 March 1998, for Minister Honeywood's presentation videos and revisions. We have another bill, again for the attention of the education department — this is for nearly $1000 — so this is take 2 for the biographical video.

There is another invoice, again directed to the education department on 27 March 1998. Again, Minister Honeywood's presentation videos — more revisions! Take 3.

We had a look at this video — we dragged it out, because we are interested in value for money in the education department. We found this video was great viewing. It described the honourable member for Warrandyte as the youngest member of the Kennett government. It described the honourable member for Warrandyte as a man of tomorrow. It described — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. The Chair is having difficulty with the minister's response. The question that was posed was about elimination of government wastage. I ask the minister to come back to answering the question.

Ms DELAHUNTY — Absolutely. I take your direction, Mr Speaker. The question was about waste and what we are doing to minimise waste of taxpayers' funds.

So we had to examine this video, which described the honourable member for Warrandyte as having a dynamic understanding of tertiary education; as a family man and as technologically savvy.

Honourable members interjecting.

Ms DELAHUNTY — This is very important. How much did this biographical video cost? Because the question from the honourable member for Benalla was about the cost.

Dr Napthine — On a point of order, Mr Speaker, you have already asked the minister to answer the question. I ask you to bring her back to order.

The SPEAKER — Order! I asked the minister to come back to answering the question that was posed.

Ms DELAHUNTY — The question was about waste. How much did this biographical video cost? According to the department of education documents the honourable member for Warrandyte was the education minister when Cockle Advertising was engaged to make a 2-minute video. The total cost of all the invoices? Seventy-five thousand dollars!

But what did the department of education get for the $75 000? It got this lovely little show bag, and in the show bag was the video.

Honourable members interjecting.

The SPEAKER — Order! The minister well knows that it is disorderly to display any items in the house. I shall not allow her to do so.

Ms DELAHUNTY — I am very happy to table the video and the show bag. There is a lovely photograph of Phil in there as well, which I am sure — —

The SPEAKER — Order! I ask the minister to desist from addressing members by other than their correct titles.

Ms DELAHUNTY — When we examine this value for money, it transpires that in a five-year period in the 1990s Cockle Advertising was paid nearly $1.5 million by the Department of Education — —

Dr Napthine — On a point of order, Mr Speaker, time and time again you have asked the minister to come back to the relevance of the question, which goes to government administration under her as minister. Mr Speaker, I ask you to bring her back to the question.

The SPEAKER — Order! I ask the minister to come back to answering the question and to conclude her answer.

Ms DELAHUNTY — Again, the question is about value for money and how the government is spending taxpayers' dollars. Nearly $1.5 million went to Cockle Advertising, but by an amazing coincidence it went into business in 1992 but had gone bust by 2000.

Dr Napthine — On a point of order, Mr Speaker, on the issue of relevance, time and time again you have asked the minister to address the issues about her

mismanagement of education. I ask you to ask her to come back to answering the question.

The SPEAKER — Order! The latter part of that point of order is clearly out of order. The Chair has been endeavouring to have the minister return to answering the question and conclude her answer. I ask her for the final time to do so.

Ms DELAHUNTY — I have been interrupted numerous times. We are trying to ascertain how much money was spent, what sort of value for money we got and how we can avoid this again.

Obviously I am at a loss to work out why the personality and political achievements of the honourable member for Warrandyte would be important to anyone from Asia — or anywhere — who is thinking of studying in Australia, but I am sure that he would regale his party room colleagues with his attributes. When they see the video they will say, 'Honeywood for Hollywood!'.

The SPEAKER — Order! The minister is now debating the question. Has the minister concluded her answer?

Ms DELAHUNTY — Yes.

Minister for Health: office expenditure

Mr DOYLE (Malvern) — Can the Minister for Health confirm that, as part of his recent office renovation, he spent $720 on a full-length mirror?

Honourable members interjecting.

The SPEAKER — Order! I warn the honourable member for Bulleen!

Mr THWAITES (Minister for Health) — That was a real king hit!

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under sessional order 10 I ask the honourable member for Cranbourne to vacate the chamber for 30 minutes.

Honourable member for Cranbourne withdrew from chamber.

Questions resumed.

Mr Baillieu interjected.

The SPEAKER — Order! I warn the honourable member for Hawthorn!

Mr THWAITES (Minister for Health) — The opposition went on a fishing expedition to try to find a large amount of money spent by me on office renovations, but it has failed dismally. No doubt they thought that I would be like the previous Minister for Health, who spent $250 000 on office renovations. Mrs Tehan, a former Minister for Health, spent $250 000 on office renovations. Then you can look at the Pink Heath Room. Some $109 000 was spent on renovating it. The best the opposition can come up with is a mirror.

Mr McArthur — On a point of order, Mr Speaker, it was not the best we could come up with. It was actually all he really wanted.

The SPEAKER — Order! There is no point of order, and I warn the honourable member for Monbulk.

Mr THWAITES — It is somewhat disappointing for them, but the other problem they have — —

Mr Mulder — On a point of order, Mr Speaker, on the matter of relevance and in defence of the minister, as I understand it the full-length mirror is on loan to the Treasurer for his karaoke!

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Polwarth. As a matter of fact, I find it was a frivolous point of order and under sessional order 10 I ask him to vacate the chamber in view of his behaviour.

Honourable member for Polwarth withdrew from chamber.

The SPEAKER — Order! The honourable member for Polwarth should not continue with that activity.

Questions resumed.

Mr THWAITES (Minister for Health) — So not only are they somewhat disappointed that they have not been able to find the sort of massive spending on renovations that the previous government spent, they also have their facts wrong. Because of the assumption and the implication in the question that this was a mirror for me and my office they have it wrong again.

There was no mirror put in my office. I am not aware of the particular mirror involved. I presume a mirror was put in a coat cupboard for the purpose of use by the staff in my office.

Honourable members interjecting.

The SPEAKER — Order! I have already indicated to the house that that level of interjection is not acceptable.

Mr THWAITES — So the fishing expedition has failed; they have misled the house; they have — —

Mr Thompson — On a point of order, Mr Speaker, the minister is giving a long-winded explanation. I was wondering if you could just look into it.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! The Chair has already indicated to the house its intolerance with frivolous points of order. I find that a frivolous point of order by the honourable member for Sandringham and under sessional order 10 I ask him to vacate the chamber for half an hour.

Honourable member for Sandringham withdrew from chamber.

Questions resumed.

The SPEAKER — Order! The Minister for Health, concluding his answer.

Mr THWAITES (Minister for Health) — After that last contribution, I do not think anything more could be said!

Preschools: Kirby report

Ms BARKER (Oakleigh) — I ask the Minister for Community Services if she will inform the house of the government's response to the Kirby report.

Ms CAMPBELL (Minister for Community Services) — I thank the honourable member for her question. When the Bracks government came to office preschools were in a downward spiral thanks to the previous minister and the previous government, which had no vision for preschools at all. The previous government ripped out over $10 million from funding to preschools and had no interest whatsoever in increasing the participation rate. The previous government dumped extra workloads on committees of management and imposed children's services regulations without any capital to assist the preschools whatsoever to meet those new obligations.

When we took office in 1999, 91 per cent of preschoolers were enrolled. That was a pathetic result for preschoolers because they had a pathetic minister. When we came to office we began the task of turning around the preschool system. We have more than doubled the preschool subsidies for low-income families, from a really paltry $100 to $250. We have provided a direct subsidy of $65 per child for every four-year-old who attends preschool. We have provided every kinder in the state with $1000 to buy much-needed equipment.

We do not intend to stop there. We have used the Kirby report to assist us in further developments to reshape the future of early childhood services in this state. The government began its response to the Kirby report by providing an historic increase to preschool teachers. Today I have released the government's formal response to the Kirby report which endorses the directions of Mr Kirby and endorses a sound basis for the government's vision and plan for the forthcoming years. It is anticipated that the regeneration of the preschool system in the wake of the Kennett government's neglect will take up to five years. Our first two years have provided significant achievements and significant improvements not only for preschool children but also for families, committees of management and, of course, teachers.

Today I am pleased to announce that we are building on those achievements already made in preschool education by providing $1.5 million to assist preschool services to meet the regulations introduced by the previous government and the previous minister in 1998 without any capital assistance being provided to them. When the previous minister introduced children's services regulations, not 1 cent was provided to assist them to meet these regulations. Our priority is to assist the preschools, and this $1.5 million will be provided as a priority for meeting regulations on fencing, toilet observation requirements, junior toilets, hand basins and indoor space. That new funding of $1.5 million will be an assistance to the extra $20 million provided over the past two years.

We are very proud of the fact that we have turned around preschools in the state from the downward spiral under the previous minister and the previous government. The Bracks government is interested in and committed to growing Victoria together. We understand the importance of partnerships with parents, staff, and of course the community. We recognise that

education provides life chances and we are delivering on that.

The SPEAKER — Order! The time set down for questions without notice has expired and a minimum number of questions have been dealt with.

Mr McArthur — Mr Speaker, the point of order I wish to raise for your attention is in relation to the notice paper. I ask you to turn your attention to general business item 82, which is a notice of motion in my name. I wish to advise you, Sir, that that is not the motion I gave notice of; it is substantially different from the notice I gave yesterday. There are some 18 words missing. I would like you to take action to reinstate those words.

I have looked at rulings of various Speakers in relation to notices of motion in the past. Clearly the notice of motion that I gave is acceptable otherwise it would not have appeared on the notice paper. However, as I understand it the 18 words have been excised because someone deemed them frivolous. I need to point out to you, Sir, that they were not frivolous at all. They were simply the words:

> … and reminds the Premier that Jim Reeves's best-remembered hit song contained the line 'He's got to go'.

That was a reference to the current Mr Jim Reeves. That issue is not frivolous at all. Indeed I do not think he considered it frivolous, nor did the Independent members of the Parliament consider it frivolous because they went to see the Premier yesterday and apparently they said the same thing: 'He's got to go'. And indeed he has gone. So I urge you, Sir, to investigate this and to reinstate the words that were in the original notice of motion that I provided. It is, after all, my notice of motion. The words are mine and mine alone and should remain in my hands, not somebody else's.

The SPEAKER — Order! The honourable member for Monbulk has raised a point of order with me in relation to notice of motion 82 standing in his name.

I refer the house to page 106 of *Rulings from the Chair — 1920–2000*, where it states that a frivolous notice of motion can be ruled out of order. I also refer to page 335 of the 22nd edition of *May's Parliamentary Practice*, which states:

> A notice of motion which contains unbecoming expressions, infringes the house's rules, or is otherwise irregular, may, under the Speaker's authority, be corrected …

In regard to the notice of motion lodged by the honourable member for Monbulk, I deemed, on the advice of the Clerk, that the latter part of it was indeed frivolous and allowed to be published only the first part of the notice that the honourable member gave, which I found to be in order.

Mrs Peulich — On a point of order, Mr Speaker, I was reluctant to raise this point of order, but given that it is the last day of the sittings I feel compelled to. Some weeks ago, as I am sure you are aware, I raised a point of order in relation to the circulation of material that was intended to victimise and target specific members of Parliament for political purposes. I know that you have not yet ruled on that point of order, and I am wondering when you intend to do so.

The SPEAKER — Order! The honourable member is correct in raising the point of order about a matter she raised quite some time ago. That matter has been under active consideration by the Speaker throughout that time. The house will be aware that the honourable member for Mildura offered a personal explanation to the house two days ago in relation to circumstances that were under consideration as a result of the honourable member for Bentleigh's raising that point of order.

It is opportune for me to now rule on the point of order raised by honourable member for Bentleigh, and that is that in view of the personal explanation and the apology afforded by the honourable member for Mildura, the Chair is of the opinion that that matter should rest there and that no further action should be taken.

Mrs Peulich — On a further point of order, Mr Speaker, we were all here in the chamber when the honourable member for Mildura made his personal explanation. I must confess that while I believe the first part of the personal explanation was in order, I note that the time elapsed between my taking of the point of order and the second part of his personal explanation was substantial and certainly not in line with parliamentary practice.

In that first point of order mention was made of a further incident, and I do not believe your ruling deals with both matters. I ask that you take that on board and perhaps return with a comprehensive ruling to the house in the next sittings.

The SPEAKER — Order! On the point of order raised by the honourable member for Bentleigh, I am of the opinion that the Speaker's time and resources could be better utilised than pursuing the matters she has referred to, particularly in circumstances where it is difficult to establish precisely what occurs in every part of this building.

I thought, and I am of the belief, that the actions of the honourable member for Mildura the other day are to be commended and that that matter should rest there. There is no point of order.

AUDIT (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 1 November; motion of Ms KOSKY (Minister for Finance).

Independent amendment circulated by Mr SAVAGE (Mildura) pursuant to sessional orders.

Opposition amendments circulated by Mr CLARK (Box Hill) pursuant to sessional orders.

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

Mr MILDENHALL (Footscray) — I congratulate the Minister for Finance and the Treasurer on continuing the Bracks government's reform agenda by increasing the powers of the Auditor-General and thereby — —

Mr Robinson interjected.

Mr MILDENHALL — One should not respond to interjections, but it is true to say that the Auditor-General is held in very high esteem in the electorate of Mitcham and is an office-bearer of some reliance.

Mr Robinson interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! We will not be building a statue of the honourable member for Mitcham if he keeps up his interjections. The honourable member for Footscray, without assistance!

Mr MILDENHALL — The range of increased powers includes providing the Auditor-General and his staff with statutory indemnity where they have acted in good faith. This is obviously a positive move to give the Auditor-General and his staff, whom the public expects to operate in a fearless and determined way in their investigation and surveillance of the budget sector and public authorities, the confidence that if they act diligently and in good faith the Crown will support them and protect them in carrying out their duties.

It is opportune that this bill clarifies and simplifies the objectives of the Audit Act. Having them set out in the manner they are will also add to the level of confidence that the community has in the role of the Auditor-General. It will provide a useful benchmark and guidelines for those seeking to inquire as to the exact role of the Auditor-General and the objectives the Auditor-General has in the independent tackling of his activities.

It is also heartening to see that the definition of agencies in which the Auditor-General can now take an interest has been broadened. The Auditor-General will now be empowered to audit entities that are part of the Victorian public sector which have not previously fallen within the definition of an authority. Where the government has a significant equity in the establishment of a particular agency the Auditor-General will be able to undertake auditing activities in that area.

The bill is not all one-way traffic. While the community and the Parliament in particular support office-bearers in positions of the nature of Auditor-General being unfettered in their work and being given a high degree of independence and authority, they also expect some sort of accountability framework to be in place. This bill proposes the mechanism for the reporting of the Auditor-General's activities back to the Public Accounts and Estimates Committee. This is a positive move. The auditing standards developed in-house and the quality control processes will also be required to be tabled and reported to the Public Accounts and Estimates Committee as part of the detail of the Auditor-General's annual plan.

The provision in the bill to enable reports to be tabled outside of parliamentary sitting days is also a positive move.

The range of measures contained in the bill is significant and worthy of the claim that the bill is yet another significant milestone in the rehabilitation of the role of the Auditor-General in the Victorian public sector. It is one part of the government's reform plan, and I am sure there will be more steps to come. In the meantime I wish this bill all the best and hope that it enjoys a speedy passage — subject to consideration in committee, of course — through both chambers of the Victorian Parliament.

Ms DAVIES (Gippsland West) — I am pleased to speak on the Audit (Further Amendment) Bill. This bill amends the Audit Act 1994, the Constitution Act 1975 and the Financial Management Act 1994. It is the second extension of powers of the Auditor-General's office that this Parliament has completed, and it is very much responding to the Auditor-General's wishes in

consultation with the Public Accounts and Estimates Committee, of which I am a member.

Part 2 of the bill clarifies the further objectives of the Audit Act to determine whether financial statements prepared in the Victorian public sector present fairly the financial position and financial results of operations of the state and whether Victorian public sector operations and activities are being performed effectively, economically and efficiently. It emphasises that regard is to be had to whether there has been any wastage of public resources or any lack of probity or financial prudence in the management or application of public resources. That part provides a clear focus on the office of the Auditor-General.

The bill also adds to the responsibilities of the Auditor-General the role of looking into the usage of public moneys handed over to non-government bodies. I regard that as a very important additional responsibility. It is in contrast to the time when the overview of public funding into private bodies was lost because of claims of commercial in confidence, which the previous government used to specialise in. Under this government there is still much contracting out of audits and a lot of talk of public and private partnerships. It is vital that the Auditor-General have scrutiny of any use of public moneys.

The bill gives indemnity to the Auditor-General's office against potential liability for work done in good faith, and that is essential to ensure that work can be completed without fear of threats of legal action. The bill gives additional power to the Auditor-General to call for information and to question individuals. It is essential — and the bill re-emphasises this point — that the Auditor-General look at whether public bodies are being administered effectively, economically and efficiently. The focus now is not just on efficiency as determined in the very narrow sense about which the economic rationalists of the past used to talk but much more on outcomes and whether action is designed to have an effect rather than just be so-called efficient. This bill also clarifies the obligations of the Auditor-General to deal in a timely manner with various reporting responsibilities. It also emphasises the mutual obligations that the Auditor-General has with respect to the Public Accounts and Estimates Committee.

Not all investigations are completed directly within the Auditor-General's office, and they have not been for many years. At present the Auditor-General can delegate audits only on authorities with net assets under $1 million. This bill amends that threshold to allow the delegation of audits on authorities valued up to $5 million. That will mean that audits of such entities as rural hospitals, cemetery trusts, council libraries and catchment management authorities can now be outsourced and signed off by private audit firms on behalf of the Auditor-General.

I have some concerns about that part of the bill. I am not convinced that audits of such bodies are best managed by the private sector. I am not convinced that there will not be conflicts in the future over who is responsible for some failing in an audit, but I note that only financial and not performance audits will come under this raised barrier, and that it is the current Auditor-General's intention to have his office continue doing 35 per cent of audits in each industry so that his office maintains industry knowledge. I am concerned about that part of the bill, but I will just keep watch over that issue.

A particular aspect of the bill which has had a lot of public coverage relates to the release of reports in between parliamentary sittings. I support this. It is not in the public interest to have the Auditor-General completing a report and then having to sit on it because the Parliament is in recess, so it is good that the bill proposes that as soon as the Auditor-General transmits a document to the Clerk of a house of the Parliament it will be regarded as a public document.

I am, as I said, very happy to support these additional powers of the Auditor-General. I note that the report on the Metropolitan Ambulance Service Royal Commission also suggested additional responsibilities for the Auditor-General, and it may well mean that in time to come the government will need to further strengthen the office of the Auditor-General. It is in the interests of government and of all members of the public of Victoria that the Auditor-General's office is able to function efficiently and effectively, so I am pleased to support the bill.

Ms KOSKY (Minister for Finance) — The bill is very important not only for the Parliament but for the state of Victoria. It puts into place the commitments the government made when we came into office about further strengthening the role of the Auditor-General and his powers. When the previous bill was before the house the Premier promised that we would bring in further amendments to the Audit Act to further strengthen the Auditor-General's powers, and that is what this bill is about.

I wish to make a number of key points about the bill. It offers greater protection and efficiency for the Auditor-General. It further strengthens his independence by statutory indemnity and

confidentiality provisions that will protect reports prior to their tabling. It also facilitates more efficient operation of the Auditor-General's office by providing the ability to transmit its reports out of session to ensure that members of Parliament can be informed of the Auditor-General's inquiries on a more timely basis. That means the public will no longer have to wait until the sittings of the Parliament in order to have a response to the reports. This is a provision that will not be used very often but it will be used in relation to Auditor-General's reports where there is a very strong public reason for the transmission of those reports between sittings.

The bill also increases the scope of the Auditor-General's powers by providing a clear mandate to have regard to any wastage of public resources or any lack of probity or financial prudence. It extends the coverage of the Auditor-General's powers right across the public sector. It also provides for greater accountability for the Auditor-General. As an independent officer of the Parliament the government needs to be satisfied that appropriate accountability mechanisms are in place. We have introduced new disclosure provisions for the Auditor-General to ensure that the accountability regime is transparent, and our new disclosure requirements will achieve this.

In summary, I thank everyone who has contributed not only to the debate in the house but to the discussion in the preparation of the bill. I very much thank the Auditor-General for his participation in the process. It has taken some 12 months to get to this stage. There has been a lot of consultation. The Auditor-General and his office have worked closely with government and with the Public Accounts and Estimates Committee to achieve the result that is before us today. I also thank the Public Accounts and Estimates Committee for taking the time to work on informing the bill. It has been involved in the development of the policy, the bill and the parts of the bill contained within.

I acknowledge the part played by the Auditor-General and the Public Accounts and Estimates Committee. For the government, the involvement of all has contributed to good policy in this place and a robust piece of audit legislation. Unlike the previous government, we are committed to making sure we work with the Auditor-General to strengthen his office and resolve issues of transparency and probity around government activities so they can be open for all to see.

Some amendments have been moved. I understand the honourable member for Mildura has proposed amendments to clause 16 to provide for notification to the Clerks by the Auditor-General of reports to be transmitted while the Parliament is in recess. The government supports these amendments as they are consistent with our policy position and seek to provide clarification of the operation of the act. That amendment will ensure that, if and when a report is released out of session, members of Parliament will be notified the day prior to the transmission of the report and will then be able to access the report through the Internet on the Auditor-General's web site. The amendment ensures that members of Parliament will be informed that an audit report will be transmitted outside the parliamentary sitting time.

The honourable member for Box Hill has moved amendments to the operation of fines under the new confidentiality provisions. The government does not support those provisions for two reasons. We have clear legal advice that the recipients of leaked reports are not subject to the penalties under the bill. It is only public officials who receive the reports who will be subject to those penalties. The bill clearly states it refers to those persons who receive the report; it is not referring to persons passing by a table and picking up a copy of a report. You have to be in receipt of a report; so the penalties only apply to those people to whom the Auditor-General provides the report. The government believes that the provisions in the current piece of legislation are adequate to deal with that.

Earlier there was some concern that journalists might be fined for publishing leaked reports. In fact, they would not be fined under the legislation because they would not be in receipt of a report from the Auditor-General. I seek leave to table two documents and this has been cleared by the Speaker. The first is legal advice from the Victorian Government Solicitor which makes it very clear that it is only those people who are in official receipt of a report who would be subject to fines if they disclosed the details prior to the tabling or the transmission of the report. I also have further advice from a senior Queen's Counsel, Mr Peter Hanks, providing the same advice. I confirm this advice, and assure the house that it is only those people in receipt of a report directly from the Auditor-General who would be subject to the penalties provided for in this act.

Also, the opposition has sought to move an amendment in relation to a list of public officials, and I will speak to that list when it comes up in an amendment. The opposition has also sought to increase the number of days of notification of a report being tabled out of session from one business day to two business days. Part of that amendment would allow for the tabling of Auditor-General's reports between sitting days. We are not supportive of that because I do not believe it is the

intention of Parliament to have Auditor-General's reports tabled between sitting days but rather only between the sittings of Parliament — in other words in the out-of-session period rather than when there is a break in parliamentary sitting days.

I thank all of those involved in the development of the report, and I particularly thank the officers from the Department of Treasury and Finance who have seen this process through a very lengthy consultation. They have worked incredibly well with the Auditor-General's office and with the Public Accounts and Estimates Committee. I have appreciated their working with me, and I know others have very much appreciated the detailed and thoughtful way in which they have gone about the business of consultation and the development of what I think is a very fine piece of legislation.

The ACTING SPEAKER (Mr Kilgour) — Order! As this bill is required to be passed by an absolute majority and there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time.

Committed.

Committee

Clauses 1 to 14 agreed to.

Clause 15

Mr CLARK (Box Hill) — I move:

1. Clause 15, page 14, after line 16 insert —

"(5) The report is to be given to the clerk of each House of the Parliament in accordance with section 16AB on or before 24 November next following the financial year to which the report relates.".

In so doing I use the opportunity to canvass the differences between the approach proposed by the opposition in our amendments 1 to 3 and the approach being proposed by the honourable member for Mildura. If our amendment 1 is not agreed to by the house then we will not proceed with amendments 2 and 3, and we will then proceed to concentrate on the amendments of the honourable member for Mildura and the amendments I have circulated to his amendments.

The scheme put forward by the honourable member for Mildura, which the government is supporting, is different in a number of ways to the arrangements put forward by the opposition. Probably only two of them are material, but let me briefly canvass the others.

Perhaps the most significant is that under his amendments the Auditor-General will only be able to table reports when the house is not sitting at times when the house is in recess. That is not a limitation applying in the bill as it currently stands, and therefore presumably the government, in introducing the bill, intended that Auditor-General's reports could be tabled when the house was not sitting, even on non-sitting days of a sitting week or on weeks during the spring or autumn sittings when the house did not sit.

But the minister now tells the house that that was not the government's intention and that the honourable member's scheme applies only to periods in recess, which are defined as being dates when the house stands adjourned to a date to be fixed by the Presiding Officer of the house. Although that opens up a small opportunity for anomalies to arise, if the house is adjourned for a long period by resolution rather than by a date to be fixed I trust that it will not prove to be a problem in practice.

The second major difference between the opposition's proposals and the honourable member's is that his require the distribution by the Clerks of actual copies of reports of the Auditor-General, which are forwarded when the house is not sitting. Under our proposals the Clerks are simply obliged to provide electronic communication to members, notifying them of where they can obtain copies of the report. This proposal raises the issue as to whether the Clerks will be able to fulfil this obligation electronically, but in any event I understand that the government prefers this approach, so it is not something the opposition will take further issue with.

The honourable member for Mildura's scheme requires the Clerks to notify members of Parliament of the notice they receive from the Auditor-General on the same day that they are notified by the Auditor-General. Our proposals were to notify forthwith, but I am sure the Clerks will do their best to notify as soon as possible in any event.

The honourable member for Mildura's proposals require the Auditor-General to publish his or her report on the Internet as soon as practicable after the Clerks have received a copy of it. The opposition's proposal is that that be done forthwith. There is probably not a great deal of difference, and I am sure the

Auditor-General will be diligent in posting his report to his Internet site in any event.

The final of the minor points of difference is that under the honourable member's scheme there is no obligation for the Auditor-General to put a copy of his report on his Internet web site when it is tabled during sittings in the normal manner. Again, I am sure the Auditor-General intends to do that anyway and so I do not think it is a major issue.

It comes down to two key differences between the proposals put forward by the opposition and those put forward by the honourable member for Mildura. The first relates to the amount of advance notice to be given by the Auditor-General of his or her intention to transmit a report to the Parliament. The second relates to whether or not advance notice is to be given for the transmission of all reports or only reports that are to be transmitted when the Parliament is not sitting.

In terms of the number of days of advance notice to be given, the opposition considered that seven days was a reasonable time and did not expect there would be difficulties with that. However, it has subsequently been suggested that there may be occasions when, due to the unpredictability of printing and other logistics, it might be difficult to predict a day of transmission seven days in advance. So the opposition would be happy for a shorter period to apply. The honourable member's proposal is for one business day. The opposition thinks that is a bit too short. It is aware that under the section 44(1) of the Interpretation of Legislation Act the counting of days would, on the advice that I have received, which I think is correct, not count the actual day of transmission. So for example, if the Auditor-General intended to transmit his or her report on a Friday, the advance notice would be given on a Wednesday under the one-day model. The opposition believes that it would be better to give an extra day's notice on that score and therefore thinks the position should be for two business days.

The other worthwhile initiative which the opposition strongly believes should be incorporated into the legislation is that the mechanism for advance notice should apply to reports that are going to be transmitted when the house is sitting as well as when the house is in recess. The reason for that is that the opposition believes it gives advance notice to the public, the media and the house that a report is coming and therefore it means that when a report does arrive people who are interested in it and want to read it, report it or respond to it have had some opportunity to turn their minds to the subject matter of the report and be in a position to offer intelligent and informed comment on and participation in any public debate.

The opposition hopes the government will see the merits of this measure. It has been argued that the provisions in the bill only relate to out-of-sitting tabling and that therefore this is moving on to new territory. I point out that proposed section 16AB that is inserted by the bill applies to transmission both in sitting and out of sitting. So the opposition's proposal is fully within the scope of the clause that is currently before the committee.

If the committee decides to go down the course proposed by the honourable member for Mildura then the opposition will seek to have his amendments amended to that effect.

Mr RYAN (Leader of the National Party) — Insofar as the National Party is concerned there are two outstanding issues, as identified by the honourable member for Box Hill. On the question of the tabling of the reports out of session, it seems that as a matter of consistency you have it either one way or the other. You either have a capacity and a mechanism for tabling them on sitting days or a mechanism for tabling them on non-sitting days. There is a risk of inconsistency in the arrangement if you do otherwise.

The National Party simply says that as a matter of consistency, if you are going to set rules that apply to the tabling or the capacity to table on non-sitting days, apply it across the board.

Insofar as the second issue of timing is concerned, from the perspective of a member of Parliament representing a country region, two days is a reasonable time. I appreciate that technology will be intimately involved in the distribution mechanism, but the fact is — with due respect to our metropolitan colleagues — that many of us in country regions are not in our offices as consistently as we might be. Therefore having two days notice is more appropriate to members of Parliament from country Victoria who have an interest in these issues.

Ms KOSKY (Minister for Finance) — In response to the matters raised by both the honourable member for Box Hill and the Leader of the National Party, the purpose of providing one business day's notification prior to the transmission of a report out of session is so that when an Auditor-General's report is transmitted out of session, members of Parliament who are at that time in their electorate offices or doing other work outside the Parliament can be made aware that the report is to be tabled.

The government accepted the argument that if members were to be notified on the day of the transmission then there may be a difference between the timing of that notification and the transmission: that is, members may get the notification later than the report is transmitted. The purpose of the government accepting the honourable member for Mildura's amendment is to ensure that all members around the state are afforded the information that alerts them to the fact that a report is to be transmitted on the following day.

In the discussions that I have had with the honourable member for Mildura, my understanding is that if the report was to be transmitted on a Friday then in fact the notification would be on the day prior to the Friday. It is not two days, it is one business day. So it is the day immediately prior to the day of transmission of the report.

If the Auditor-General's report is tabled when the house is sitting, there is no purpose in informing members on the day before because we are all here. In fact members of Parliament now get a piece of paper as they walk in or are here when it is indicated that the report is to be tabled in the Parliament. There is no need to notify when members are present in the Parliament. There is only a need to notify when members are not within the Parliament.

That is the purpose of the government supporting the honourable member for Mildura's amendment. The government wants to make sure that all honourable members around the state are afforded the same access to a report, so the one business day's notification allowed that to occur.

The Leader of the National Party mentioned that when Parliament is not sitting honourable members may not be in their offices. That is correct, but there are electorate officers within offices and certainly the reason that electorate officers are provided to electorate offices is to staff the electorate office and obviously support the honourable member. I assume that there would be someone in the office to receive notification that the report will be transmitted the following day, and the report will then be able to be accessed on the Internet and a follow-up report will be sent out by the Parliament.

The arguments that have been put forward by the opposition are not appropriate in this instance. The government is affording additional notification if reports are to be tabled outside the parliamentary sitting. The current arrangement within the parliamentary sitting days is appropriate and indeed was never raised as an issue during the Public Accounts and Estimates Committee consultations.

Amendment negatived; clause agreed to.

Clause 16

Mr SAVAGE (Mildura) — I move:

Clause 16, page 15, lines 7 to 17, omit all words and expressions on these lines and insert —

'(4) If the Auditor-General proposes to transmit a report to the Parliament when the Parliament is in recess, the Auditor-General must —

(a) give one business day's notice of his or her intention to do so to the clerk of each House of the Parliament; and

(b) give the report to the clerk of each House on the day indicated in the notice; and

(c) publish the report on the Auditor-General's Internet website as soon as practicable after giving it to the clerks.

(5) The clerk of each House must —

(a) notify each member of the House of the receipt of a notice under sub-section (4)(a) on the same day that the clerk receives that notice; and

(b) give a copy of a report to each member of the House as soon as practicable after the report is received under sub-section (4)(b); and

(c) cause the report to be laid before the House on the next sitting day of the House.

(6) A report that is given to the clerks under sub-section (4)(b) is taken to have been published by order, or under the authority, of the Houses of the Parliament.

(7) The publication of a report by the Auditor-General under sub-section (4)(c) is absolutely privileged and the provisions of sections 73 and 74 of the **Constitution Act 1975** and any other enactment or rule of law relating to the publication of the proceedings of the Parliament apply to and in relation to the publication of the report as if it were a report to which those sections applied and had been published by the Government Printer under the authority of the Parliament.

(8) For the purposes of this section, the Parliament is in recess when each House stands adjourned to a date to be fixed by the presiding officer of that House." '.

The purpose of the amendment is to ensure that honourable members are forewarned of the Auditor-General's intention to deliver a report to the Parliament when it is in recess, and this would be

achieved by requiring the Auditor-General to give to the Clerk of each house one business day's notice of his intention to send a report to the Parliament and requiring each Clerk to notify honourable members the day he received such a notice.

This amendment and therefore the conferring of privilege applies only to reports delivered when the Parliament is in recess. It does not apply to reports sent to the Parliament in non-sitting weeks when the Parliament is sitting. The effect of this amendment is to strike a balance between the preferable positions of reports being tabled when the Parliament is sitting and enabling reports to be released in an effective manner.

In my view, reports are not so urgent that they cannot be delayed for a week or two when the Parliament is sitting. We should not encourage the releasing of reports when Parliament is not sitting unless there is an overwhelming reason to do so.

There is an argument that reports lose their immediacy, perhaps some relevance, if they cannot be released for weeks when Parliament is in recess. There is not the same argument for releasing reports in non-sitting weeks.

The amendment requires the Clerks to give honourable members a copy of the report as soon as possible after it has been received. The reason for this is that the Auditor-General is a statutory office-holder who reports to the Parliament. Consequently honourable members ought to receive his reports.

Mr CLARK (Box Hill) — As an amendment to the amendment moved by the honourable member for Mildura, I move:

1. In proposed sub-section (4), omit "when the Parliament is in recess".

The reason for that, as I outlined previously, is so that these provisions about advance notice will apply to all reports of the Auditor-General and not just those which are proposed to be transmitted when the Parliament is in recess.

Mr RYAN (Leader of the National Party) — For the reasons stated previously, the National Party supports the amendment moved by the honourable member for Box Hill to the amendment moved by the honourable member for Mildura.

Ms KOSKY (Minister for Finance) — On behalf of the government, I do not accept the amendment moved by the honourable member for Box Hill for the reasons that I have indicated earlier.

The CHAIRMAN — Order! The chamber will vote on each amendment of the honourable member for Box Hill as we go through them.

Committee divided on Mr Clark's amendment:

Ayes, 39

Asher, Ms
Ashley, Mr
Baillieu, Mr
Burke, Ms
Clark, Mr
Cooper, Mr
Dean, Dr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Fyffe, Mrs
Honeywood, Mr
Jasper, Mr
Kilgour, Mr
Kotsiras, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McIntosh, 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

Noes, 45

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 (*Teller*)
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

Amendment negatived.

Mr CLARK (Box Hill)— I move:

2. In proposed sub-section (4)(a), omit "one business day's" and insert "2 business days".

In normal circumstances the opposition would regard this as a serious enough issue on which to call for a division, but given the time we will not. If this amendment is negated I will not press the other

amendments to the amendments proposed by the honourable member for Mildura.

Amendment on amendment negatived; amendment agreed to; amended clause agreed to; clauses 17 to 20 agreed to.

Clause 21

Mr CLARK (Box Hill) — I move:

4. Clause 21, lines 27 to 30, omit all words and expressions on these lines and insert —

" "(2) A person referred to in sub-section (3) who receives a report or a proposed report, or part of a report or proposed report, of the Auditor-General under this Act, or who receives information that the person knows is derived from a report or proposed report, must not disclose any information contained in, or derived from, a report or proposed report of the Auditor-General under this Act, except — ".

This is to ensure that the clause operates correctly. The opposition attaches considerable importance to this amendment, because the government's position on what this clause means has gone from one extreme to the other. The position has been either that its construction is so wide that it will fine anybody who happens to receive a copy of the report of the Auditor-General, including journalists, or so narrow that it hardly catches anybody at all.

On the legal advice that the minister incorporated into the record this clause will operate in such a narrow way as to be a sham because it will not catch those people who might be given a copy of a proposed report by the Auditor-General outside of the statutory obligation of the Auditor-General to give proposed copies to certain persons, and that clearly follows from the advice of Mr Hanks, QC. It will not catch those persons who happen to get proposed copies of reports at second hand, passed on to them by somebody else, nor will it catch those who are given a precis or an account of what information is in the proposed report.

On the government's current version of the meaning of this clause and the events of last week it is highly unlikely that those responsible for the most recent leak would fall foul of the bill, because as I understand it the report in question was given to parties who were not parties the Auditor-General had a statutory obligation to provide the report to, and therefore on the very narrow interpretation of this clause which the government is now arguing for they would not fall foul of it.

The clause as it stands also extends only to proposed reports or parts of proposed reports and not to actual — that is, completed — reports. That is another serious weakness. So if the government persists with the clause as it stands and with its most recent interpretation this clause will prove to be a sham. The clause needs to be fixed up, and the amendments put forward by the opposition are intended to achieve that result.

Mr RYAN (Leader of the National Party) — The arguments put by the opposition are compelling, and we accept them.

Ms KOSKY (Minister for Finance) — I made an argument about this matter before. I am aware of the time. In good faith I am prepared to discuss these matters while the bill is between this house and the other house to make sure that the intention of this bill is ensured.

Amendment negatived.

The CHAIRMAN — Order! The time is now 4 o'clock and under sessional orders I must interrupt the debate. The question is that clauses 21 to 24 stand part of the bill.

Clauses 21 to 24 agreed to.

Reported to house with an amendment.

Report adopted.

Third reading

The SPEAKER — Order! I am of the opinion that the third reading requires to be passed by an absolute majority. As there are not 45 members present in the chamber, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

LIQUOR CONTROL REFORM (PROHIBITED PRODUCTS) BILL

Second reading

Debate resumed from 28 November; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 7, page 4, line 2, omit "circumstances."." and insert "circumstances.".

2. Clause 7, page 4, after line 2 insert —

"(4) Regulations under this section are subject to disallowance by a House of the Parliament.".".

Remaining stages

Passed remaining stages.

AUCTION SALES (REPEAL) BILL

Second reading

Debate resumed from 28 November; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 2, line 5, omit all words and expressions on this line and insert —

"(1) Section 1 and this section come into operation on the day after the day on which this Act receives the Royal Assent.

(2) Sections 3(1) and 7 come into operation on 1 January 2002.

(3) Subject to sub-section (4), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

(4) If a provision referred to in sub-section (3) does not come into operation before 1 January 2003, it comes into operation on that day.".

2. Clause 3, after line 1 insert —

"(1) Section 35 of the **Auction Sales Act 1958** is **repealed**.

(2) Section 38 of the **Auction Sales Act 1958** is **repealed**.".

Remaining stages

Passed remaining stages.

COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 27 November; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 3, omit this clause.

2. Clause 12, line 1, omit "***sections 115 and 116***" and insert "***section 115***".

3. Clause 12, lines 4 to 21, omit all words and expressions on these lines.

4. Clause 12, line 22, omit "**116**" and insert "**115**".

5. Clause 12, line 27, omit "10" and insert "9".

6. Clause 12, line 32, omit "10" and insert "9".

Remaining stages

Passed remaining stages.

ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 28 November; motion of Ms GARBUTT (Minister for Environment and Conservation).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL

Council's amendments

Returned from Council with message relating to following suggested amendment:

Clause 7, page 5, after line 27 insert —

"(7) The exclusion by sub-section (1)(aa) of a developer covered by a HIH policy from an indemnity under section 37 in respect of building work does not apply to a developer who lodged a claim with HGFL before 1 November 2001.

(8) The exclusion by sub-section (1)(ba) of a loss indemnified under a HIH policy from an indemnity under section 37 does not apply to a loss a claim for which was lodged with HGFL before 1 November 2001.".

Ms KOSKY (Minister for Finance) — I move:

That this house does not make the suggested amendment.

The government rejects the amendment that has been suggested by the Legislative Council because basically it is the same as the amendment that we rejected in this house earlier today.

I want to make the house aware of the implications of this amendment being accepted by the house today. It would mean that builders and taxpayers would be slugged up to $10 million to fund nine developer companies. Under the HIH bill that was passed by this house earlier this year it was very clear that the provision of the HIH rescue package was for home owners. It is consumer protection legislation and is not intended to provide funds to developers who have houses built for them and who have sought to use a loophole in previous legislation in order to gain access to a total value of $10 million of funds from what was a $35 million rescue package. They want to take $10 million from that. There are implications for that as well.

Within the $35 million there is not the capacity to fund these developers claims. The actuary never assumed that developers would be putting in claims. It would require an extension of the existing levy on builders and taxpayers. That would be a total additional cost of $10 million. It is worth mentioning to the house that one developer has put in a claim for $8 million of works and eight developers have put in a claim for $2 million. When you consider that, it really is favouring one developer and as a result damaging a lot of builders, who would have to subsidise this one developer for the claim it has put in.

I have already stated that the clear intent of the legislation was that it was for home owners and that it is consumer legislation, but I also indicate to the house what would happen if this amendment were accepted. Claims have been lodged by home owners who are currently unable to access the HIH rescue package because of details within their policies. These are details that the government and the actuary could never have been aware of when this legislation was first developed and put before the house, because it was done quickly and on the basis of the actuary making an assessment of the HIH files, which were in very bad condition.

There are 150 claims of ordinary mums and dads who will not be able to get work done on their houses if the bill is not passed. The total value is about $30 000 per claim, so $4.2 million will not be able to be provided to home owners who should be able to have access to this fund. As I said, ordinary mums and dads are seeking that $4.2 million, which was assessed by the actuary and is included in the $35 million package. So the actuary assumed the $4.2 million would be included. What the government is seeking to do is provide funds for those people who were always intended to receive the money through the rescue package.

It is also worth mentioning that the figures that have been lodged relating to the home owners exclude unlodged claims, so several thousand policies will be affected if the amendment is accepted.

Earlier today in the debate in the other place the Honourable Roger Hallam made the excellent point that the Liberal amendment is unfair because it would produce two classes of developers — those who got in early and lodged a claim, and those who did not do so. The government is seeking to ensure that the original intention, which was made very clear in this house and which was debated and supported by both sides of the house, is what proceeds from this chamber. At no stage during the previous debate on this bill did any member of this house suggest that developers should be able to gain access to the HIH rescue passage. It is a loophole that existed between 1996 and 1998 that has now come into play because we put in place this rescue package.

I ask the house to consider very seriously that it was never intended for developers and that it was never intended that ordinary builders be slugged the money to pay for developers. So I ask the house to reject the amendment and ensure that the original intention of the HIH rescue package, which is to protect home owners, is in fact delivered.

Mr CLARK (Box Hill) — The government and the opposition are in agreement on one point: this is a grave situation that Parliament finds itself in. Through the course of action the minister has foreshadowed the government is proposing to prevent the passage this spring of legislation that will extend the coverage of the HIH indemnity fund scheme to a wide range of home owners who the government, the opposition and the National Party believe are entitled to coverage but who, through errors in the June legislation, were not covered.

Yet the government is prepared to sacrifice providing coverage to those persons to try to make another category of citizens of this state pay the price for the mistake that the government now says it made in the way it brought this legislation to the Parliament in June.

I have said to this house previously that the question of whether the government should have anticipated this issue at the time is in a sense secondary, although I do find it rather surprising that that has been the case. The bottom line, and the real point of difference between the opposition and the government on this issue, is the following. The government is now saying that those claimants who in good faith and after looking at the bill, the second-reading speech and the government's media releases have concluded that they are entitled to coverage under this scheme and have made claims on that basis are going to have those rights taken away.

It is not a question of a loophole. If it were a loophole in the sense of some flaw in the manifest scheme of the legislation that people were trying to take advantage of, then the opposition would be prepared to agree to the government excluding it, as we were in the case of one of the obvious loopholes which the government has now identified. The two points we are now debating are not in that category. They are ones where, on an open, sincere, honest and genuine reading of the material I have referred to, people would have concluded that they were entitled to coverage. They would have ordered their affairs accordingly, lodged claims with the fund and made their reckonings as to what their liquid assets were and what funds they might have available for investment and future business activities. They would have made all those reckonings on the assumption that they would get the benefit of what the government told the people and this Parliament back in June.

Looking at the legislative scheme back in June, the minister now says to the house, 'There was no mention of developers made by members in this house'. What the minister has to recognise is that on a straight reading of the June legislation and of what the minister said back in June, there was no reason to assume that people who were having properties built for investment or for resale were being excluded. When the minister and the government ask that people's rights be retrospectively taken away, the onus is on them to show this house and the public, from the record of what was said at the time, that it was clear they were being excluded and that they had no right to take the legislation at face value. The government has not even attempted to do that during the course of this debate.

Instead the government is deciding that it will try to bluster its way through by an unjustified and divisive attack on certain people in the Victorian business community. This is displaying once again the split message this government has given and the split attitude it has. On the one hand we have the Minister for State and Regional Development, the Premier, and the Minister for Planning going out to people and saying, 'Come and invest in Victoria; we have a business-friendly government. We might be a Labor government, but we are a business-friendly Labor government. So you can come and invest here in confidence'.

As all honourable members know, time and again the Minister for Planning gets up in this house and attaches the government's name to and draws credit to the government for a whole lot of development projects of various sizes around the state. He often tells this house of the good results that have been achieved based on building permit figures from the Building Control Commission. We have heard him delivering all those messages to this house and to the community. The Minister for Planning says, 'Come and invest in the Queen Victoria project, come and invest at Docklands and come and take on a new environmentally friendly housing project out at Epping. Come to Victoria and invest in confidence. Keep your money in Victoria, because we are a business-friendly government. We are not like Labor governments might have been in the past. We welcome this sort of investment. You can rely on us; we've got a stable and credible system of laws. We've got all these other competitive advantages compared with some other parts of the world, which make Victoria a good place to be in'.

We have all of these things being said on the one hand, and then on the other hand when the government finds, for whatever reason, that it has told the world and told a set of people that they are going to get a benefit which it no longer wants to give to them or says it did not intend to give to them in the first place, the government says, 'It is those people who are going to pay the price of that. It is those people who are going to have their rights retrospectively taken away from them', in order to cover up for the financial consequences of the government's error.

Not only are we having that said; we are seeing indications that this argument is going to be run in a way that seeks to justify it by belittling the people who will be affected by it and by trying to establish some sort of dichotomy between a whole lot of people who everybody agrees are entitled to coverage on the one hand and this small group who are going to be vilified on the other, so the government can justify depriving the second group of coverage in order, so it says, that it can go ahead and provide coverage to the first group.

The government appears to be prepared to not let this legislation go through in the current sittings of Parliament unless this house accepts the retrospectivity of these provisions which the government is trying to impose on it.

This is the impasse we have arrived at. I have said in this chamber before that the opposition is willing to try to talk through some of these issues with the government. We are happy for the government to excise the relevant provisions from this legislation so that the rest of it can go through and the people who everybody agrees are entitled to coverage will get it, and will get it in these sittings, and not have to wait until this matter is resolved in subsequent sittings of this Parliament.

We have offered all of those things. But what we are saying is that the government has no justification for retrospectively taking away the rights of a particular group of people, and even less justification for going out and vilifying those people as the excuse for what it is trying to do. The very least that the government can do is allow this amendment that has been recommended by a message of the Legislative Council so that those claims currently in the system, under the rules as they were passed by this Parliament in June, as people were entitled to take on any fair reading of both the legislation and the accompanying statements of the government, can go through and be processed under the pre-existing law.

The minister says that will open up two classes of claimants. If the minister is saying by implication she would think it better to take out the entire exclusion, then let that be put forward and let us consider that argument on its merits. The only reason we are getting what the minister chooses to describe as two classes is that the opposition is taking a stand against retrospectively excluding the rights of people who have already in good faith gone through the system, put these claims into the guarantee fund and have had every reason to expect that those claims would be assessed and dealt with under the terms of the legislation that was passed in June.

What this shows is that the government does not have a great deal of understanding of the realities of business. On some days it is able to come out with the talk about being business friendly, but what it does not seem to appreciate is that people frame not only their business decisions but their business commitments, the documents that they issue to shareholders and file with the securities and corporations authorities, investment decisions, employment decisions and a whole host of decisions on their expectations about the funds to which they are going to be entitled.

The minister said, I think, that there is up to $8 million involved in one claim and up to $10 million in total. That is a lot of money in anyone's terms. It means a lot of money to those people who are going to have their rights to it taken away from them. It is not a case where they can say, 'Oh, well, it was not there for us before June and it is not there for us after November. That's life, and we'll just get on with it'. That is going to have a pretty serious impact.

The government has said very little to this house about what assessment or evaluation has been made of the likely impact on those businesses of being deprived of those funds. We are slowly having come out onto the public record a bit more, and in a bit more detail, about what is involved. We have now been told it is nine claims and potentially a total of $10 million. I do not know whether the government has conducted an assessment of what the economic impact of that is going to be. What are the people who have been counting on this up to $10 million going to do when they no longer have it? What are the employment implications going to be? How many projects will they no longer be able to proceed with? What investments have the Minister for Planning or the Minister for Major Projects and Tourism or others been entreating them to undertake in this state that they will no longer be able to proceed with if the rug is pulled out from under their feet by this legislation, and the funds they were counting on are no longer available?

So there is the question of what projects will fall over. There is the question of what employment consequences this will have. Again, we have had a government that has been very eloquent about the employment consequences of the difficulties that Ansett Australia has experienced. We had a minister who was very eloquent in calling on the Howard government to do a whole lot of things to help fix up problems in the building industry when the HIH collapse took place. If I recall correctly, one of the news releases of the minister at the time said that she would love to have been standing there alongside, I think, the Prime Minister and the then Minister for Finance in the commonwealth government announcing a joint rescue package and that she was disappointed not to be able to do that. She has been very eloquent in calling on the commonwealth government to come to the aid of the building industry and get it moving. She said at the time that one of the benefits of the rescue package was that 'today's measures will keep the building and real estate sectors moving by removing doubts over the status of

builders warranty insurance'. That is what the minister said in one of her news releases.

But now it is a different story. We are not going to have that certainty. We are not going to have that stability and confidence put back into the industry and unlike, for example, the Howard government package, which did extend to cover a range of small businesses — I referred earlier to information on the relevant web site that talked about small businesses of up to 50 employees — the government is now saying, 'We would love to have been standing alongside John Howard and his minister back in May, announcing a rescue package, but we are not going to stand alongside the Howard package now in terms of covering this range of business. We never really intended to go beyond individual home buyers and we are going to take the rights away from these people with retrospective operation'.

The legislation is not something that can simply be imposed on the private sector without having consequences, and it shows the lack of real understanding by the government, even though it claims to be business friendly.

I will give just one simple example of the effect the bill will have. This original legislation was passed in May and early June and the scheme came into operation on 8 June, so by 30 June — the end of the last financial year — businesses in that industry would have had the opportunity to look at this legislation and form a view as to whether or not they had coverage under it. I expect they would have framed their balance sheets, their annual reports, their profit and loss statements and all their other financial documents on the assumption that the government meant what it said and that they were entitled to rely on the legal position, which was also a reasonable and natural conclusion to draw from the legislation and from the government's accompanying material.

On the basis of that assumption those businesses would have filed documents with the National Companies and Securities Commission, they may well have filed tax returns, they may have gone to financiers seeking fundraising and they may have referred to that assumption in prospectuses and other documents relating to fundraising. Having gone down that path and having assumed they had a certain amount of assets in their balance sheets and that they were in a certain financial position, they are now being told, 'No, that is not right'. As far as the government knows, people may have made commitments on the basis of what they assumed the situation to be back in June and now all of that is being undone. The card is being pulled out from the deck and the construction is likely to come tumbling down simply because of this government's decision that it will sacrifice this group of citizens in order to cover up for a mistake it now says took place in June.

For that reason, the Liberal opposition fully supports the message sent to this house by the Legislative Council. This is a very grave situation and Liberal opposition members hope the government will reconsider its position and that we can get this matter resolved so that the balance of the legislation can go forward and the people whom this legislation is intended to benefit will receive that benefit as a result of legislation passed during these sittings.

Mr RYAN (Leader of the National Party) — For the reasons I expressed in the course of the debate only a day or two ago, the National Party unfortunately cannot support the Liberal Party in its endeavours to bring developers within the operation of the scheme.

At that time I gave a series of reasons for the National Party's position, one of which was the issue that has been raised by the minister — that is, the question of the actuarial calculations which were done which led to the figure of $35 million having been arrived at. I asked the government at the time to release the mechanisms by which that figure was calculated and the information upon which it was based. I am not sure whether that has been done, but in the course of conveying the basis of its argument in the public arena it is important that the government do that so people can see what the actuaries were basing their view upon when they arrived at that figure of $35 million. As I said the other day, as a matter of consistency if the properties owned by developers came within the ambit of the calculations, they would be far greater in number than the properties which — as the National Party would have it — were intended to be accommodated by the terms of this legislation.

I noticed in the definition section of the House Contracts Guarantee Act of 1987, of which the previous amending bill formed part, the following definition:

> "owner builder" means a person who otherwise than in the course of carrying on a business of constructing dwelling houses …

That goes to the fundamental point that was made the other day that it seems to the National Party that the interest held in a property by individuals who buy their own homes and who very often commit their life savings to their own homes is quite different from the interest held in a property by those who operate businesses building houses which then become homes for someone else. The fundamental aim that underpins

the scheme is to support those whose homes fall foul of the legislation because of the poor workmanship or tradesmanship of the people involved in their construction. That distinction is borne out by a reading of that definition in the legislation.

I said the other day and I say again that the attitude of the government as demonstrated by the view it took over the Ansett issue and the view it has taken today in responding to a question I asked during question time is in stark contrast to the attitude it has taken to this legislation. That is why I said and why I still say that one should have careful regard to other arguments as well as those mounted by the government because its position on this issue has been inconsistent.

However, given the fundamental intention of this legislation of which these proposed amendments form part and also given the matters that I raised the other day in the course of the debate, the National Party, ironically enough, joins with the government in opposing the position taken by the Legislative Council, which is represented by the message it has sent to this house.

Mr McARTHUR (Monbulk) — I intend to make a brief contribution in relation to this issue in support of the comments made by the honourable member for Box Hill, whom all honourable members will recognise as not only a person with extensive experience and background in these sorts of issues but also a person who has a reputation for coming to balanced and considered positions on important issues. On that basis it behoves all honourable members to take seriously the recommendations that he makes.

I want to take up the accusations that the government is now making out in the broader community. I understand the Premier is out there saying that the opposition is being obstructive, that it is blocking legislation and trying to frustrate the will of the government, and that in effect it is seeking to defeat all the legislation currently before the house.

The government is trying to run the line that because the Assembly is due to rise later today and because there is no time left, the Parliament must agree to the government's will, regardless of the merits of the various pieces of legislation.

Mr Holding interjected.

Mr McARTHUR — That might please the honourable member for Springvale, because merit has never been an issue that he has been worried about. The government is saying that regardless of the merits of the legislation, there is no time left and therefore the opposition should just roll over and agree. That is a ridiculous and arrogant attitude to take but, given the Premier's performance in recent weeks, hardly a surprising one.

The other thing that needs to be considered is this strange hardening of attitude that the government has shown in relation to several bills. In recent days in relation to two or three of the bills the house has been dealing with the government has been prepared to consider adopting some of the amendments proposed by the opposition; however, late last night that attitude became much firmer and suddenly amendments that had been possible became impossible.

I ask honourable members to speculate about the reasons for that hardening of attitude. Could it have anything to do with the Premier's wish to create a smokescreen around his existing problems? Could it have anything to do with the Premier's wish to paint this Parliament as obstructive — —

Ms Kosky — On a point of order on the issue of relevance, Mr Speaker, this is a very tight debate and I believe that the honourable member is straying from the motion currently before the house.

Mr McARTHUR — On the point of order, Mr Speaker, as I understand it the motion before the house relates to whether or not this house should pursue some amendments recommended by the other place — in other words, we are responding to a message from the other place. I am simply advancing the argument that it is reasonable for us to respond to that message and to take it seriously, and it is perfectly legitimate and acceptable for the other place to send us messages if it so chooses. Members in this house have to take an adult stance on this.

The SPEAKER — Order! I do not uphold the point of order at this point in time. However, the debate is confined to precisely what the honourable member for Monbulk has just indicated. The minister has moved that the house does not make the amendment suggested by the Legislative Council, and remarks should be confined to that motion.

Mr McARTHUR — Thank you, Mr Speaker, for your wisdom. It is the proper role of the Parliament to consider, review and where appropriate improve legislation that is brought into this place by the government. It is the proper role of the other place to bring about or recommend amendments which redress defects in legislation where they are identified. That is its very purpose. The Premier has been in here and out in the community saying that the upper house is

nothing but a rubber stamp. Now he wants to try to paint it into a different corner and say it is obstructive. Neither of those statements is true.

The upper house has a function that it should take seriously, which is to suggest and recommend amendments which improve legislation. It should not respond to an artificial time limit imposed by the government. We may be coming towards the end of the day, but we are not coming towards the end of the year. There are three weeks left before Christmas. If the house wants to deal with this we could come back next week or the week after or the week after that. There is plenty of time to do this. If the government wants to negotiate on these issues in a reasonable and sensible manner, there are three clear business weeks left before Christmas to allow us to do so. It will not take that long; it would probably take only a day or two.

If the government and the minister genuinely want to resolve these issues, then let us sit down like adults, negotiate around the table, come back next week and dispose of the matter. After all it is the job of the government to deal with these things sensibly and to respond to the messages of the Parliament. It is also the job of the Parliament to scrutinise the legislation and to make sure that it works effectively. We would be derelict in our duty if we failed in that. We should not be swayed by some artificial time constraint. We should not succumb to threats and bullying and pressure from a Premier who says, 'You are just being obstructionist'. Nothing is further from the truth.

This afternoon we saw the Minister for Education and the honourable member for Warrandyte sit down like a couple of adults and work out an arrangement on some amendments, and as a result that bill was successfully disposed of and is now on its way to the other place. If the rest of the ministers are prepared to take that sort of attitude, all these issues can be dealt with. This is not an obstructionist stance. It is a reasonable, considered and sensible approach to improving legislation in a situation where the government has frankly got it wrong.

Mr LUPTON (Knox) — I am a bit concerned about the bill. I quote from the press release issued by the minister in May:

> Today's measures will keep the building and real estate sectors moving by removing doubts over the status of builders' warranty insurance policies.

What is being proposed removes that guarantee by the minister. The message it sends out to our building industry is not one of confidence. It makes the government look stupid. Business people have a right to expect that the government will look at legislation, follow up what it is on about — —

Honourable members interjecting.

Mr LUPTON — It is obvious that honourable members are doing some village out of an idiot. The fact of the matter is that the government — —

The SPEAKER — Order! The honourable member on the question before the house.

Mr Stensholt interjected.

The SPEAKER — Order! The honourable member for Burwood should cease interjecting.

Mr Cooper interjected.

The SPEAKER — Order! Similarly, the honourable member for Mornington.

Honourable members interjecting.

Mr LUPTON — I thought I was being pretty nice, but I have got everybody all excited. It must be Christmas!

What this bill does is remove a right which was originally proposed in legislation. One member interjected before about something out in Knox. Talking about something out in Knox, we have a situation where a builder has been forced to reconstruct, rewire, replumb and reconcrete a number of things. It is obvious that the bill will remove protection.

The legislation that went through in June gave people in the building industry an expectation that they would be protected. I believe the government, for some reason or another, has stuffed up, and stuffed up big time. But it is not prepared to admit that, so the legislation has been altered and amended and will retrospectively hit those people who have invested and put their homes and their assets on the line in good faith.

I find this a shabby trick. The amendment proposed by the honourable member for Box Hill, which has come through the upper house, is sound and logical and only reinstates what was proposed in the original legislation in June, which the government put and then changed midway through. You cannot have it both ways. We used to have the motto 'Victoria — On the move'. Now we have the motto 'Victoria — The place to be'. Why would you want to be in this place if you were a builder. You are hopeless!

The SPEAKER — Order! The honourable member is now starting to stray from the debate, which is

essentially the motion moved by the minister not to accept the amendment from the Legislative Council. The honourable member for Knox should confine his remarks to that.

Mr LUPTON — I thank you, Mr Speaker, but I have finished my remarks. I think I made my thoughts quite clear. I believe the proposal by the government is flawed.

Mr COOPER (Mornington) — This is a matter of significant gravity for the building industry, and not for the top end of the industry. It is a matter of gravity for the small businessmen, and I notice the member for Dandenong North obviously believes this to be hysterically funny, but I would suggest that he should go out, if he has not done so already, and speak to some of the builders in his electorate to find out what their view is on this kind of approach to a commitment made by the government earlier this year.

It is not funny, because a lot of people in the building industry are small businessmen who have put a significant financial and personal commitment into this industry. In many cases they have their houses and other property they own mortgaged in order to keep their businesses going, and this matter is very grave indeed for them. It is not a matter for members, no matter in what part of the house, to laugh about and turn into some kind of joke. It is significant, and the house should be approaching it in that way.

These people in the industry who are now being subjected to a retrospective provision in the legislation took on board the commitments and promises given to them by the government earlier this year. They took them on board in good faith and they believed that the government would in fact honour those commitments.

Now people in a section of the industry are being told that they are no longer involved in the legislation. A retrospective provision will rule them out, and they can make their own arrangements. This is a terrible message to be sending out to an important industry in the state.

For those honourable members in this place who have had no part to play in the building industry, I can tell them that I have had a long history in that industry, as has my family over two previous generations, and I know a fair bit about it. I can recall how easy it is to turn this industry down and how hard it is to turn it up again. It is very much an industry that runs on confidence, on believing that when commitments are made by governments, whether they be federal or state, they must be kept, and people make their judgments with regard to their investment in the industry many months and in some cases many years ahead.

These are the people who will now be affected. I can remember working on the large AMP building in Circular Quay, Sydney, in 1961 when the then Menzies federal government turned on what was called the credit squeeze. Overnight, and I mean overnight, building jobs in Sydney closed down and thousands of people in that city were thrown out of work. That was repeated right around this country, and it was years before the industry recovered from that action by the then federal government — action that might well have been soundly based so far as the economy was concerned and so far as the boffins in Treasury were concerned, but certainly the effect it had on builders, on the people they employed, and on investors in the building industry was significant and widespread, and lasted for many years.

A message is now going out from the government to a section of the domestic building industry that has been hard hit by the HIH collapse. The industry welcomed the action taken by the federal government, and it was mirrored by action taken by this government and governments in other states to protect them from the effects of that collapse, which was going to do enormous damage to the building industry unless governments stepped in and took some action.

The message sent out to the industry earlier this year was that people affected by the HIH collapse could have taken some comfort from the promises that were made. Now the government has understood that there is a need for further legislation, and I will not point the finger and try to pick holes in the government as to why it brought this further legislation in. Other members have done so and will do so in the future. It may be that the government mucked it up, but I do not want to go into that. All I want to say is that a commitment was made, and now the government has seen a need to introduce further legislation.

But that is not being done to assist the building industry; that is not what has happened. What has happened is that the bill has in fact been brought in, and one of its effects will be gravely detrimental to a section of the building industry. All members of the house should take that on board and be careful about it before they vote.

The Liberal Party, with the support of the National Party, has moved an amendment in the other place to ensure that the retrospective provisions of the bill do not impact in the way the government intended, and that they support this section of the industry that was

about to be badly affected. That was the intention and the aim of the opposition in the other place.

Of course we still have the laughter from the three people sitting over on the government benches now. They still seem to see this as some kind of a funny situation. I am sure the builders in the electorates of Burwood, Springvale and Dandenong North, when they hear about the laughter of their local members of Parliament, will not see it as a funny situation at all, and I certainly know that the builders in those three electorates will be told that their members have not been prepared to stand up for them, and worse, they have been prepared to come in here and laugh about the problems that will now be caused to them.

The appeal that the opposition now makes to the government is to think again about this section of the building industry that will be detrimentally affected and about the effect it will have on investment by those people; think carefully about the fact that these people being detrimentally affected have committed themselves financially and personally, long term, and that this could well in fact put some of their businesses under, and certainly do significant damage to them.

But the government also needs to think very carefully about the wider message going out to the investment and building industry in general. The wider message is: can that industry trust anything this government says? This government made its commitment to the industry midway through this year, and now it is going back on that commitment. What sort of a reputation does the government want to have with the building industry during the remainder of its term in office? Does it want the reputation of just being a dingo government that makes promises and then runs away when it feels like it, and changes its mind whenever it feels like it? Because if that is the reputation it wants, it is well on the way to establishing it. But I doubt very much whether the government does want to create such a reputation. What the government is doing now is a sin that is made by people who have not thought it through properly.

I urge the government to think again before it throws these amendments of the upper house onto the scrap heap because again I say to the government: the message it is sending to the directly affected section of the building industry is shocking and appalling, but the wider message it sends out will come back to haunt the government for a long, long time.

House divided on motion:

Ayes, 52

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

Noes, 33

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

Motion agreed to.

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

PAPER

Laid on table by Clerk:

Financial Management Act 1994 — Report from the Minister for Environment and Conservation advising of the delay in tabling the 2000–2001 annual reports of the:

Melbourne Parks and Waterways

EcoRecycle

Desert Fringe Regional Waste Management Group

Mildura Regional Waste Management Group.

ROAD SAFETY (ALCOHOL INTERLOCKS) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

Drink-driving continues to be a scourge on our community, taking or ruining many lives, causing economic loss and an untold amount of grief and emotional distress.

This bill provides another tool for fighting drink-driving, one directed at prevention rather than punishment. It aims to improve road safety by putting alcohol interlocks in the vehicles of the worst drink-drivers, namely, repeat offenders and those first offenders who are very drunk.

These interlocks are devices designed to stop a vehicle being started by a person who has been drinking. A car fitted with an interlock will not start unless the person trying to start it provides a breath sample and is sober.

The current approach and the current problem

Since 1969 the approach has been that drink-drivers, other than certain first offenders, should lose their licences. Once disqualified, most have to apply to a Magistrates Court to get their licences back. This enables the court to assess whether the person's drinking is under control to the extent that they are safe to drive.

Following a 1988 report by the Parliament's Social Development Committee, all convicted drink-drivers, other than first offenders with a blood alcohol content, or BAC, of under .15, must also provide the court [with] two alcohol assessment reports. The assessments should generally be at least a year apart to allow time for treatment and to measure whether there has been any long-term change in the person's behaviour.

In addition, everyone seeking a licence restoration order must first undertake an accredited drink-driving education program.

There is no doubt that this package of programs has had positive effects. But more needs to be done, particularly in relation to problem drinkers.

Alcohol is still one of the main causes of road accidents. About 400 people are killed on the roads each year. Alcohol is a factor in about 80 of these. About 22 fatalities and 220 serious injuries each year involve a drink-driver who has been convicted of a drink-driving offence before, sometimes many times. Most of these people have a serious drinking problem.

What the bill proposes

This bill will require interlocks for all repeat offenders who regain their licences. In addition, the courts may impose an interlock requirement on a first offender whose drink-driving offence involved a BAC of .15 or more. Convictions more than 10 years old will not be counted for the purpose of treating a person as a first or a repeat offender. The program will also involve people convicted of certain offences under the Crimes Act, such as culpable driving where alcohol is involved.

The bill will enable, and in more serious cases require, an alcohol interlock condition to be imposed on a person's driving licence. The alcohol interlock condition will make the licence valid only for vehicles fitted with approved alcohol interlock devices that have been installed and maintained by an approved alcohol interlock supplier.

An alcohol interlock condition will remain in place until a court removes it. Where alcohol interlock conditions have been imposed, they must stay in place for certain minimum periods that will vary for different groups depending on the severity of the circumstances. But the court will always have discretion to fix a longer period.

When that period has expired, the alcohol interlock condition will not automatically be removed. The purpose of a minimum interlock period, whether required by the legislation or fixed by a court, is to facilitate rehabilitation and to enable a reliable assessment to be made of any long-term changes in the person's behaviour pattern, or of a lack of any change. A problem drink-driver should stay on an interlock after the minimum period has expired unless and until he or she can convince a court that he or she can be safely trusted not to drink and drive.

Repeat offender drink-drivers will no longer need alcohol assessments to get their licences back after the period of disqualification. However, alcohol assessments will be required as part of any application for removal of the interlock condition, plus a report from an approved interlock supplier on at least six months use of the interlock by the applicant.

A new offence will be introduced of driving in breach of an alcohol interlock condition. This will cover driving a motor vehicle without an interlock fitted or circumventing the interlock in some way. Penalties will include the option of imprisonment, or immobilisation of the vehicle used.

Interlocks will be paid for by the drink-drivers who use them. Experience in other jurisdictions is that interlocks are generally leased rather than purchased, with the costs being for the installation of the interlock, the monthly lease cost, the cost of calibrating it at regular intervals, and the cost of removing it from the vehicle.

A person who should have to use an interlock should not be able to avoid that requirement merely on grounds of cost. In the community's interest the person will have to bear the additional cost if they wish to drive. However, the government recognises that the cost of an interlock may be burdensome on drink-drivers with low incomes. For this reason it is intended that interlocks will be provided on concessional terms for those with a health care card. The conditions of approval of the interlock suppliers will require them to provide interlocks to such people at a lease cost that is around $50 per month lower than would otherwise be charged.

Provision will also be required for interlock users to be able to spread the payments for the installation and removal of the interlock, to avoid the requirement for a large lump sum payment at any one time.

The program will be monitored carefully following its introduction, with a view to finetuning the requirements if it becomes necessary.

A new approach: minimising harm

Standing back from the detail, what this bill is about is recognising that whilst the traditional legal mechanisms of punishment and deterrence have done much, they can go only so far in reducing the number of deaths and injuries caused by drink-drivers.

We need to use other tools, ones oriented towards rehabilitation and harm minimisation. This bill is not about punishment but harm minimisation and rehabilitation.

People who have not been able, or willing, to exercise self-discipline in relation to drinking and driving will be required to have interlocks to impose some external control over their behaviour. They will have to demonstrate that they have their drinking under control to the degree that they can be trusted to exercise the self-discipline not to drive after drinking. Until they can do that, the interlocks will remain.

The fair administration of this scheme will require the careful and realistic assessment of the circumstances of each individual. This is why the bill places such emphasis on rigorous assessment procedures, and confers wide discretion on the courts to have regard to individuals' circumstances. In exercising this discretion, it is expected that the courts will need to consider the interests of the individual drink driver, and also the interests of the wider community. In particular, we all need to keep in mind the rights of those placed at risk of death or serious injury by reckless drink-driving, and of their families and friends.

I commend the bill to the house.

Debate adjourned on motion of Mr LEIGH (Mordialloc).

Mr BATCHELOR (Minister for Transport) — I move:

That the debate be adjourned for two weeks.

Mr LEIGH (Mordialloc) — On the questions of time, Mr Acting Speaker, when the minister says 'two weeks', he obviously means next year, and that should be noted. It should also be put on the record that the government has been considering this legislation for two years. It is a throwback to the Kennett government. It was part of the Kennett government's legislative program towards the end of its regime that was not implemented at the time. The government has brought forth some legislation that is two years old, and the community should be aware of that.

Motion agreed to and debate adjourned until Thursday, 13 December.

FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL

Second reading

Mr THWAITES (Minister for Health) — I move:

That this bill be now read a second time.

The Forensic Health (Amendment) Bill makes important amendments to the Crimes (Mental Impairment and Unfitness to be Tried) Act and the Mental Health Act. The bill is based on two reviews. The first was a review of the operation of the Crimes (Mental Impairment and Unfitness to be Tried) Act by the Department of Justice. The Act controls what happens when a defendant is found unfit to plead or not guilty because of mental impairment. It provides a fair and practical regime for dealing with mentally impaired people who commit crimes. However, after more than

three years of hearings under the Act, the government has identified ways to improve its operation.

The second review was a review of leave arrangements for patients at Thomas Embling Hospital chaired by Justice Vincent. Thomas Embling Hospital is a secure hospital for people with a mental illness. The review followed the absconding of a security patient while on escorted day leave. The government accepted the review panel's recommendations. Recommendations that require legislative amendment are being implemented in this bill.

Crimes (Mental Impairment and Unfitness to be Tried) Act 1997

The Crimes (Mental Impairment and Unfitness to be Tried) Act establishes a system of custodial and non-custodial supervision orders. Supervision orders are designed to allow people who commit crimes while mentally impaired to receive treatment and be rehabilitated, while protecting the community. The courts retain a high degree of control over persons subject to supervision orders. The courts may increase or decrease a person's level of supervision.

Victims and families

The act requires that notice be provided to victims in certain circumstances and allows victims to provide information to the courts. The families of people under supervision are also entitled to be informed of the person's progress under a supervision order.

Whenever an application is made to reduce a person's level of supervision, victims and family members may make a report to the court. At the moment, the content of a victim's report is limited to an account of the injury, loss or damage they have suffered. The bill broadens the focus of this report so that it will be a statement of the victim's view of the conduct of the person under supervision and the impact of that conduct on them.

The act will also be amended so that basic information about the level of supervision being provided can be supplied to the victim or family member. At the moment agencies that supervise people on supervision order are not free to provide confidential information about them. The provision of this information will be limited to the type of order and the level of supervision so that there is a balance between the needs of victims and families and the privacy and therapeutic needs of the client.

The act will also be amended so that notices to victims and family members under 18 years of age will go to their parent or guardian. Where this would be inappropriate, the court may direct that notice be given to another person on the young person's behalf.

Understandably some victims and family members simply do not want to hear anything about the offender after the trial because they find it too traumatic. We are amending the act to make it clear that a victim or family member can choose not to be notified about any further applications made by the offender.

Similarly there are circumstances in which notice of a hearing would be so distressing to a person that it would be detrimental to their mental or physical health. In these cases the court will have the power to direct that the notice be provided to another person or that it not be given.

These amendments ensure that the notice procedures in the act are flexible, provide relevant information and allow family members and victims to present their views to the court if they wish.

Representing the community

The community at large also has an interest in the progress of a person under supervision.

The courts may only reduce the level of supervision to which a person is subject if convinced that the safety of the person or the public will not be seriously endangered. The community is therefore entitled to be represented when a court is considering whether to reduce a person's level of supervision.

Experience has shown that the involvement of the Attorney-General's legal representatives speaking on behalf of the community is invaluable. The Attorney is the first law officer of the state and has played no part in the initial prosecution. The Attorney can therefore come to the court to protect the community's interests.

So that the Attorney can fulfil this role more effectively, the bill amends the act to guarantee the Attorney-General's right to appear. The bill also extends power to appeal a court decision to the Attorney-General. This will ensure that the Attorney-General has all necessary powers to act in, and protect, the community's interests.

Notice and rights of appeal

The Director of Public Prosecutions, the Attorney-General, the supervisor appointed under the act and the Department of Human Services all have a role to play at court hearings. This bill clarifies that these parties are entitled to be notified of hearings and

ensures that they are provided with relevant information. It also clarifies the rights of appeal available under the act. The bill also sets out the obligations of the Court of Appeal in hearing matters under the act.

Major reviews

In order to ensure that people do not get lost in the system, the court that makes a supervision order under the act must set a nominal term. At the end of the nominal term, the supervision order will automatically be reviewed by the court.

The bill will require the courts to specify a commencement date for the nominal term when making a supervision order. This will allow the courts to take into account any detention preceding the making of that order.

In many cases a major review will not occur for 25 years. A new provision will allow a court to direct that a person subject to a custodial supervision order return to court prior to their major review. This provision allows the courts to take a more proactive approach to reviewing detention under the act.

The bill ensures that if a person is detained after their major review, then they will be reviewed again at least once every five years. This means that even if a person is detained after their nominal term expires, the courts will still regularly reassess their detention.

Leave

People subject to custodial supervision orders may apply for four types of leave: special leave, on-ground leave, limited off-ground leave and extended leave.

Special leave from the place of custody is currently only available for 24 hours. It is administratively burdensome for leave to be approved every 24 hours when the patient is on leave for medical treatment such as surgery that may take longer than one day. The bill extends the period available for special leave to seven days where the leave is for medical purposes.

On-ground leave and limited off-ground leave are granted by the forensic leave panel.

The Vincent review panel recommended that the provisions of the act governing the forensic leave panel be examined. The Vincent review panel cited concerns that the legislation presumes that leave will be granted unless a reason can be shown why it should not. The review panel suggested that leave should only be granted when it would contribute to the applicant's rehabilitation and when it was reasonable to do so. The amendments address the review panel's concerns.

The amendments provide that the forensic leave panel may only grant leave:

> where it will contribute to the rehabilitation of the applicant; and
>
> where the panel is satisfied that neither the public nor the applicant will be seriously endangered.

To ensure that the forensic leave panel is properly informed before granting leave, the bill requires that a patient profile and leave plan be submitted with each application. The profile and plan will be prepared by the service in which the person is detained. Where the service does not think that leave should be granted, then it must provide reasons to the panel. These amendments ensure that the forensic leave panel is provided with the information that it needs when deciding whether or not to grant leave.

A grant of leave can specify the days and nights on which a person may take leave in a period of up to six months. The bill provides that once an order is made the panel will only vary it where there has been a significant change in the applicant's circumstances. This will encourage a long-term view of the way that leave contributes to rehabilitation.

The forensic leave panel previously expressed uncertainty about the proper interpretation of the number of nights that the panel may grant as limited off-ground leave. The bill clarifies that the forensic leave panel may only grant up to three nights leave per week.

The bill also provides for an extension of the hours within which leave can be considered day leave. The hours will be extended from 7.30 a.m. to 6.00 a.m., and from 7.30 p.m. to 9.00 p.m. The new hours will allow more flexibility in allowing clinically appropriate rehabilitative activities during hours when they are possible.

Extended leave

Leave granted by the forensic leave panel is part of the gradual reintegration into the community of people on custodial supervision orders. Extended leave, which is granted by the courts and allows a person to be absent from custody for up to 12 months, is also part of this gradual process.

When a person seeks extended leave it will usually be the first time that they have lived independently in the community for some years.

When making the supervision order for the first time the court applies the principle that restrictions on a person's freedom and personal autonomy should be kept to the minimum consistent with the safety of the community. This principle will now also be applied to consideration of extended leave.

The act contains a list of criteria for the court to consider when making a supervision order. These amendments will ensure that the court also considers these criteria when deciding whether to grant extended leave.

The act will be amended so that a person's supervisor can make an application for extended leave on their behalf. The act will also be amended so that a court can grant extended leave when conducting a major review.

Interstate apprehension and transfer

The act contains powers of apprehension for people on supervision orders while they remain in Victoria. However, these powers do not apply to people who abscond interstate. The bill contains provisions that will allow warrants to be issued once it is clear that a person who is subject to the act has absconded interstate. The bill ensures that a person subject to a non-custodial supervision order who is apprehended under emergency provisions can be given appropriate treatment.

The bill also provides for the interstate transfer of people subject to orders under the act and similar legislation elsewhere.

Transfers to Victoria will be allowed to maintain or re-establish family ties. A transfer may only take place where it is for the benefit of the patient and services are available. The transfer can only occur with the consent of the relevant Victorian ministers and the person being transferred or their legal guardian.

The new provisions ensure that, when a transfer takes place, an order will be made to allow the person to be treated, supervised and detained, where necessary.

Transfer from Victoria to other states will be possible where those other states have legislation allowing for the reception of persons subject to supervision orders.

These provisions fill an important gap in the regime for transferring people subject to supervision or detention between the states. They will promote rehabilitation and the reunion of families separated under difficult circumstances.

Mental Health Act 1986

The bill amends the provisions of the Mental Health Act that relate to the discharge and leave entitlements of security patients. Security patients are people who are in custody — including prisoners and young people detained under the Children and Young Persons Act. The severity of their mental illness means that they need to be detained in a hospital for treatment.

The Vincent review panel argued that treatment for these patients in hospital should focus on the acute phase of their illness and continue only so long as it is necessary and can be justified. After that, security patients should be returned to their place of detention where treatment can be continued. These amendments implement recommendations of the Vincent review panel.

The amendments provide that security patients can be discharged back to their place of detention where immediate treatment is no longer necessary. This is consistent with the discharge criteria for people receiving involuntary treatment in the community.

Discharge back to the place of detention for security patients will be governed by clinical guidelines. The guidelines will be issued by the Chief Psychiatrist following consultation with the Correctional Services Commissioner and the Mental Health Review Board. In this way, a balance will be struck between the need for treatment and concern about security.

The Vincent review panel also recommended that a new approach be taken to granting leave of absence to security patients. The panel recommended that the authority for granting leave of absence be transferred from the chief psychiatrist to the Secretary to the Department of Justice, who has responsibility for granting leave to prisoners.

The amendments provide that a security patient, or the authorised psychiatrist of the relevant service, may make an application for leave of absence.

The Secretary to the Department of Justice will be responsible for granting this leave. The Chief Psychiatrist, who will be consulted on each application, will provide clinical input.

If the security patient is a young person transferred from a juvenile justice facility, then consultation with the Secretary to the Department of Human Services will be necessary. Similarly, if the security patient was transferred directly from police custody, then consultation with the Chief Commissioner of Police will be necessary. This consultation ensures that the

Secretary to the Department of Justice has all the information relevant to the granting of leave.

The secretary will grant leave to security patients only where neither the patient nor the public will be seriously endangered. Leave will be granted for a maximum of six months.

At present a security patient can appeal to the Mental Health Review Board against a refusal by the Chief Psychiatrist to grant leave of absence. However, there is currently no right of appeal from a refusal by the Secretary to the Department of Justice to grant leave to a prisoner. Accordingly, now that the Secretary to the Department of Justice will grant leave to security patients, there will be no appeal to refusal of an application for leave.

Two recommendations by the Vincent review panel concerning options for sentencing the mentally ill have been held over pending the outcome of the review of the Sentencing Act.

Control of Weapons Act 1990

The amendment to the Control of Weapons Act ensures that a finding of not guilty by reason of mental impairment will not prevent the forfeiture of weapons, dangerous articles and body armour.

Intellectually Disabled Persons' Services Act 1986

The amendment to the Intellectually Disabled Persons' Services Act ensures that a person with an intellectual disability who is subject to a non-custodial supervision order and is detained under emergency detention provisions can receive services.

Other amendments

The bill contains a number of other amendments that clarify existing legislative provisions and correct a number of technical errors.

The overlap between crime and mental impairment can result in the most profound personal, family and social tragedies. This bill aims to achieve the appropriate balance between the needs of mentally impaired offenders, the safety of the community and the wellbeing of victims.

I commend the bill to the house.

Debate adjourned on motion of Mr DOYLE (Malvern).

Debate adjourned until Thursday, 13 December.

SENTENCING (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Sentencing (Amendment) Bill delivers on the government's election commitment to establish a specialist drug court program for Victoria.

As we are all acutely aware, the drug epidemic affects all echelons of society. We all know of the tragic and destructive effects of drugs on children, parents and families. Many times in this house we have heard stories of those who begin by stealing from their family and friends to feed a drug addiction, and then spiral into more serious offending and enter the revolving door of the criminal justice system. These individuals are now the offenders in a system which punishes their offending without addressing the cause of that offending drug addiction. Clearly, traditional sentencing options for drug offenders are not equipped to deal with the complex needs of these offenders.

The drug issue is not simply a criminal justice issue. It is a community issue. Together, the government and the community must be prepared to experiment with innovative and modern approaches to help these offenders reduce their drug use and offending. The drug court represents a fundamental shift in the way in which we deal with drug offenders. This initiative seeks to protect the community by focusing on the rehabilitation of offenders from drug addiction and drug-related crime, with the ultimate goal of bringing stability to offenders' chaotic lifestyles and reintegrating them into the community.

The government does not pretend that the Drug Court is the answer to Victoria's drug problems. Rather, it is one element of the government's comprehensive drug strategy, which spans the areas of prevention, treatment and rehabilitation, saving lives and law enforcement. The drug court will complement a number of existing criminal justice drug initiatives such as police cautioning programs and the Magistrates Court CREDIT program for lower end drug offending.

Drug courts are currently operating in New South Wales, Queensland, South Australia and Western Australia. They have also been established in many overseas jurisdictions including the United States, Canada, England, Ireland and Scotland. While drug courts have a number of common features, no two drug courts are identical. The Victorian drug court has been developed after extensive analysis of the effective

features of drug courts both in Australia and overseas. The Victorian model is unique to Victoria, encompassing the best features of existing drug courts.

The Victorian drug court will be piloted over three years, commencing at Dandenong. Dandenong has been selected as the first location for the drug court because of the availability of services for drug court participants, such as drug treatment and housing. The government anticipates that the drug court will commence operation by the end of March 2002.

How will the drug court work?

Rather than being a new court, the drug court is a fundamentally new way of approaching and dealing with offenders who commit crimes to feed a drug addiction. The bill establishes the drug court as a new division of the Magistrates Court. Magistrates will be assigned to the drug court division by the Chief Magistrate.

A key feature of the drug court is that the drug court magistrate will have responsibility for the supervision of offenders placed on the drug court program. This means that rather than simply sentencing an offender, magistrates will have a role in monitoring the offender's progress on the drug court program, and encouraging their compliance with the program. Magistrates assigned to the drug court will receive training to develop and enhance their understanding of the nature of drug and alcohol dependency, treatment options, and offender motivation.

The drug court magistrate will be assisted by a multidisciplinary drug court team. The drug court team will include a case manager, a clinician, specialist community corrections officers, and a dedicated police prosecutor and defence lawyer. This team will work with the drug court magistrate in managing and supervising offenders on the drug court program.

The drug court will require the development of new partnerships between judicial officers, lawyers, law enforcement agencies, correctional authorities, treatment providers and government departments, particularly the departments of Justice and Human Services. These organisations and individuals will need to adopt new roles and embrace a collaborative, team-oriented approach in working together to manage drug court participants and reduce their drug use.

Key features of the bill

I now turn to some of the key aspects of the bill.

The bill introduces a new sentencing order, to be known as a drug treatment order (DTO). The specific purposes of the DTO are:

> to facilitate the rehabilitation of the offender by providing a judicially supervised, therapeutically oriented, integrated drug or alcohol treatment and supervision regime;
>
> to take account of an offender's drug or alcohol dependency;
>
> to reduce the level of criminal activity associated with drug or alcohol dependency; and
>
> to reduce the offender's health risks associated with drug or alcohol dependency.

These purposes make it very clear that the DTO is different in nature from existing sentencing orders. The bill emphasises the role of the DTO in protecting the community through the rehabilitation of offenders who commit crimes to feed a drug or alcohol addiction, and the consequent reduction of drug-related crime.

The DTO is a custodial order which will be included in the sentencing hierarchy in the Sentencing Act 1991, between the combined custody and treatment order and the intensive correction order. For the purposes of the drug court pilot, only the drug court will have the power to make a DTO. This is necessary to ensure that drug court programs are properly resourced.

Not all drug-dependent offenders will be suitable for the drug court and a DTO. The target group of offenders for the drug court pilot is a specific group whose needs are currently not being met. This group is comprised of individuals who are drug or alcohol dependent, whose dependency contributed to their offending, and who have an extensive criminal history. Most importantly, if not for the DTO, these offenders would have received a sentence of immediate imprisonment in respect of their offences.

Individuals will be eligible for a DTO where they plead guilty to offences within the jurisdiction of the Magistrates Court, other than sexual offences or violent offences involving the infliction of actual bodily harm. The most likely offences considered by the drug court will be property offences such as theft and burglary.

Potential drug court participants will undergo a detailed and comprehensive assessment by members of the drug court team to determine suitability for a DTO. This assessment will play an important role in determining whether a drug-dependent individual is sufficiently motivated to address that dependency and the problems

associated with it. The assessment report will include a case management plan for each individual assessed as suitable.

It will be vital that drug court participants reside in an area in the vicinity of the drug court to enable them to make frequent court appearances and to allow ease of access to services provided in connection with a DTO. This will facilitate participants' compliance with the order. For this reason the bill provides that an individual can only be referred to the drug court if he or she resides within a postcode area specified in the *Government Gazette* (which will be an area near a venue of the drug court). The flexibility of publishing relevant postcode areas in the *Government Gazette* is necessary for the purposes of extending the drug court to different locations during the pilot.

The two parts of a DTO

The DTO will be composed of two parts. The first part of the order is the treatment and supervision part. This part consists of conditions which are intended to address an offender's drug or alcohol dependency. The treatment and supervision part of every DTO lasts for two years, in recognition of the time necessary to address the problems flowing from serious drug dependency. However, the drug court will have the power to reduce this period by cancelling the DTO if the offender successfully completes the program before the expiry of two years. This confers a certain responsibility on offenders for their own wellbeing by encouraging them to work towards their rehabilitation and the cancellation of the order.

Like other sentencing orders, the treatment and supervision part of the DTO consists of compulsory core and optional program conditions. Key core conditions of every DTO will be that, while on the order, the offender must not commit further offences punishable on conviction by imprisonment and that the offender must attend the drug court when required.

However, the bill departs from the traditional one-size-fits-all approach to sentencing by giving the drug court the ability to tailor programs to address offenders' drug or alcohol dependency and meet their complex individual needs. The drug court team will develop a case management plan for each participant, which will include matters such as drug treatment and accommodation where necessary. The case management plan will assist the drug court in determining which program conditions, whether it be drug testing, detoxification, vocational programs or other conditions, are attached to each DTO.

The second part of the DTO is the custodial part. The custodial part is a term of imprisonment of up to two years which the drug court must impose on the offender as part of the DTO. This is the term of actual imprisonment which the offender would have received had he or she not been placed on a DTO. The length of the custodial part need not correspond to the length of the treatment and supervision part. For example, an offender could be on a DTO with a treatment and supervision part of two years length and a custodial part of 12 months.

An important aspect of the bill is that an offender will not in fact be required to serve the custodial part of the DTO until the drug court activates the custodial part following a breach or cancellation of the DTO. In other words, like a suspended sentence, the custodial part is the term of imprisonment which the offender may ultimately have to serve if he or she is unsuccessful on the order.

The two parts of the DTO are equally important — the first in addressing the offender's rehabilitative needs, and the second in posing as a Damocles sword or a clear indication to the offender of the potentially punitive consequences of failing on the order.

Responding to non-compliance

A further key feature of the bill is that it establishes a comprehensive yet flexible and discretionary regime for responding to an offender's compliance and non-compliance with the order. The drug court has been developed on the basis of a harm-minimisation approach, which recognises that recovery from drug addiction takes time and is likely to involve relapse. Consistent with this notion, and central to the operation of the drug court, the bill gives the court the power to vary the DTO as a response to an offender's failure to comply with a condition of the DTO. Possible variations of a DTO could include increasing or decreasing the frequency of drug testing of an offender and increasing or decreasing the degree of supervision to which the offender is subject.

In addition to the power to vary a DTO, the bill establishes a hierarchy of internal sanctions on which the drug court may draw if it considers that variation is not a sufficient response to non-compliant behaviour. For example, in responding to a serious episode of non-compliance, the drug court will have the power to order that the offender serve up to seven days in custody by activating the custodial part of the DTO. These sanctions are intended to provide the drug court with a range of flexible responses to episodes of

non-compliance which fall short of warranting cancellation of the program.

The bill sets out clearly the circumstances in which the drug court may cancel the DTO. These include circumstances in which the offender has committed further serious offences or where the continuation of the order is not likely to achieve the rehabilitative purposes for which it was made. Upon cancellation, the drug court will have the power to sentence the offender to a term of imprisonment by activating the custodial part of the order or impose any other sentencing order.

Other features of the bill

The bill limits appeals to the County Court against certain decisions made by the drug court (such as the variation of the treatment and supervision part of a DTO). These special appeal provisions are essential due to the intensive nature of the DTO and the likelihood of constant variation of the order to increase or decrease obligations. Allowing appeals in relation to every decision of the drug court would make the drug court program unworkable. Appeal rights are almost non-existent in the New South Wales and Queensland drug courts for similar reasons. The government has consulted extensively with these jurisdictions.

Limited appeals are also appropriate given that offenders must consent to the making of the DTO. If an offender does not agree to a variation, he or she may elect to have the order cancelled and submit to re-sentencing. However, the bill strikes a balance between workability and fairness by allowing appeals against any drug court decisions involving imprisonment.

In recognition of the experimental nature of the drug court pilot, the bill provides for the repeal of the drug treatment order amendments four years after their commencement. This will allow sufficient time to undertake and complete evaluation of the drug court pilot scheme.

Conclusion

Some may describe the drug court as a soft option. However, this would be short-sighted and simplistic. The DTO is a custodial order which is an alternative to imprisonment. While on a DTO an offender will have the custodial part of the order as a constant reminder of the likely term of imprisonment which awaits him or her upon failure. As I have already described, the bill's strict regime of sanctions gives the drug court the power to imprison offenders for short periods of time. The drug court will be an extremely onerous and intensive program. Indeed, in other jurisdictions where drug courts have been established many offenders seem to prefer imprisonment to drug court programs.

The effective and appropriate resourcing of the drug court is critical to its success. The government understands this and has committed funds for drug treatment programs and housing for drug court participants. This funding will not detract from existing programs.

The drug court pilot will be evaluated to determine whether it has been effective in reducing drug dependency and related crime, and has ultimately made a difference. If the evaluation is successful the drug court could be extended to further locations throughout Victoria.

This bill is the culmination of a period of public consultation on Professor Arie Freiberg's discussion paper on drug courts. The government is indebted to Professor Freiberg for his tireless efforts on this initiative. I am pleased to say that the community has expressed strong support for a drug court and a new approach to the sentencing of drug-dependent offenders. I would like to thank those individuals and organisations who responded to the discussion paper and who generously gave up their time for consultation.

This government refuses to turn a blind eye to the problems caused by drugs in our community. It is committed to trying creative new sentencing options which look beyond drug-related offending to address its underlying causes. The drug court is a bold and exciting initiative to reduce drug dependency and its destructive effects on the Victorian community.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Thursday, 13 December.

CRIMES (DNA DATABASE) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The government recognises that effective law enforcement and crime prevention demand a modern police force that has the powers to effectively tackle crime.

This bill reflects the government's commitment to provide police with appropriate powers to detect and

investigate crimes and to promote public confidence in the criminal justice system.

The ability of police to investigate crimes has been enhanced in recent years by the use of DNA information. DNA information has proved to be extremely useful in confirming a suspect's involvement in an offence and also in eliminating other people from suspicion. DNA information can assist police in the investigation of a crime when no other evidence is available. Importantly, it can also lead police to other evidence.

In addition to its value as an investigative tool, DNA matching has an important value as a deterrent, particularly in relation to the taking of forensic samples from prisoners and convicted offenders. Increased awareness of the use of DNA in criminal investigations acts to deter criminals from engaging in criminal activities such as burglary and serious assaults where there is a real likelihood that DNA information will be left at the scene of a crime.

Victoria has been at the forefront of the utilisation of DNA information in criminal investigations in Australia. In 1993 Victoria passed legislation which allowed for forensic samples to be taken from suspects. On 1 July 1998 amendments to the existing forensic procedure provisions came into effect, extending the use of DNA material by allowing the taking of forensic samples from prisoners and convicted offenders.

These provisions enable police to obtain forensic samples from suspects for the investigation of serious offences and from convicted offenders and volunteers. The existing provisions also allow for DNA information obtained from such samples to be placed on a computerised database for analysis against unsolved crime scene evidence.

This bill builds upon and enhances the existing forensic procedure provisions in the Crimes Act 1958 with the introduction of two key components. The bill will:

improve upon the existing procedures for obtaining, using and retaining forensic samples; and

facilitate Victoria's effective participation in the national DNA database.

This bill complements the existing approach for the taking of DNA samples in Victoria by carefully balancing the rights of suspects and convicted offenders against the public interest in the detection and investigation of crimes.

Consensual supervised self-administration of sampling

The bill introduces important amendments to the procedures for taking forensic samples. Under the existing law, mouth swabs can only be taken by a doctor or a nurse. The procedure for taking a mouth swab is very simple and involves little more than scraping the inside of the mouth with a cotton bud to obtain cells for testing. Importantly this bill allows a person to consent to take their own sample of a scraping from the mouth, subject to the supervision of an authorised police officer. This will serve to minimise the intrusiveness of procedures for taking forensic samples.

Forensic sample offence

The bill also expands upon the range of offences for which a forensic sample can be obtained. Under the existing legislation police may apply to a court for an order to obtain a DNA sample from a person who has been found guilty of a forensic sample offence. Forensic sample offences include offences such as murder, burglary, armed robbery and rape. The bill reflects community concern about serious crime and extends the definition of forensic sample offence to include the offence of false imprisonment and the offence of assisting an offender to commit a forensic sample offence.

The bill also responds to current concerns over the sending of hoax letters, given the events of 11 September, by including offences connected with explosive substances, the contamination of goods and bomb hoaxes in the definition of 'forensic sample offence'. This will give police the power to apply for a forensic sample from suspects or persons convicted of these offences.

Retention orders

The law allows a police officer to obtain a forensic sample from a suspect to assist with the investigation of an offence. If a suspect is not convicted the forensic sample must be destroyed. However, if the person is convicted the law permits police to apply to the court to retain the forensic sample that was taken to assist in the detection of future crimes. This avoids the intrusion of having a second sample taken following a conviction.

Under the existing legislation only the Magistrates Court can issue an order for a DNA sample to be retained. A judge of the County or Supreme courts cannot order the retention of a sample from a suspect upon their conviction. This is a cumbersome process given that the original court already possesses all the

facts of the case. The bill addresses this issue by allowing the court of hearing (including the County and Supreme courts) to make a retention order.

Arrangements for the carrying out of forensic procedures

Whilst the 1997 amendments enabled forensic samples to be obtained from certain convicted offenders it did not provide any arrangements for the carrying out of a court-ordered forensic sample where a person is not in custody. Unless a person is cooperative and comes forward to police to provide the sample, the police have no power to take the sample. At present there are over 3500 unexecuted orders made against people who are not in custody. If these orders are not executed the ability of Victoria Police to use DNA information to investigate criminal offences will be limited.

The bill introduces some important new procedures which will enable police to obtain a forensic sample from an offender where the court has ordered the taking of that sample. These procedures will make the existing legislation work more effectively.

Procedure for existing orders

The bill provides that, where a person has been ordered to provide a forensic sample, a member of the police force may issue a notice requesting that person to attend at a nominated police station within a specified period of time to provide the court-ordered forensic sample. The bill provides that if a person fails to comply with this notice, a member of the police force may apply for a warrant to arrest that person. This power will enable police to detain the person for as long as is reasonably necessary to enable them to conduct a forensic procedure. The public can be confident that when a court makes an order for the taking of a forensic sample there is a mechanism by which that sample can actually be taken.

Procedure for future orders

The bill sets out a procedure that will apply to applications for court orders made after the commencement of the bill. The bill provides that, if a court orders a forensic sample to be taken from an offender who is not in prison, the court must also order the offender to attend at a police station (or other place specified by the court) within a period specified by the court to allow the forensic procedure to be carried out. Again, the bill provides that if a person fails to comply with the court order, a member of the police force may apply for a warrant to arrest that person.

National DNA database

The commonwealth government is establishing in cooperation with the states and territories a national DNA law enforcement database as part of its Crimtrac initiative. Crimtrac is a major initiative being undertaken by the commonwealth, state and territory governments. The aim of Crimtrac is to enhance Australian law enforcement with an emphasis on information-based policing facilitated through rapid access to accurate police information. In essence Crimtrac is an information system that will allow police nationally to quickly access a range of existing databases, such as the fingerprint database.

One of the key features of the bill is that it will facilitate Victoria's participation in the national DNA database scheme. The creation of a national DNA database represents an important weapon in the fight against crime.

The national DNA database will allow Victoria Police, together with other Australian police services, to take advantage of opportunities opened up by recent advances in forensic science, information technology and communications.

Victoria already has a database for the storage of DNA information. However, there is no ability to exchange information with other jurisdictions. The bill will allow Victoria to participate in a national DNA database by enabling Victoria to enter into arrangements for the exchange of DNA information between Australian jurisdictions.

The ability to exchange DNA information between other Australian jurisdictions is critical, because criminal activity often spans Australia's internal borders and makes it necessary to get forensic evidence from different states and territories.

The DNA database provisions in this bill are based on the February 2000 draft model forensic procedures bill developed by the model criminal code officers committee under the auspices of the Standing Committee of Attorneys-General. The model bill was developed during 1999 following months of national consultation, including meetings with the federal and New South Wales privacy commissioners, Crimtrac and law enforcement agencies.

The bill outlines key procedures in relation to how forensic material is to be stored on the database, who may have access to the database and when the information from the database may be disclosed. The bill contains safeguards to ensure that DNA information can only be disclosed and used for certain purposes

such as a criminal investigation, use in a coronial inquest or inquiry, and use as evidence in criminal proceedings.

The bill provides an effective and accountable system for the retention and matching of forensic materials on the national DNA database. The privacy of Victorian citizens is also guarded against, because each step in dealing with forensic material is regulated and reinforced by various criminal offences which carry penalties for misuse of the database and DNA information.

The amendments contained in this bill represent this government's firm commitment to effective law enforcement and the promotion of public confidence in the criminal justice system.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Thursday, 13 December.

CHRISTMAS FELICITATIONS

Mr BRACKS (Premier) — It is a pleasure as Premier and Leader of the Labor Party to be part of Christmas felicitations for this year. When you think of 2001 you realise it has been a very busy year in this place. For example, there have been 50 sitting days, during which 500 questions without notice have been answered and over 100 bills have been debated, so the workload on all members of Parliament and all the people who work in this place has been significant. I thank and congratulate everyone who has contributed to that.

When you add to that the big events of this year, 2001 has been quite significant. Whether it was the tragedy of 11 September, with the World Trade Centre disaster, the failure of Ansett Australia or the big elections which have happened around the country — we have had five elections this year, including one federal election, two state elections and two territory elections — 2001 has certainly been a big and onerous year.

We have taken part in important debates to mark what has been an extraordinary year globally. We had the motion to mark the tragedy of 11 September, and I congratulate the house on allowing that to occur. I believe the people in Victoria are pleased we took that step. That was followed by one of the most important events that happened this year, and that was the moving, multifaith ceremony at the Rod Laver Arena, with thousands of Victorians attending to express their grief, concern and commitment to tolerance and cooperation in the future. Again I congratulate honourable members for attending that multifaith ceremony, which I believe was an outstanding success.

As I mentioned, we also had the federal election, which placed added pressure on members of Parliament. As well as our normal duties, we have added responsibilities to our own parties and constituencies. Running our own state affairs and having the federal election as well added further to the workload.

It has been a tremendous year for this place and there are a lot of people to thank. I first of all start with the Clerks. I congratulate Ray Purdey, Marcus Bromley and Geoff Westcott, who have been fantastic during the year. They have been so reliable, so wise in their advice and so impartial in the way they do their jobs. I congratulate them on behalf of the government and the Parliament of Victoria.

I also thank the staff of the Procedures Office, headed by Liz Choat and still graced by Neville Holt, who has been a feature of this place for a long time. They do a great job.

I thank Hansard, which is headed up by Carolyn Williams. It is said many times in Christmas felicitations that the Hansard staff have a difficult job in accurately reporting and interpreting the intent of what honourable members say. I believe they do a very good job, with very little need for change. I congratulate Carolyn and her team on that.

I thank the Serjeant-at-Arms, Gavin Bourke, and his assistant, Anne Sargent. You cannot miss the presence of Gavin Bourke! He is ever present. He has a very commanding voice and a commanding presence. I believe he has done a very good job as well.

An honourable member interjected.

Mr BRACKS — Yes, he has. He has had to change things around in this place, given the need for enhanced security following the events of 11 September. He has borne the responsibility for that task well. I believe he has done a very good job in ensuring the security of the parliamentary precinct in particular, which has been second to none. I congratulate Gavin on that as well.

Not only have the events of 11 September highlighted the security concerns of the Parliament — I think all honourable members should appreciate this — but I believe we are the last Parliament in Australia not to have electronic security as people go into Parliament itself, including a barrier which requires a check for knives and other metal equipment. That situation will

have to change in the future. We can no longer have the luxury of not having those security arrangements in place, and they will need to be put in place in the future.

That is a requirement not only because of the events of 11 September, but also because of the tragic and horrific act which occurred in the regional Parliament of Zug in Switzerland when a man opened fire in a packed chamber, killing 14 people. That is a further example of why heightened security arrangements are required.

That does not mean that the Parliament has to change its procedures and practices or that we have to cower from those sorts of acts, but it does mean we have to have heightened security arrangements in this place, and we as a government and as an executive are happy to work with the Parliament to make the necessary and required arrangements for that to occur. I can give that assurance to you, Mr Speaker, to the Serjeant-at-Arms and to the Legislative Council.

On that note I also thank the protective services officers for enforcing those new security arrangements while remaining very courteous and continuing to be very good ambassadors for the Parliament here in Victoria. They do a very good job and I congratulate them for that.

I also congratulate all the Legislative Assembly attendants, led by Warren Smith. Warren cannot say anything from up the back there, but his presence is noted and I congratulate him and his team on their hard work and their fine efforts to make our jobs much easier. No request is too hard for them to administer, and they certainly make it easy for us in Parliament.

I am sure all honourable members would want to pass on their condolences to the family of David Lang, who was an attendant here since 1990 and who passed away this year. Our sincerest condolences go to his wife, Joy, and his children, Kim and Robert. All honourable members in this place would wish to express our concern at his passing and our sympathy for his family. I am aware that Warren has passed the sentiments of many members of this place on to his family.

I also pay tribute to my own orderly, David Robertson, who literally eats, sleeps and works in this place. On occasion when this house has sat very late he has not gone home but has got the stretcher out and when I have come back the next morning I have found him just putting it away. He is certainly dedicated to his task. I do not blame him for doing that; if you have to work until 1 o'clock in the morning and be ready to greet the Premier the next day, that is fair enough.

Dr Napthine interjected.

Mr BRACKS — David Robertson is a very well groomed attendant, I can assure you.

I also thank David personally for his vain attempts to keep me fit by putting suggestions in my in-tray about how I can get some exercise. Occasionally I take up his suggestions, but usually I do not. However, I thank him for keeping on trying, and I hope he keeps on doing it.

I also thank the staff working for the department of parliamentary services under Stephen Aird and Graeme Spurr, who have taken over this year. I also thank the former head of the department, Christine Haydon, who left us this year. I pass on my thanks to her as well.

In catering services I congratulate the catering manager, John Isherwood, and Malcolm Sellar, the head chef. The catering service has the great benefit of receiving significant publicity every year. Not only does the cuisine get presented in the newspapers, but the menu is there as well, and I am sure many restaurants would kill for that sort of publicity.

The people in catering services do a good job in difficult circumstances. It is hard when they have so many members to serve, so much variety of cuisine required and so many hours in which to serve them. It is a very hard task and I congratulate them for that. I also congratulate them for ensuring that the individual wishes of members are catered for in the provision of catering services in this place.

I should also add that as well as providing the set menu, they cater for the various events held here and provide for the contracting out of the venue to members of Parliament and others, and that is very beneficial.

While on that topic I congratulate in anticipation my parliamentary secretary, the honourable member for Footscray, on his forthcoming wedding which is to be held here at Parliament House in several weeks time. Many honourable members are looking forward to that event with great anticipation, and I know the catering staff will also do a great job there.

Dr Napthine interjected.

Mr BRACKS — You are waiting for an invitation? Keep waiting! I understand from the honourable member for Footscray that he has arranged no special deal for the event; he has told me the cost involved and I know that will be fully met by him and his spouse. I congratulate them both and I wish them well.

I also congratulate in anticipation the honourable member for Bendigo East on her engagement. I do not think the marriage date has been set, and the honourable member has informed me she is looking forward to a very long engagement because she wants to have the wedding after the next election, which is a long way off. The wedding will have to wait for a long time!

All honourable members would agree that the Parliament House gardens are second to none. They are spectacular! They are a peaceful place for members of Parliament and also their visitors to enjoy. I thank Paul Gallagher and his gardening staff. Once again, he has made this one of the most beautiful places in Victoria which is well worth visiting and certainly worth working in. The precincts complement the grand old building very well.

The manicuring, upgrading and preservation of the tennis court has been second to none. I regret that I have not been able to use it since the last time felicitations were made in this house, although I have some good intentions to use it next year. I believe it should remain forever; it is a great tennis court and it is a great part of the precinct.

I congratulate Bruce Davidson, the head of the Department of the Parliamentary Library. Some honourable members may have noticed that there has been an upgrade of the parliamentary library, which has been overseen very effectively by Bruce Davidson. It has gone through a transformation in technology, and its capabilities have been dramatically enhanced. It is a testimony to the quality of the people working in the library that they have undertaken that effectively. In particular I thank Jon Breukel, whose work is second to none, and all the other staff who service members of Parliament very well, often at very short notice, when something is required urgently.

In relation to car parking I cannot leave out Bill Schober. Bill is always there to assist us, to have a chat and to welcome us into the precinct. I congratulate Bill, who shares with the honourable member for Mordialloc the task of monitoring the car park here in the Parliament of Victoria. I do not think there has been a demarcation dispute and I do not think that Bill has put in a claim that someone else is taking over his responsibilities. I think he welcomes the fact that someone else is providing that sort of public scrutiny of the car park.

The cleaning staff has changed since last year, and I welcome Claire, Lube and Tony to their new positions. I especially thank Lube, who is a great character around this place, and I sincerely hope he is able to do some fishing, which I believe is a passion of his, over the summer break. The honourable member for Gippsland East might be able to advise him of some good fishing spots.

I am eternally grateful to the manager of government business and Minister for Transport. I personally thank him for his stewardship of the house on behalf of the government. He has once again demonstrated his capacity for hard work. He also holds a very senior portfolio in this government as well as being on the expenditure review committee, where he carries out his duties effectively. I thank him for his hard work as manager of government business in this house and for the workings of the house, which have run very well and effectively this year. That is a great achievement, and I thank him for that.

I also thank the opposition manager of business, the honourable member for Monbulk, very much. He has worked very well and cooperatively with the government to ensure that the Parliament has worked effectively and well. I am informed by my staff who deal with him — he may not like this compliment coming from our side of politics — that he is a pleasure to work with. That is the message I was asked to deliver from the staff who work with him.

I apologise to the Leader of the Opposition for transmitting that message, but I was asked to do it and I hope that does not mean that the honourable member for Monbulk is demoted in the future! I thank him for his cooperation.

Mr Delahunty — What about the honourable member for Rodney?

Mr BRACKS — Yes, I am about to do the honourable member for Rodney. In a similar way I thank the honourable member for Rodney for his cooperative and productive relationship with the government in the interests of the Parliament. We are on different sides. We clearly have differences, and they are well demonstrated in the adversarial system we have, but when it comes to cooperation on the business of the house and the workings of democracy, we work well together and I thank the honourable member for Rodney for his cooperation.

Honourable Members — Hear, hear!

Mr BRACKS — To the whips: again my thanks and gratitude go to the honourable member for Ivanhoe — —

Honourable Members — Hear, hear!

Mr BRACKS — I must say if you were to add up all the pages of messages we get in a year we could publish a three-volume book! It would not make any sense and would not be coherent, but you could make a three-volume book from those messages. The honourable member does a good job; he is a very good whip. He works well in cooperation with the other side of the house but also with the manager of government business. He has a special relationship with the members of Parliament on this side, and I congratulate him for it.

I also thank the opposition whips, the honourable members for Rodney and the Glen Waverley. Both members have been effective contributors to the workings of the Parliament. The honourable member for Glen Waverley is very experienced and seasoned and does a great job and I thank him for his cooperation, as I do the honourable member for Rodney. I know if the honourable member for Ivanhoe was able to he would express that view, and he has told me so.

I would also like to thank you, Mr Speaker, for your fantastic work.

Honourable Members — Hear, hear!

Mr BRACKS — I thank you for your impartiality on behalf of the Parliament of Victoria. I also thank you for the dignity with which you hold the office of Speaker in this state. You do that extremely well and effectively and undertake it with fairness. I also wish you every success in the future now that you have announced your retirement at the end of this term of office, which is many years to come! I wish you the best in your retirement. I hope over the next few years you find enjoyment in the role, as you have found it over the past few years. We have enjoyed your stewardship of the house. I ask you to pass on from me and the honourable members of the house to your wife, Virginia, and family best wishes over the Christmas period. I hope you have an enjoyable break and I hope you resume next year with the same enthusiasm we have seen in the past. Thank you very much.

I also thank my colleagues in the parliamentary Labor Party. It has been a great year and I thank them for their support in the year we have had. I thank the honourable members of the backbench and the honourable members of the middle bench — I suppose you can call it that. I thank the parliamentary secretaries. I thank also the front bench, the cabinet, for its support for the year. I have a great team behind me and I thank them very much for the support they have given me throughout the year, as has been the case over the past two years.

I also wish the Leader of the Opposition and his family a very safe and happy Christmas season. I wish him the best over that period. I ask him to pass on my best wishes and the best wishes of my wife, Terry, to his wife, Peggy, and his family over the Christmas period. I hope he has a relaxing and enjoyable Christmas in which he can forget some of the activities that we all like to forget about — enjoy other things and enjoy the break. We are on different sides. We are in an adversarial chamber but we share the leadership of different parties in this place and that brings with it some responsibility, and I respect and understand his role as Leader of the Liberal Party in Victoria.

I also pass on my best wishes to the Leader of the National Party, to his wife, Trish, and the family and pass on my hope that he has a restful Christmas as well. We have enjoyed debating with the National Party significant policy issues in country Victoria. The debate will continue. My note says, 'I hope it continues' — it will continue but again I thank him for his leadership of his party. I know the responsibility that involves and I know the honourable members of his party would want to wish him every success as well.

I also thank the Independent members of Parliament. They have a difficult and onerous task and we add to that from time to time and sometimes forget the task they have. They have the task of deciding on legislation without the resources or the capacity of a political party behind them and without the body of weight behind them to achieve that task. Therefore they have to make judgments on a daily basis about legislation and policy matters. I am aware of the depth of concern that goes into each and every one of those decisions. I thank them for their integrity and for the way they stand up for their electorates and the way they have worked with the government. I understand completely that they are not part of the government. They wish to criticise the government on certain occasions — that does happen. Sometimes I wish that would happen on fewer occasions, but that is politics. I respect and understand the times that they do it. They are Independents and have their own views, and I thank them for their support in the Parliament over the past year.

Honourable Members — Hear, hear!

Mr BRACKS — On a personal note, I wish the honourable member for Mooroolbark a happy and safe Christmas. She has faced an onerous year personally and I wish her every success from this side of the house. She has handled herself over the period of her illness with great dignity.

I mention my private staff briefly. I thank my private office staff, and in particular my chief of staff, Tim Pallas. They work very long hours. Honourable members work long hours but our private staff work extraordinarily long hours as well. They have to be there when we are there in the morning and they have to stay until we leave at night. They roster the work on occasions, but when there is a big issue they are always there and I thank them very much for that. I also thank Sharron McCrohan, my media director, who works extremely hard, is dedicated to her job and gives great support to me as Premier. I thank my media secretary, Jane Wilson, who travels with me around the state and is with me at every event I go to. I do not want to single out people in my private office — —

Mr Doyle interjected.

Mr BRACKS — I have done with those, that is correct. That is a good interjection, thank you.

I will single out someone else who is known to some members on the other side, including the leader of opposition business. James Higgins handles the work of the Parliament well and effectively. He has a professional and appropriate relationship with the opposition, and now he is moving on to another job. I wish him all the best as he moves on to practise in a legal firm. He has been with us in opposition and government and has made a great contribution. James goes back a long way for me because he was an intern who worked for me as the honourable member for Williamstown and as a shadow minister. During one year he won the intern prize, and he became a member of staff for the then Leader of the Opposition, who is now in government, so I wish him all the best in his new role as well.

I also place on record my thanks to my recently departed secretary, Cath McDonald, who has gone on to another job. I hope she is enjoying her new role, and I thank her for her work. Similarly, Colin Radford, who was my press secretary for many years and also held that position for the previous opposition leader, has moved on, and I wish him well in his new role and I thank him for his work over the past year.

I also thank my principal secretary, Rosa Silvestro, who does a great job, is very thorough in her work, answers all the correspondence effectively and answers inquiries effectively. I thank her for that. She is ably supported and assisted by Lindy Franklin, and I thank her. I could not have better private staff. Staff make a great sacrifice, which I recognise, and that goes for the ministerial staff of ministers as well.

In conclusion, it has been a year of enormous change, both globally and here in Victoria. Who could have predicted or imagined in the year 2001 that there would be something like five elections around the country, including a federal election, the collapse of such a big institution as Ansett, the events around the World Trade Centre and 11 September, and the aftermath on the world of the Afghanistan situation. There have been not one but several issues.

It has been a big year internationally and a big year in Victoria, and I wish honourable members every success over the Christmas period. I hope they enjoy a good break, and my best wishes go to the families, friends and members of Parliament and staff who work for this precinct. I wish everyone a happy Christmas.

Dr NAPTHINE (Leader of the Opposition) — It is with pleasure that I join the Premier today in offering Christmas best wishes on behalf of the Liberal opposition to all those who work in and around Parliament House, the members of Parliament, their staff, their families and all of those associated with the Parliament of Victoria.

As the Premier has said, it has been a very big year. It has been a year where there has been some significant low points and some significant high points. The lowest point of the year across the world which affected everybody, of course, was the 11 September incident in America and the subsequent war on terrorism. All of us, as we showed in a bipartisan way in this house, expressed our concern about the terrorist acts on September 11 and our support for Australia's participation with the world coalition forces in the war on terrorism.

We wish all of those people participating in those activities, particularly our service personnel from Australia who are overseas, our very best wishes. We wish them a speedy and safe return and we wish their families well.

As the Premier said, there has been a number of elections during the year. Probably the most significant was on 10 November, and I congratulate John Howard and Peter Costello, John Anderson and the coalition team for their magnificent victory. I wish all the Victorian members of federal Parliament from either side of politics, be they House of Representatives members or Senators, well in their task of representing their electorates and the interests of Victoria in the federal Parliament.

The other thing this year that has been very significant has been that this is the year of the centenary of

Federation. That has been a very significant event in the history of Victoria and Australia but also in the history of Parliament. The events that took place as part of the centenary of celebrations were very significant and will live in the memories of all those who participated for many years to come.

It is very good that we had the celebration to highlight the fact that 100 years ago the different colonies came together to form the federation of Australia, the commonwealth of Australia, and all Australians can be proud of what Australia has achieved in those 100 years. It was right and proper that it be celebrated in every town and borough, every city and community right across Australia, but in particular in Victoria and Melbourne. We saw the re-enactment of the first sitting of federal Parliament at the Exhibition Building in May this year, which was an absolutely grand and historic event, and Melbourne and Victoria did us extremely proud with that re-enactment.

The parade on the Sunday and the other activities were also something we could be proud of, and in this Parliament there was the historic sitting of the commonwealth Parliament where we saw the Prime Minister sitting over there and the then opposition leader, Kim Beazley, also sitting in this place, making a contribution and recognising the centenary of Federation.

It has been a significant year, and there are many people to thank. In this context I would particularly like to thank the Clerk of the Parliaments and the Clerk of the Legislative Assembly, Ray Purdey. I said last year that Ray is doing an excellent job, and he keeps growing and growing in that job. His contribution is outstanding, and we are very lucky to have a person of his experience and expertise. Thanks to Marcus Bromley, the Deputy Clerk, and Geoff Westcott, the Assistant Clerk. I am sure Ray would agree with me that they are an enormous support and their advice and experience are invaluable.

Gavin Bourke, the Serjeant-at-Arms, was selected on merit for that position to be able to defend and protect us, and his stature is such that we feel great confidence in him being able to fill that task. As the Premier said, with the changed circumstances with regard to security and terrorism Gavin and the protective services officers, whom I also thank, have played a lead role in improving the security of this place. We feel confident that security is of a very high standard and has struck that nice balance between retaining the friendly warm atmosphere of this Parliament and also providing the security that we need.

I thought Gavin was a fine stature of a man, but the other week I met his brother, who is 2 inches taller and 4 inches broader. If we ever want a replacement Serjeant-at-Arms there is an ideal replacement in his brother waiting in the wings. We obviously got the runt of the litter!

I would like to thank you, Mr Speaker, on behalf of the Liberal Party, and personally as Leader of the Opposition, for your esteemed leadership of this house. You are doing a very good job as Speaker. We do not always agree on every issue, and I think you would be the first to admit that under the pressure of the job, often under the heat of the circumstances, it is not always easy to make the right call first time, every time. But you have been a very good Speaker, and coming from the opposition that is high praise indeed, and you deserve it.

I specifically mention the Deputy Speaker, who adds a sense of levity to the house. She handles committee debates with a degree of enthusiasm and humour, but generally she gets the job done fairly well, so I acknowledge the Deputy Speaker for her role.

I thank the parliamentary library staff and particularly Bruce Davidson, the Parliamentary Librarian, and Gail Dunston, the Deputy Librarian, who do an excellent job. I say on behalf of the opposition, who use the library very much as a resource, that we really do appreciate the work that is done by the library, and I ask Bruce to pass that on to the library staff.

I would like to draw particular attention to Victoria Dunlop of the library and especially acknowledge her efforts, together with those of Gail Dunston and Bruce Davidson, in bringing the electronic news clippings and AAP wire service to the members. It is enormously appreciated and I thank you, Mr Speaker, and the President for facilitating it. It enables all members to have access to the technology and information that is vital for us to do our jobs better both in the Parliament and for our constituents.

I thank Carolyn Williams, the Editor of Debates, and all the Hansard staff, who consistently, each and every year, turn our speeches into very readable and presentable information that we are proud to send to our constituents and our communities. The Hansard staff often have to work long hours, often under difficult conditions and often in a noisy environment. Yet they still get the important messages we are trying to get through and present them very well.

I particularly thank Liz Choat and the procedures office staff for the services they provide to members. Many

members want reports quickly, we want multiple copies of bills, and we want second-reading speeches or copies of an act, yet nothing is a trouble to them. They are very responsive, they do it with a smile, and they are always ready to serve the needs of members. It is greatly appreciated.

I thank Eamonn Moran, the Chief Parliamentary Counsel, for his efforts, particularly in his role in assisting the opposition in drafting amendments. Often we are seeking to get a policy position into a form of amendments, sometimes at short notice. It often requires a degree of negotiation and a great deal of skill. Eamonn and his staff do an excellent job in assisting us in that.

I say thank you very much to Warren Smith and his fine team of parliamentary attendants for all their assistance to members of Parliament and, in particular — and I say this each and every year because it is well deserved — for the way they look after visitors, especially school groups. Many school groups come to this Parliament, including school groups from my electorate. When you go to that school two or three months later and ask them what was the highlight of their trip to Melbourne — and they might have been in Melbourne for four or five days and seen a whole number of things — it is absolutely amazing how many times they say that the trip to Parliament House was one of the highlights. It is Warren and his staff who really make it a special occasion for them.

I recognise once again the protective services officers (PSOs) and security staff for the work they have done, particularly with the necessary arrangements for improved security. It can often be difficult in circumstances where visitors come to Parliament and have to undergo certain procedures and checks. To do that in a diplomatic and efficient way requires great interpersonal skills, and I place on record the opposition's appreciation of the work of the PSOs and security staff.

I thank John Isherwood and his staff in the catering department, particularly the chef, Malcolm Sellar, together with the kitchen staff and the staff who serve us in the dining room, the strangers corridor and the upstairs dining room. In recent years the standard of food and service has improved significantly. I also note for the record that at the same time as there has been a significant improvement in standards and a huge improvement in the choice of food, the cost to the taxpayers has been significantly reduced. This is an area that is often criticised by the media, but that is because of a lack of understanding about how the catering service has to meet the needs of a Parliament that sits 50 or 55 days a year at very unusual hours and demands very quick service. In all those circumstances the catering staff do an outstanding job, and I thank them.

To Paul Gallagher, the manager of the grounds and the gardens, I say the gardens complement this building and its facilities. Those who use the tennis court and particularly those who use the barbecue facilities appreciate what excellent gardens they are and the work done by Paul and his staff.

I acknowledge the cleaning staff at Parliament House, the maintenance staff, and give a special mention to Peter the Painter for his excellent work. He is one of the institutions of Parliament House, along with Bill, who looks after the parking. They are some of the people who make the Parliament such a wonderful place to work.

I thank the members of the Joint Services Department who assist us, the members, and particularly our electorate office staff. To Michael Purdy, the manager of information technology, Stephen Aird, Graham Spurr, Hilton Barr, Leigh Keen, Brian Bourke, Peter Clareborough and all of the team out there in joint services, I say thank you. A number of people in the Parliament are facing an interesting year ahead as we seek to move some people around. That will pose some difficulties, and I trust members and their staff will be tolerant during those changes.

I thank the staff of the various parliamentary committees and all those honourable members who serve on those committees. The all-party parliamentary committee system is one of the unsung successes of Parliament. They do very good work, produce very good outcomes in a fairly bipartisan way and really do address some of the difficult issues facing Victoria. They come up with some very positive recommendations and suggestions of ways forward. I thank all those who participate in those committees and their staff.

I would like to acknowledge the press gallery — the fourth estate. The media are an integral part of the Parliament. We often have differences with the media. When we get good coverage they are the greatest people on earth. When we get a bit of bad coverage we often have differences about what the priorities should be and how they should have covered them. In general the media have a good working relationship with the Parliament and members of Parliament. I wish all the members of the state rounds and other media who cover Parliament — and their families — all the best for Christmas.

I wish the Premier, his wife, Terry, and their children all the very best for a safe and happy Christmas. I wish government members all the very best for Christmas and the New Year. I also acknowledge and wish the honourable member for Footscray all the very best for his future marriage. I am disappointed that the invitation has not arrived. If he would like to pass on the name of his prospective bride we can send her a certain amount of information that might give her some reasons to reconsider.

I pass on to the honourable member for Bendigo East my congratulations for her engagement. It was a pleasure meeting her in her finery at the Bendigo Cup recently. I was disappointed that she did not enter fashions on the field that day because I think she would have excelled. I wish her and her fiancé all the very best.

I pass on to the honourable members for Mildura, Gippsland East and Gippsland West and their families all the best for the Christmas and the New Year.

To the honourable members of the National Party — our estranged bedfellows — —

Ms Asher interjected.

Dr NAPTHINE — My deputy leader wishes to correct that slightly! To Peter and his team, I pass on all the very best to you and your families for Christmas and the New Year. We have a good, positive working relationship and we will continue that.

I thank the members of my leadership group — the honourable member for Brighton; the Honourable Bill Forwood, the Leader of the Opposition in the other place; and the Honourable Carlo Furletti, and congratulations to him on being promoted to deputy leader in the other place. I also thank the Honourable Mark Birrell for his role as Leader of the Liberal Party in the upper house for many years. He is an outstanding contributor to the party, and he will continue to be a positive contributor in our policy development processes.

I thank all the members of my shadow cabinet for their excellent work and wish them well over the Christmas period.

Particularly I acknowledge — although I am thinking about withdrawing this acknowledgment after what the Premier said — Steve McArthur as manager of opposition business. I thought he was working for us but now I know the truth! Thanks Steve; it is a very, very onerous task. I also thank the Leader of the House and the honourable member for Rodney. It is often difficult to make arrangements in this house, but the three of them generally work reasonably well together. Yes, we have our differences, as we should have, because there are some issues that are going to divide us, but these individuals generally work well to make sure that the house runs reasonably smoothly.

I thank my whip, the honourable member for Glen Waverley, for his work in rounding up our troops. The Premier and I will have to compare notes, because I think that if I publish the book of all the messages I get on my pager from the whip they might equal or outweigh his, because my whip has also found a new toy in this pager system. Some of us are not too sure at Christmas time whether we want to take it from him or give him further encouragement with it. Thank you, Mr Whip!

I thank my staff, Matthew Guy and his staff, and Judith Foley in particular.

I thank the electorate office staff of my Liberal members across the state. Our electorate office staff do a fantastic job, and I extend that message of appreciation to electorate office staff right across the Parliament. They are our front line in dealing with the public. I can say on behalf of the Liberal team that the electorate staff do very well.

I wish all Victorians a safe and happy Christmas. It is somewhat disturbing to know that the road toll today stands higher than for the total of last year, which was higher than the year before that. It is a time for us to take stock as a state and as individuals about some of the issues to do with road safety. As we come towards the Christmas season, while I wish all Victorians a safe and happy Christmas I also urge them all to think about driving more courteously and making our roads safer.

What a disappointment it was that Australia's Socceroos did not get into the World Cup — and I blame the honourable member for Sunshine for taking a position on that! I think he personally was responsible for the 3–0 loss in Montevideo. I will not forgive him for that. As I said, it was a disappointment that we did not get into the World Cup. However, the Davis Cup is coming up on Friday and over the weekend. I wish our team of Lleyton Hewitt, Pat Rafter, Wayne Arthurs and Todd Woodbridge all the very best.

In conclusion, again I wish all the people who work in and around the Parliament a safe and happy Christmas. I hope people have a decent break and come back to a vigorous and active 2002.

Mr RYAN (Leader of the National Party) — I start where I might not otherwise, because the Premier was

gracious enough to tell me of his having to depart the chamber, by thanking him for enabling me to work with him during the course of the year and wishing him and his wife, Terry, and their children a restful time. Given the nature of this place we spar — that is what is expected of us by those who elect us to this place to do what we respectively do — but we have always been able to have a close and productive working relationship in the sense that this system in the Parliament allows. I wish him well for Christmas.

I thank Ray Purdey, the Clerk of the Assembly. His advice is always well received. It is difficult when you are under the hammer to come up with the right answers. It is all the more to his credit that he does it regularly, and we are always grateful that we can talk to him on a completely confidential basis. People who come here after having been first elected do not understand the weight of responsibility that his office carries. We are very grateful to him.

Similarly to Marcus Bromley, the Deputy Clerk; Geoff Westcott, the Assistant Clerk; and Gavin Bourke, the Serjeant-at-Arms. I am sure Marcus will take it in the right fashion when I say that the Serjeant-at-Arms as we now have him is perhaps regarded by honourable members as having a great capacity to strongarm any recalcitrants in the event that they cause problems. Marcus did a great job in the role during his time and now fulfils his current role very well. No-one has pinched the mace yet, I am delighted to say. Gavin puts it down beside me every morning at the start of the Parliament and he gives welcome assistance to all of us. Similarly to Anne Sargent, who works with him as an assistant chamber officer.

My thanks go to all the chamber officers who work around us here: to Warren Smith and his team of attendants — one cannot heap too much praise upon them. They work hard at what they do and I endorse the sentiments expressed by both the Premier and the Leader of the Opposition about their care, particularly with regard to the way they look after visiting family members and are able to locate honourable members wherever they may happen to be in the building. We are all very grateful to them for what they do.

I thank the staff of the procedures office, be it Liz Choat upstairs or Paul Venosta downstairs; and those who work in Hansard — Editor of Debates Carolyn Williams and all her team. When I take people around Parliament House, as often as time permits I walk them through the work area for the Hansard personnel, whom I often describe as among the hardest workers in this place. When you have to decipher what comes out of here by way of offerings it is a fair comment to make.

Bruce Davidson, the Parliamentary Librarian, and his staff are an enormous source of assistance to us all, and their efforts are most appreciated. Likewise Eamonn Moran, the Chief Parliamentary Counsel, and those who work with him. It is often the case that their tasks have to be done under pressure. They excel at that and in the assistance they give to all of us. Their work is very much appreciated.

I thank all the staff in the Joint Services Department for the great work they do — primarily when it is registered in my office about every second Thursday! The staff are a source of advice and assistance in their particular area, and we are very grateful to them.

Executive chef Malcolm Sellar does a terrific job out in the parliamentary kitchen. One of the things I have seen over the course of my almost nine years in this place is that the standard of food and catering in the dining room has significantly improved with that passage of time. I am very grateful to Malcolm and his team for that. Thanks too to John Isherwood, our food and beverage manager, who also does a great job in the discharging of his responsibilities. I note the comments by the Leader of the Opposition and I endorse them. It is remarkable how often when the dining facilities are written up in the media everybody wants to come and eat with us. It is a commentary on the standard of the wonderful food that John and his team provide.

I thank Paul Gallagher, the manager of the gardens unit, and the people who work with him. It is to their eternal credit that around us here we surely have some of the most magnificent gardens that the city of Melbourne or any other city is able to offer in a location such as this. They genuinely care for what they do and the standard of the gardens. I got close to the tennis court the other day — I actually walked across it — and I hope that next year I can renew battle out there.

I used to play a fair bit with Bill McGrath and others when I first came to the Parliament, and this may be an opportune time for the National Party to extend an invitation to a competition with all other honourable members of this house. We reckon we could assemble the best team in the place, Mr Speaker, and so I issue that invitation. My good friend Ronnie Best — —

An Honourable Member — How would you go in mixed doubles?

Mr RYAN — I hear the interjection. I must say that in this day and age it does not matter any more.

I also mention Mr Brian Bourke, the maintenance engineer and his team — Manny, Jeff, John and Peter the Painter. Peter had the misfortune to take a dive off a

ladder a couple of months ago and severely injure himself, but he is back with us, and that is terrific. Lube is a recent addition, and what a character he is. His is always a smiling face around the place in the morning. It is also interesting to engage him in conversation. He does a terrific job looking after our offices, and I am very grateful to him for that.

Bill Schober, out at the back gate, always has a smiling face, and he is absolutely deadly on pushing that button before you get a chance to get your pass out. We are very grateful to him; his is a welcoming presence.

I also thank the protective service officers. As I have remarked on several occasions over the last few years, I have won my last six fights by 10 back fences at least! It is always terrific to have that group doing the wonderful and important work they do, particularly in this day and age, looking after those who work in this place.

I am very grateful to my own National Party parliamentary team for their support and for the effort they have contributed over the course of this year. I think I can say without being too glib that the workload on us as the smallest of the three parties in the house is enormous. We set ourselves a task 18 months ago to contribute to the debate on every single piece of legislation which came before either of the two chambers, and we have done that — although we might have missed the debate the other day on the Scotch College bill, which was introduced by the honourable member for Malvern. May I take this opportunity to say that I supported the honourable member for Malvern on that bill! My team does a great job, not only here but in representing their respective electorates, and I am very grateful to them for that.

I also thank my own staff. My electorate secretary, Cheryl Norkus, has to keep my electorate office operating because I am absent with all too much regularity. She does a marvellous job on the home front, and I am very grateful to her for that. Jan Gales, my personal assistant here in Parliament, has been at this place for what must be 20 years.

Dr Napthine interjected.

Mr RYAN — 'Don't give it away', says the Leader of the Opposition! She worked with Pat McNamara, my immediate predecessor, and of course with Peter Ross-Edwards prior to that. She is well known for being the very efficient individual she is around this place. I thank her very much for what she does.

I am also grateful to Karinda Pyke, who works upstairs in the research area, and to Lisa Mair, who is assisting on a temporary basis, particularly on things to do with the media. I also thank my chief of staff, Danny O'Brien, who next Monday returns from his honeymoon — and I see the honourable member for Bendigo East smile at the very mention of those words! I congratulate Danny and thank him for the work he has done over the past 12 months.

I mention the members of the government, with whom, given the nature of this place, we have an adversarial association a lot of the time. When I am asked about this life and what it is like, I often liken it to what I did before I came here, which was fighting court cases. I always say to people to whom I speak about my time in the law that it is a misnomer to talk about running or contesting court cases; you always fought court cases. But it was important to be able to walk away from them when the day's work was done or when they were concluded — and so it is with this place.

When the doors are opened and we come into this place, everybody puts a point of view and puts it passionately. I think that is important, because it is what is expected of those who ask us to come here to represent their interests. But equally importantly, it is imperative that we are able to converse with each other outside the chamber. Of course the nature of politics is such that the stresses and strains sometimes go beyond the chamber, but for the most part I think there is an excellent relationship across the parties. We share a common purpose when all is said and done. I therefore thank the members of the government for our being able to work together during the course of this year.

I say in particular to the Leader of the Opposition that we enjoy a very good association with the members of the Liberal Party. The fact is that we were together as parties from 1992 through until May last year. We have chosen to go our own ways in a political sense, but that does not mean the friendships that were established over those years are not still cherished. That is so to this day, and it will continue, I am sure. So I take the opportunity to wish the Leader of the Opposition and his wife, Peggy, all the best for Christmas. Have a good rest and refresh yourself, because we will all be back here next year.

I wish the honourable member for Footscray well on his upcoming marriage, and I congratulate the honourable member for Bendigo East on her recent engagement. I am speaking slightly out of school here, but I remarked only last night how absolutely wonderful and gleeful she looked during the course of the evening. I now know why: the announcement must have been only recently made. There is certainly a spring in her step, and I genuinely wish her well.

Mr Speaker, I pay particular regard to your efforts in what is a very difficult role in this place. Again, as I remarked before, the nature of the highly charged adversarial exchanges that go on here sometimes, particularly at 'show time' during question time, impose enormous pressure on you, and I think you discharge your role admirably. I think that view is held universally as such, interestingly enough not only by honourable members in this chamber but by those who in their different ways have roles to play around this Parliament. You are universally respected, and that is to your great credit.

The Deputy Speaker does a great job when asked to fulfil that role, and we are very appreciative of what she contributes in this place. Hers must be about the readiest smile in the building. She fulfils her task in a manner that again gives due regard to the way members put their points of view.

Filling the role of Acting Speaker is a difficult task, so my observances tell me. I have never had the opportunity to sit in the chair — and I immediately say I am not looking for the opportunity! But those who do fill it on a temporary basis are deserving of our thanks.

The members of all our families pay a price for our presence here, again to greater or lesser degrees. At this time of the year they are deserving of our thanks and praise. I especially thank my wife, Trish, and our three children. My daughter Sarah rang me from Rome the other morning, our time, and midnight, her time. She had just come back from the Trevi fountain, where she had been tossing in coins and doing all those sorts of things. She is 22 years of age and having a ball, but you cannot help but think of her at these times of the year. I also thank my sons James and Julian. As happens with all of us, they too participate in this, sometimes for good and sometimes for bad, you would have to say. Throughout the course of this year they have all been terrific in their support.

I also wish the three Independent members of Parliament well for the season. They have a difficult task, which I recognise and acknowledge. Honourable members would know that I am in the happy position of having one Independent on my eastern boundary and one on my western boundary. So it is that we tend to have conversations — sometimes indirect — more often than we have with others in this place. That is not so much true for the honourable member for Mildura, who is a bit far away from our corner.

I wish all members of the house well for the impending Christmas season. I hope that everyone gets the chance to step away from here and have a break so that we can all return next year refreshed. We have seen some extraordinary events this year — and the events of 11 September will be on everybody's mind and in everybody's mind's eye for ever after. A lot has been said about that in various forums, and I will not dwell on it, but you cannot help but think of the families of those 5000 to 7000 people who died in the blink of an eye and wonder what sort of Christmas they will be having.

I often think that it is interesting to reflect on these things because, tough as it is when you are away from home a lot and when the drums are beating in whatever the forum might be and the pressure is on, there are always people who are much worse off, and you cannot help but think of the families in those places and the sort of Christmas they face.

With those sentiments, I again wish all honourable members and their families all the very best for Christmas and the New Year.

Mr SAVAGE (Mildura) — I cannot speak on behalf of my Independent colleagues, but I know that they share the opportunity to be with me to make a contribution to Christmas felicitations.

It has been said that a week is a long time in politics. During the last couple of weeks I have noticed that an hour is also a long time in politics.

I congratulate the Premier and members of the government for their efforts this year, during which, collectively, this Parliament has achieved great things. Sometimes we dwell on the things that are inconsequential in a way that brings us into disrepute.

I also thank the Leader of the Opposition, who has done a difficult task and done it very well. He has facilitated some reasonable relationships with the Independents, and we collectively thank him for that.

I thank the Leader of the National Party. Most of the time we have very cordial and productive relations, which are a credit to this Parliament.

I thank the Clerks — Ray Purdey, Marcus Bromley and Geoff Westcott — for their great considered and consistent advice.

I thank the great Serjeant-at-Arms, who gives me some ear trouble every time he comes into the chamber each morning. I am getting used to it now; I look around and make sure that I am aware he is there. He does a great job.

I thank the catering staff — John Isherwood and chef Malcolm Sellar, and some people who have not yet been mentioned. I refer to the ladies who look after us out there — Shirley, Jackie, Blanka, Jacqueline and the others. They are all great people, and they look after us as if they were part of our family.

We are very fortunate in having the parliamentary staff we have. I will not detail them by name as other honourable members have, but I endorse the remarks that they have made. I refer to staff in the parliamentary counsel's office, the library, the car park, including Bill Schober, and the Joint Services Department, including Brian Bourke — they are all magnificent contributors and quiet achievers who do a great job for this place and for every member. I have not had one complaint in the six years that I have been here against any member of staff. They have done everything possible to make our lives as palatable, efficient and achievable as possible.

I thank you, Mr Speaker, for your wise counsel and your great duties in this place. I will try not to make so many personal explanations next year. I will be a reformed character. I will try to be, anyway!

I especially thank the honourable member for Mordialloc for the entertainment he has provided me with this year. I think that we can continue next year in a similar vein in the bipartisan way of politics.

I wish every member of Parliament and their families a happy, holy and safe Christmas. I genuinely look forward to coming back to this place next year.

Mr BATCHELOR (Minister for Transport) — I will make some brief comments about the conduct of the house this year and thank all honourable members for their assistance in making sure that the work of the Parliament was able to proceed. There are times when tempers get a bit frayed and times when reason seems to go out the window, but all the way through that Parliament continues to proceed and carry out the functions that are set down and expected of it by the people of Victoria.

I wish you, Mr Speaker, the best season's greetings and thank you for your guidance and assistance throughout this past year. No greater testimony can be given to the skill with which you have carried out your role than the comments made by both the Leader of the Opposition and the Leader of the National Party. I sincerely support the very specific comments that they directed towards you, and they are well deserved. You have done a great job. You have been ably assisted by the Deputy Speaker and the panel of Acting Speakers throughout the year, and I think all honourable members appreciate that.

It has been a busy year, during which you have provided guidance and creativity. We have seen the sitting in Bendigo, and we look forward to other special initiatives that you might like to bring about in the years ahead.

I also thank the Clerks. I thank Ray Purdey in particular for the impartial, confidential and excellent advice that he has provided throughout this past year. He has been ably assisted by Marcus and Geoff, and thanks also go to Gavin Bourke, the Serjeant-at-Arms.

I do not intend to thank individuals throughout the Parliament, but I will make reference to the great assistance that is provided to the Legislative Assembly by some very special parts of the Parliament. These include Hansard, the attendants in the chamber, the procedures office, the papers office and parliamentary counsel, as well as the broader range of individuals and departments that have been mentioned by the lead speakers.

The real thing I want to place on the record this year relates to my task of managing the business of the Legislative Assembly. In particular I appreciate the assistance I have received in carrying out that task from all honourable members, both individually and collectively. From the opposition I thank the honourable member for Monbulk, who has been assisted by the Opposition Whip, the honourable member for Glen Waverley, and from the National Party I thank the honourable member for Rodney. Our relationships are different from the relationships that other honourable members have, because even at the worst and the best times of the performance of this Parliament these individuals have to work with both me and the Government Whip, the honourable member for Ivanhoe. As a team they ensure that the procedures of the Parliament are observed and they are able to keep things moving along, notwithstanding the circumstances.

At times we are ably assisted and hindered by the Independent members of this chamber in achieving those tasks. I thank the honourable members for Mildura, Gippsland West and Gippsland East for their contribution to the Parliament. What they have done has made this chamber and the Victorian Parliament unique, different and special when compared to other chambers around Australia. When the history of this period of parliamentary debates is written special attention will need to be given to the role of the

Independents, and we thank them for keeping us all on our toes, both the opposition and the government.

It is interesting to reflect that during the course of this year we have seen some strange alignments. We have seen the government on one side being opposed by the opposition and the National Party; we have seen the National Party voting with the government against the Liberal Party; we have seen the government and the Liberal Party voting against the National Party; we have seen everybody in the house voting against the Independents; and we have even seen the Independents split amongst themselves on various occasions, voting in various directions. So this year the Legislative Assembly has been a strange phenomenon given the way the program has been addressed and the decisions that have been taken.

The Premier made reference to the role played by me, and through me the contribution to the Parliament provided by James Higgins, who has been of great assistance. He is respected by the honourable member for Monbulk and the honourable member for Rodney. He has helped me to resolve issues, and he has given great advice. He will be sadly missed, not just by me but by the National Party and the opposition, and he will be a loss to Parliament.

As Minister for Transport I place on the record my thanks to the parliamentary Road Safety Committee, whose members do a terrific job in taking on the issues in a bipartisan way. We thank them for that and ask them to continue that important task. The issue of road safety was referred to by the Leader of the Opposition. It is a great tragedy that the number of people who die or are injured on our roads continues to be so many. We hope that through the work of the committee and the bipartisan approach to improving road safety Victoria will continue its leadership in that area.

I also thank my ministerial staff who work with me at Nauru House, as well as my driver, Brendan Lynch, and of course Mary Salvucci and Maureen Corrigan at my electorate office. They all do a terrific job. I could not do the work that I am asked to do as Leader of the House, as the member for Thomastown and as the Minister for Transport without the support they provide.

Lastly, I thank the parliamentary press gallery. Its members play an important role in keeping us all accountable and on our toes, and their role should not be underestimated. They should not go without being thanked.

I wish everybody all the best for the period ahead, and I hope they make sure they come back refreshed early next year when the house resumes.

The SPEAKER — I wish to join in these Christmas felicitations by paying tribute first and foremost to the Department of the Legislative Assembly, ably led by Ray Purdey, our Clerk, and assisted by the Deputy Clerk, Marcus Bromley, and the Assistant Clerk, Geoff Westcott. Throughout the year they excelled in the way they organised the sitting days of this Parliament, which, as has been mentioned, numbered over 50.

In this the year of the centenary of Federation, 2001, it should be noted that in addition to their organisation of the normal sitting days they had to organise the centenary of Federation celebrations that occurred in Melbourne — in particular, the sitting in this Parliament in May — as well as the regional sitting in Bendigo. To that can be added their part in the Commonwealth Parliamentary Association annual conference, which was held in Australia this year and which commenced in Melbourne; the drug summit, which was a very important occasion for this Parliament in the early part of the year; and the celebrations for the 150th anniversary of the parliamentary library — not to mention the celebrations for the 150th anniversary of the Legislative Council, on which I am sure we congratulate them but which we do not take the credit for organising, because they would take that for themselves! It shows that this was a very difficult year for staff to cope with, given the organisational burdens in addition to those that normally occur in any given year.

In that work the three Clerks were assisted most capably by the Serjeant-at-Arms, Gavin Bourke, who I might say took on the responsibility of ensuring that each and every one of those events was carried out to the high standard they reached. I am sure all honourable members concur that his background, particularly in the army, brings with it organisational skills that at the end of the day ensured that all those events went off without a hitch. Tribute has been paid to him for the change in the security arrangements in this Parliament. I along with every other member am grateful to him for ensuring that the transition has gone smoothly and caused very little inconvenience to members or their guests.

There has been more-than-capable assistance behind the scenes, from the procedures office, from the attendants and from the other staff who work for the department. I express my gratitude to each and every one of them for what they have done this year.

Mention has already made of Hansard and the excellent work it does, year in, year out. I add my thanks to and appreciation of Carolyn Williams and her staff for that.

Similarly, I echo the sentiments of the leaders regarding the parliamentary library, which is most capably led by Bruce Davidson in providing a service to each and every individual member according to his or her individual needs. As I indicated, we particularly congratulate them on their 150th anniversary as a parliamentary department. It would be remiss of me not to mention the excellent publication that the library put together, through the authorship of Patrick Gregory, which celebrates their 150 years of service to this Parliament.

I also express my appreciation of the Joint Services Department, as it is now known. It is still commonly known to most members as Parliamentary Services, and we must insist that members change their terminology, as it is no longer known by that name. The year 2001 has been one of constant change for that department. That started way back in December last year, when we undertook a restructure with the aim of having that department provide the service that members had been requesting. Our primary aim was to make the department responsive first and foremost to members' needs. We have gone a long way towards achieving that. We congratulate first of all Marcus Bromley, whom I asked to take over the department for what I told him would be a very short time but which turned out to be seven months. I am most appreciative, as I am sure every honourable member is, of Marcus Bromley for the excellent work he did as acting manager during that transition phase in the Joint Services Department.

More recently Steven Aird and Graeme Spurr have taken over as managers out there, one in the corporate sector and the other in the infrastructure sector. I am sure that honourable members have seen some of our aims and desires in going down the restructure path finally starting to bear fruit, not only through an improved service in their electorate offices but, more importantly, through some of the changes we are starting to see occur around here.

They have been responsible for the transition across to 157 Spring Street, and of course the very important project we are currently undertaking in airconditioning this building. Some honourable members, particularly those on the third floor, are already seeing the benefits, and most other honourable members will see the benefits during next year. That does not mean that we are appreciative of the efforts of just the leadership of that department. We are appreciative of the efforts of everyone in the gardens department and the maintenance department who have been predominantly involved with those projects.

Mention has been made of the catering operations and John Isherwood, also under the Joint Services Department. I concur with the views expressed. That is the other restructure that was implemented this year, after we took the decision last December. I am heartened to hear the comments of the leaders that the service has improved, the quality of food is up and, as has been mentioned, the subsidy is down. I am very grateful to John Isherwood, who leads that team, as well as Malcolm Sellar, who has worked for us for a long period and who I think is a chef second to none. We are appreciative of their efforts.

I want to mention as well the other staff around the building, particularly the parliamentary committee staff. As has been mentioned, a lot of effort goes into the work that committees undertake. It has been interesting that in this, the 54th Parliament, the committees seem to have no shortage of work referred to them by ministers, the Legislative Council or the Legislative Assembly. We are grateful for the quality work they do, year in, year out.

At this point I want to mention a committee that is much maligned and does not often get a mention in this house. That is my own committee — the House Committee. First of all, I thank the members of the house that make up that committee for the very good support they provide to me throughout the year, but more importantly for the quality debates that we have in coming to some of the decisions we need to take from time to time in regard to the administration of this place.

I also wish to thank my personal staff here at the Parliament. First of all I thank Lilian Topic for the very professional way she conducts herself, not only as my adviser but as the conduit between all 87 honourable members and my office. Kate Murray, who still has the designated title of orderly, does not conduct the traditional duties that an orderly would, but rather we have made her an executive secretary, and her role is far wider than the traditional role of an orderly. She does a very good job in being the liaison officer for all the bookings that honourable members need to make around this Parliament, be it for meeting rooms, Queen's Hall or whatever other facilities that members use from time to time. I appreciate her efforts throughout the year under difficult circumstances.

I now come to thanking people in this chamber. I want to begin by thanking the three leaders for their very kind words to me personally. I reciprocate those by

saying that I found it enjoyable to work with the three leaders throughout the year. The relationship might have been testy on occasions, but I guess that is the nature of the job that the three leaders and I as Speaker need to have from time to time.

I now turn to thanking the Deputy Speaker. A Deputy Speaker like the honourable member for Essendon comes along very rarely indeed. She has been very loyal to me. She has been a good friend to me. She has been a good adviser to me. More importantly, she has been a wonderful Acting Speaker on the occasions when, by necessity, I have had to do something else. To her I am truly grateful for her assistance this year.

I also thank the temporary chairs who work on a roster that goes a bit like clockwork. Each and every one of their efforts in taking control of the house is to be commended. I am truly thankful for the assistance they provided to us throughout the year, as I said, on a virtual roster basis where we do not have to ask them a second time to assist us.

I want to thank the three whips in the chamber — the honourable members for Ivanhoe, Glen Waverley and Rodney — who again have provided invaluable assistance to me and my office throughout the year to ensure that the speaking lists and the speaking order in the house again works like clockwork, as well as assisting me with some of the more difficult tasks in liaising with members of their parties throughout the year.

I thank the Leader of the House and the manager of opposition business. Those two try me at times, but in the main I have found the working relationship with both of them to be excellent, and I think we have come to this point at Christmas where we all owe them a great vote of thanks. The year 2001 has not been as arduous as perhaps other years have been in regard to late sittings, and for that alone we are truly grateful to them.

It would be wrong of me to mention individual members of the house, but I think it is appropriate to congratulate, firstly, the honourable member for Footscray on his forthcoming wedding and to wish him all the very best with that; and secondly, the honourable member for Bendigo East on her engagement. From the Speaker's perspective one hopes that it is earlier rather than later because it will coincide with the Speaker's retirement! I also want to wish the honourable member for Mooroolbark all the very best in her endeavours to regain good health.

Finally I take this opportunity to wish each and every member and their families the very merriest of Christmases. I hope you all have a safe, relaxing time and I hope to see you again for the opening of 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.

Water: catchment logging

Ms BURKE (Prahran) — I raise a matter for the attention of the Premier. I have received a petition from Dr Nigel Strauss on behalf of my constituents on local attitudes to water catchment logging.

I have the petition with me. It includes two types of signatures: one in letter form addressed to the Premier, and the other with just the name and the signatures. The problem with the petition is that it is not in the traditional form. They did not understand that. Consequently I would like to present that to the Premier and bring to the house the matters the signatories wish the Premier to attend to.

Dr Strauss is a member of the Doctors for Native Forests group, whose members feel very strongly about the concerns and the potential adverse health impacts of logging in our native forests. In particular, they are concerned about the water supply and water quality. The members of Doctors for Native Forests recognise that Melbourne has been fortunate in that the founders of the city had the foresight to put aside and protect water catchments, hence Melbourne's drinking water is among the cleanest in the world. They do not believe that will last if areas like those surrounding the Thomson Dam are not protected from the damage that is happening to them now.

My constituents asked that I present the petition to the Premier, and I urge the Premier to take note of the signatures of the petitioners and also of their concerns about clear-fell logging in water catchments. They believe that this practice cannot be justified for health, environmental and economic reasons. They eagerly await the Premier's response.

In closing I take the opportunity to wish all of the Parliament — both staff and members — a very happy Christmas and a happy New Year.

Local government: farm valuations

Mr MAUGHAN (Rodney) — I raise for the attention of the Minister for Local Government a matter concerning the valuation of farming land, and specifically the water component of the value of land in irrigation areas. The minister will be well aware of a long-running dispute within the Shire of Gannawarra over the valuation of farm land on the one hand and the system of differential rating on the other. I refer to the Treasurer's recent announcement on the exclusion of stamp duty from the water component in the sale of irrigation land and thank him for it. It has certainly been welcomed by people in northern Victoria and owners and purchasers of irrigation land generally.

I seek advice from the Minister for Local Government on the impact this decision by the Treasurer will have on the assessment of the capital improved value of farming land for local government rating purposes under the Value of Land Act. It is a very important issue. The Treasurer is to be commended on his announcement, and again I seek the minister's advice on the effect the announcement will have on the valuation of farm land for local government rating purposes.

Housing: energy efficiency

Mrs MADDIGAN (Essendon) — I raise a matter for the Minister for Housing about the more efficient use of energy in public housing, particularly on large public housing estates such as the one in my electorate in Ascot Vale. I raise this matter in view of a couple of recent events and initiatives which relate specifically to the more efficient use of energy. It seems to me that on fairly large public housing estates with large numbers of residents there are great opportunities for the residents to work together in a number of ways to help save energy.

By way of background I point out that the Minister for Housing opened the Sustainable Living Fair in the Alexandra Gardens, which was organised by the Minister for Energy and Resources in another place. This fair was a great initiative, because it showed the people of Victoria simple and effective ways to reduce the cost of their power bills and also help the environment.

Already some significant events have occurred in private industry, where a number of large organisations have had extensive electricity audits conducted and have found ways of decreasing their electricity charges. That would certainly be a possibility for public housing estates as well. I ask the Minister for Housing to outline what steps she will take to incorporate environmental and energy conservation measures into public and social housing.

Recently the Minister for Energy and Resources announced funding over three years for 600 solar hot water systems for social housing projects. Anybody who has had experience with solar hot water systems in their home knows how efficient they are and how inexpensive they are to run. This is a great initiative, and it is certainly a good start.

One thing we know about people who live in public housing estates is that they are normally on restricted incomes. Many are pensioners, particularly in Ascot Vale, where we have a large number of old-age pensioners, and many are on low incomes and have quite large families, so for them every dollar they can save in fuel prices is important.

I ask the minister to investigate what else can be done, because there is a real opportunity here not only to do something for the environment but also to help low-income people in public housing to use their money more efficiently and also to become involved in some of the great initiatives that are available at the moment, in particular the sorts of initiatives that were so well displayed at the Sustainable Living Fair earlier this month.

There is a very cooperative spirit among the Ascot Vale housing estate residents, and I am sure they, like people on other public housing estates, would be very keen to be involved in such a project.

Forests: work bans

Mrs FYFFE (Evelyn) — I draw to the attention of the Minister for Environment and Conservation the Community and Public Sector Union web site, which has the headline 'Forest Vic. joins PS industrial action'. My concern is that the union offices at Powelltown and Noojee implemented work bans in September and that these bans are continuing. The bans include a ban on participation in any training relating to protest management and a ban on the issuing of penalty notices for breaches of environmental care principles.

This raises two serious issues: the first is whether the non-issuing of penalty notices means it is open house for the tree fern poachers who proliferate in the Yarra Valley; and the second issue, the one that is more serious, relates to the ban on training for protest management. Each year timber getters who are legally trying to go about their business, using equipment that is very expensive and costly to maintain, are frequently harassed and prevented from doing their work by

protesters. On many occasions protesters vandalise the machinery, making it costly to repair and resulting in hours of down time for these contractors — and that down time means no income, no wages and no money for their families.

Do these union work bans mean protesters will have a free run? Can the minister guarantee that timber getters — hardworking, decent people — will be able to go about their lawful business free from harassment from the protesters? I urge the minister to make urgent alternative arrangements for the protection of these valuable timber industry workers.

Urquhart Park Primary School

Mr HOWARD (Ballarat East) — I ask the Minister for Education to take action to ensure that students in Victoria have opportunities to participate in arts in education activities. I note that students in my electorate have over a number of years had opportunities to participate in arts in education activities, in particular when they have had artist-in-residence programs in their schools. The programs that have been offered in schools in my electorates over recent years have ranged from having artists in residence who do visual arts to those who do performing arts, including reading and writing activities with poets and authors and even circus performers and film-makers.

Whole school communities have been involved in these programs and have been very excited about them, because they offer opportunities for students with a broad range of skills, whether they be gifted students or students who might be struggling academically. These programs bring new opportunities into schools by providing very human opportunities to students to share experiences with artists, to learn skills and to be inspired. Teachers also have the opportunity to be inspired and to have other people come into their schools to support the sorts of things they do.

This year the Urquhart Park Primary School in my electorate has put forward a proposal to the Minister for Education for a program that would involve a film-maker whose name is Erin McCuskey, who comes from the Ballarat area. The program is aimed at assisting students in years 5 and 6 to produce short films and videos on the theme of being different.

This program put before the minister aims to have the students involved in producing videos which could then be presented to the school community at the end of the year. The other benefits of programs such as these are that they involve multifaceted experiences in studies of society and the environment and English and develop a range of skills. I would certainly appreciate action by the minister to provide ongoing funding for this program for this year.

Schools: VET courses

Mr INGRAM (Gippsland East) — I ask the Minister for Post Compulsory Education, Training and Employment to take action to ensure that young people in some of the most isolated and remote areas of Victoria, from the far east region of Gippsland — the area extending from Orbost to the east — are better equipped to move from school into training and further employment.

As honourable members would be aware, youth employment in this region is extremely high — one of the highest in the state. In October 2001 unemployment for 15 to 19-year-olds in the all-Gippsland region was 20.8 per cent, while the state average is 7.6 per cent. Where we have rural schools in isolated areas with low school populations and long distances between schools it is extremely difficult for students to be involved in training and have employment opportunities afterwards.

Retention rates in some of those schools are extremely low — in Gippsland about 58.5 per cent. The students who drop out of school early without the work ethic or work skills do not have a great deal of opportunity to find employment later on. There have been some great programs in some of the rural schools in my area, including the vocational education and training (VET) courses in schools programs. Those programs improve the outcomes for young students and give them skills and better opportunities for later.

There is a proposal for the schools in East Gippsland — Orbost Secondary College, Cann River and Mallacoota — to offer VET courses. Currently around 34 per cent of the students are in VET courses and the schools have put a proposal forward that they would like to see the minister allow greater opportunities for students in those schools to do VET courses.

I ask the Minister for Post Compulsory Education, Training and Employment what action she will take to make sure young people in my electorate have greater opportunities for training in schools to enable them to develop the skills required to further their employment opportunities for their benefit and the benefit of East Gippsland.

Rail: infringement notice

Ms McCALL (Frankston) — The issue I raise is for the Minister for Transport. It is coincidental that articles have appeared in the *Age* and the *Herald Sun* on the

topic I am concerned about. I make representations on behalf of Mr William Gilmore of Seaford, who has received an infringement notice for $100 for allegedly infringing the Transport Act on 18 September 2001. Mr Gilmore is a full-time student at the Australian Catholic University. He travels from Seaford railway station every day. He does not always have the time to buy a ticket because he leaves earlier than the shops open to enable him to buy a ticket from a retail outlet. He tries to buy a ticket at Kananook railway station. Seven out of ten times the machine is out of order.

Mr Gilmore travels to Parliament station and normally when he gets to the other end purchases a ticket from the Parliament station ticket office. On this particular occasion he was met by a member of the transport staff who said, 'No, you can't do that anymore, but it's all right. You look okay. You've given me a reasonable excuse — Kananook station is having trouble. You don't get an infringement notice, but don't do it again'. Mr Gilmore was more than a little cheesed off when within one week of having the conversation at Parliament station he received an infringement notice for $100 — no defence, nothing!

I wrote to the minister on the matter and asked him to intervene on the basis that I thought it was unreasonable and unfair. The minister referred me back to a staff member at the Department of Infrastructure, who said, 'It is nothing to do with me. Don't talk to me'. I am interested that an item appears in this morning's newspapers in articles about those infringement notices saying that in a case where a reasonable answer comes up the transport companies will not take action, certainly not on infringement notices issued before 10 December. I ask the Minister for Transport to be consistent about whether Mr Gilmore has an infringement notice or whether he has not.

Disability services: scholarships

Mr LANGUILLER (Sunshine) — I raise a matter for the attention of the Minister for Community Services. I seek action in support of the disability services branch scholarship initiatives in TAFE colleges and tertiary institutions.

You would know, Mr Speaker, that in order to ensure the disability sector has an appropriately skilled and competent work force the government has established a learning and development strategy across the government and non-government sectors. The scholarship initiative is one of many contained in the strategy, which aims to establish and foster a culture of lifelong learning within the disability work force. You would also know, Mr Speaker, that the type of training that is provided is particularly related to direct care work. It provides certificate IV in community services disability work as well as psychology and other welfare courses such as physiotherapy, complex learning and hands-on training, as well as postgraduate qualifications such as masters degrees and PhD courses in disability studies in order to manage psychological evaluations and other services.

You would also be aware, Mr Speaker, that the Bracks Labor government is committed to providing qualified people to support people with disabilities. We have always been of the view that people with disabilities have rights in the community and are entitled to have the assistance of people who are qualified. That policy and initiative of the Bracks government is in stark contrast to that of the Kennett government, which was not committed to the provision of qualified staff for the purpose of assisting people with disabilities in this community, and in fact when it was in government it took in the order of $6 million out of the budget. This government is giving the community what it is entitled to, and certainly what members of the community with disabilities are entitled to.

We are committed to ensuring that people with disabilities have rights. Rights in a democratic society for people with disabilities mean a quality of life, and in order to ensure that additional services ought to be provided to them, along with properly qualified staff, and training and support for those qualified staff must be provided on an ongoing basis.

I recognise and acknowledge all members in this house. I wish every member a safe and happy festive season, and commend you personally, Mr Speaker, on the conduct of the Parliament. I wish everyone festive greetings.

Minister for Transport: performance

Mr LEIGH (Mordialloc) — I address a matter to the Minister for Transport. I do not think he will come in here again tonight, so perhaps the assistant minister might answer for him. The issue revolves around who is running the public transport system in this state. The Transport Act provides for the minister and the department secretary to control everything from ticketing to any decisions the private companies make.

Today we have had the example of, 'You're guilty of travelling without a ticket, even if the ticket machine isn't operating'. The minister knew what was going on. It says in the act that the private companies cannot do anything without his approval, and as a result of that he is now pretending nothing has happened.

At the other extreme, two years later the W-class trams are sitting down at the end of this city, rotting, and what does the minister do? Nothing. Who is advising him? The director-general of public transport — Guilty Party former minister, David White. That is who is running the system in this state! He has been paid nearly $100 000 by Yarra Trams to be its chief lobbyist, and he is doing a damn fine job on its behalf, but as a result of that the public transport commuters are losing out.

It is time the minister decided to prove Kenneth Davidson of the *Age* wrong. If the minister is in charge of the portfolio, let him come out and use this act and deal with the companies in the way he is supposed to. If someone is guilty of an offence then charge them, but we have nonsense going on at the moment. The minister is asleep at the wheel; he is lazy, he is too interested in being the former secretary of the ALP, and he is letting David White run this show.

It is time the minister stood up and made a decision, and I am seeking for the minister to take control of his portfolio and say to the companies, 'I make the decisions. You follow them'. If government members do not believe me I suggest they buy a copy of the Transport Act 1983. It explains everything down to the timetables, and it says you cannot do such things without the minister and the department secretary. Let us see that coward come in here tonight and take a stand on behalf of the travellers of Victoria.

Australian Defence Industries: rural jobs

Ms ALLAN (Bendigo East) — I have a matter this evening for the Minister for Manufacturing Industry, and I am seeking his urgent action to support Bendigo jobs at ADI Bendigo in the push by employees and workers at that site for a better deal from the recently re-elected Howard government.

The ADI Bendigo work force is facing a serious time at the moment, with long delays in the production of the Bushmaster vehicle — a product that has been locally designed and manufactured in Bendigo. ADI Bendigo has been in a precarious position since the Prime Minister, John Howard, came to government in 1996. During the 1996 federal election campaign he came to Bendigo and told the people in relation to the privatisation of ADI Bendigo:

> No, no and no. We have no plans to privatise ADI.

How quickly we learnt that the real agenda of the Howard government was privatisation. At the first possible opportunity it was privatised, putting at risk the many hundreds of jobs there.

Since the privatisation we have had great ambiguity, particularly from the immediate past federal Minister for Defence, Peter Reith, and the Howard government on the future of this very important project that has been produced locally in Bendigo — the Bushmaster.

With the swearing in recently of the new Minister for Defence, Senator Robert Hill, we have an opportunity here to improve the situation, and I hope that he will bring a clearer picture for the Bushmaster project and ensure the future employment of the workers at ADI Bendigo.

Two years ago ADI Bendigo won a $180-million contract from the Australian army to manufacture 330 Bushmasters in Bendigo, which meant a massive boost for local employment. However, two years later work still has not commenced on this very important project and these delays are causing great unrest among the work force, and of course great fear for their future employment.

I also understand that ADI senior management is at the moment considering a proposal to shed 100 jobs caused by this delay. I am urging them to reconsider, to wait until — —

The SPEAKER — Order! The honourable member must ask for government action.

Ms ALLAN — I did at the start. I am asking for the Minister for Manufacturing Industry to protect Bendigo jobs and raise the matter with the federal government. I am urging the federal Minister for Defence to attend the meeting on 5 December, and I am also urging ADI management to consider the dreadful impact that this loss of 100 jobs could have on individuals, their families and the Bendigo economy as a whole. I wonder when the Liberal and National parties will learn about the disastrous impacts privatisation has on country Victorians and their families.

Police: accident response times

Mr SPRY (Bellarine) — I raise this evening an issue for the attention of the Minister for Police and Emergency Services. It concerns the delays in response times for police attending road accidents. The issue hit home with me a couple of weeks ago in an incident on the Bellarine Highway just outside my office.

In a head-to-tail incident on the inbound lanes a young woman who happened to be pregnant hit the brakes and skidded into a car in front. Both drivers, the sole occupants, were badly shaken but otherwise apparently okay. Fortunately — as I presume nearly always occurs — there were a couple of good Samaritans on hand to assist. Joy Baxter, a nursing sister who was

visiting my office, brought the young woman in and settled her down with a cup of tea; a young man from Leopold, Rod Pulford, looked after the badly shaken driver from the other car, and then cleared the road of wreckage and directed traffic around the scene.

The point at issue is that he and eventually one or two others had to go on doing this for about half an hour. My electorate officer notified police on 000 at 8.55 a.m. A couple of tow trucks arrived on the scene within 15 minutes, but the police did not arrive for about half an hour, at 9.25 a.m. If this is a common occurrence under the Labor government, then an awful lot of Victorians are putting themselves at risk of injury or possible litigation while simply helping others.

It is fair enough to expect people to lend a hand for 5 or 10 minutes, but half an hour on a very busy highway is beyond a joke. I ask the minister to ensure sufficient resources are available in the Geelong region to provide a far quicker response in future to this sort of incident, in line with the reasonable expectations of the community.

While on the subject of road carnage, I conclude by saying I wish all associated with this Parliament safe and secure travels on the state roads over the festive season this summer.

Disability services: professional development

Mr HOLDING (Springvale) — The matter I raise is for the Minister for Community Services. In particular it relates to those workers in the Springvale area and the whole area of the City of Greater Dandenong who are active in providing work and support for people with disabilities. This might include people who work in community residential units, or alternatively, people employed directly by the City of Greater Dandenong. The action that I seek is that the minister investigate the possibility of introducing some sort of scheme that would enable those workers to further their professional development and occupational skill and training, perhaps through some sort of scholarship scheme.

Many people in the Greater Dandenong area, particularly in the Springvale electorate, are engaged in work of this nature, and they come from all walks of life. They all share one commitment and one goal: to provide a quality level of service and care to people who suffer from disabilities and to their families. Providing appropriate professional development for those workers would be something constructive that the government could do. I call on the minister to look into this issue and report back as soon as possible on the alternatives, options and possibilities.

In particular, Wallara Australia in the City of Greater Dandenong is one such service that provides terrific opportunities and facilities and terrific service to people with disabilities. I look forward to hearing back from the minister as soon as possible.

The SPEAKER — Order! The time for raising matters has expired. The honourable member for Sandringham will have the call in autumn next year!

Responses

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The honourable member for Gippsland East raised a matter about vocational education and training (VET) courses in schools and a submission that has been put before the government for funding for a centre for VET in schools. He raised concern about the difficulty with retention rates and the need to prepare young people in the East Gippsland region for work training and further education.

When I was in his electorate I met with the principal of Orbost Secondary College, who outlined to me very well the importance of having a skills centre in a facility that is quite isolated from other areas in the region. It is very difficult for students to travel there. Also, there is difficulty in trying to ensure that young people get the right sort of training and education so that they can get jobs in the local area and continue to live in the local area if that is their choice.

I am pleased to announce that Eastern Victorian Group Training is to receive a $192 000 grant to construct a state-of-the-art trade skills centre at Orbost Secondary College. It will specialise in automotive, construction and engineering courses to link into those key local industries. It was a fantastic proposal. An independent panel assessed all the proposals that came in, but this proposal in particular was of a very high quality and deserved funding. It will provide the much-needed industry training in the Orbost area to local students and students attending Cann River and Mallacoota P–12 schools as well as Lakes Entrance Secondary College.

It is terrific news for people in and around the Orbost area. It will obviously address their concerns. I thank them for making their concerns very clear. The centre will be just one of six new skills centres for students to be established throughout Victoria from a total grant of $800 000 from the Australian National Training Authority.

I am pleased to announce details of grants for another five skills centres that will be built around the state: $131 700 for a new state-of-the-art agricultural skills

centre at Emmanuel College in Warrnambool; $165 000 for a vineyard and viticulture centre at Billanook College in Mooroolbark; $79 400 for a commercial training kitchen facility and restaurant at Aquinas College in Ringwood; $93 400 for a hospitality, general construction and furnishing skills centre at Dromana Secondary College; and $135 000 for a leading-edge multimedia skills centre at Wangaratta High School.

Three facilities will be in rural Victoria and three in metropolitan Victoria. It is worth pointing out that the skills centres will ensure capital investment in the sorts of skills that are required and that schools have the facilities to provide the required detailed skills and training so that young people can get the skills in the VET in schools subjects and take those on to further apprenticeships, traineeships or into the work force. Those skills centres will make a real contribution around the state.

I am pleased to announce that Orbost Secondary College, having been knocked back in the past, is no longer going to be knocked back.

Ms CAMPBELL (Minister for Community Services) — I thank the honourable members for Sunshine and Springvale for raising the important issue of training and lifelong learning for workers in disability services.

It is coincidental that they happen to address the same topic tonight, and I am delighted to talk for 3½ minutes to ensure that they have a thorough understanding of this. In the interests of other staff development as well we must make sure the matter is covered adequately.

The Ethel Temby study tour awards have been announced to ensure that those who work with people with disabilities have lifelong learning and training opportunities. I have developed with the department a learning and development strategy to improve the quality of the disability work force. I know the honourable members for Sunshine and Springvale are very interested in this issue.

I will share something of interest about Ethel Temby, after whom the scholarship is named. Ethel is one of the most inspirational members of the public that I have ever met. She is somebody whose involvement with people with a disability began with the birth more than 40 years ago of her sixth child who had Down syndrome. She has had a lifelong interest in social justice and human rights and it has become her passion. Not long ago I had the opportunity to have Ethel speak to recipients of the Ethel Temby study tour awards. Many of them spoke about this inspirational lady as the person they would look to as their mentor in years to come.

Ethel's way from the beginning was to raise awareness and to speak out about people's rights and issues that others often did not think about. After the birth of her son with a disability, and as he began to grow up, Ethel became acutely aware of how uninformed about disability people were, in particular parents and professionals. It is excellent that for 40 years she has educated all sides of politics, and as a result of that we thought 'What a wonderful lady to have as the person who — —

Mr Leigh interjected.

Ms CAMPBELL — I am trying to extend it until 8.00 p.m. The Ethel Temby awards are named after this great lady, and I am pleased — —

Mr Leigh interjected.

Ms CAMPBELL — Not 8.30, 8 o'clock!

The SPEAKER — Order! The minister, without interruption, concluding her answer!

Ms CAMPBELL — I am delighted to say to the honourable members for Springvale and Sunshine that the funding of $140 000 will be available for the Ethel Temby study tour awards over two years and recipients will be able to use Ethel as their mentor.

Mr CAMERON (Minister for Local Government) — The honourable member for Rodney raised a matter concerning valuations particularly in relation to his area of the Shire of Gannawarra. In local government areas there are different forms of valuation for the purposes of rating — for example, land only value or capital improved value — but when it comes to the issue of the actual process of valuation itself, that is a matter for the Valuer-General's office in the environment and conservation portfolio, and I will refer that matter to the minister.

The honourable members for Prahran, Essendon, Evelyn, Ballarat East, Frankston, Mordialloc and Bellarine raised matters for various ministers, and I will refer those matters to them.

Mr Speaker, I wish you, honourable members, the Clerks and parliamentary staff all the best for Christmas.

Motion agreed to.

House adjourned 8.00 p.m.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Assembly.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.

Wednesday, 28 November 2001

Industrial Relations: ministerial officers' pecuniary interests

433(ac). MR KOTSIRAS — To ask the Honourable the Minister for Local Government representing the Minister for Industrial Relations whether all ministerial officers currently or previously employed by the Minister have signed a pecuniary interest form; if so, on what date — (a) was the declaration signed; and (b) did the employee commence employment .

ANSWER:

I am informed as follows:

All staff working in my office are employed by the Premier. Therefore there are no ministerial officers employed by me.

Multicultural Affairs: advertising budget

436. MR KOTSIRAS — To ask the Honourable the Minister for Multicultural Affairs with reference to each department, agency and authority within the Minister's administration — what is the — (a) total advertising budget in the Minister's portfolio for — (i) 2000–01; and (ii) 2001–02; and (b) what are the details of all advertising campaigns since January 2000 to date indicating the purpose and total costs of each campaign.

ANSWER:

I am informed that:

Advertising budgets are determined each year based on the relevant activities of each of the agencies within multicultural affairs, that is the Victorian Interpreting and Translating Services, the Victorian Office of Multicultural Affairs and the Victorian Multicultural Commission. The total advertising budget for financial year 2000–01 was $68,987.96. As some of the specific activities in financial year 2001–02 are still being finalised, only an estimate of the expected total advertising budget can be provided. This amount is currently projected at approximately $366,000. The vast majority of this amount relates to the community education campaign for the Racial and Religious Tolerance legislation.

With respect to advertising campaigns from January 2000 to date, I am informed that:

– $55,564.65 was expended in financial year 2000–01 in relation to informing the public of the Racial and Religious Tolerance Bill and Discussion Paper and the extensive consultation process that occurred.

– $17,893.64 was expended since January 2000 to inform the public of the Victorian Multicultural Commission's 1999–2000 and 2000–2001 community grants programs through advertisements placed within both ethnic and general media. It is anticipated that approximately $9,500 will be expended for the advertisement of the VMC community grants program in 2001–02.

– $7,178 was expended by VITS in financial year 2000–01 and $30,000 in financial year 2001–02 for advertising within the Yellow Pages, White Pages and Call Connect.

– $12,000 was expended from the VMC's and VOMA's budget towards a Sunday Herald Sun supplement that promoted cultural diversity and tolerance, which was organised through Diversity Victoria in March 2000. Diversity Victoria is a coalition of peak bodies that includes VECCI, the Country Women's Association, the Ethnic Communities' Council of Victoria, the Victorian Multicultural Commission, the Equal Opportunity Commission, the Victorian Council of Social Services, ATSIC and various other representative organisations.

State and Regional Development: Solectron meeting

445. MR PERTON — To ask the Honourable the Minister for State and Regional Development with reference to the Minister's trip to San Jose in the USA last year and his meeting with Leslie Coleman at [Solectron] —

1. What other officers of [Solectron] were at the meeting.
2. Who accompanied the Minister.
3. How long was the meeting.
4. Was there any discussion about [Solectron's] plans for its Wangaratta plant.
5. What materials were given to [Solectron].
6. When did the Minister first become aware of [Solectron's] plans to close the Wangaratta plant.
7. What steps did the Minister take to prevent the closure.
8. What was the benefit of the Minister's trip to [Solectron] in San Jose.

ANSWER:

I am informed as follows:

The meeting at Solectron's San Jose facility in December 2000 was attended by various Solectron officers, my Ministerial adviser and a Department representative. Discussions surrounded many aspects of the ICT industry.

Solectron advised the Government of its plans regarding the Wangaratta facility in May 2001. The Victorian Government continues to work closely with Solectron and the City of Wangaratta to source potential replacement industries for the site.

State and Regional Development: e-commerce projects

459. MR PERTON — To ask the Honourable the Minister for State and Regional Development with reference to the Minister's media announcement on 23 June 2000 that '39 Victorian councils will share in $1.5 million funding for e-commerce projects' and 'the successful councils would each receive up to $45,000 to increase the use of e-commerce in their local communities' —

1. How many businesses in Victoria have developed their first e-commerce capable web sites as a direct result of Victorian E-Commerce Early Movers (VEEM) grants.
2. What are the names of the businesses which have developed web sites through VEEM grants.
3. How much of the funding was spent to reproduce directory information already on the Internet.
4. What percentage of the funding has been spent on the creation of regional portals and — (a) how many regional portals have been created with these funds; and (b) what are the names of these regional portals.
5. What analysis has been undertaken to ensure maximum value was achieved from VEEM funding and — (a) who undertook this analysis; and (b) what does the analysis show.

6. What key performance indicators were set to measure the success of the program, and have these indicators been met.

7. Have the objectives of the program been met.

8. How many of the councils administering VEEM money had e-commerce capabilities of their own.

9. What percentage of the successful Victorian municipalities who had not e-commerce capabilities of their own, successfully administered VEEM funding on behalf of the Government.

ANSWER:

I am informed as follows:

All projects funded under the Victorian E-Commerce Early Movers Scheme (VEEM) are due to be completed by the end of December 2001. A full review of VEEM outputs and outcomes will be undertaken once all the projects have been completed.

This will allow for a comprehensive review of the Scheme and individual projects supported. This review is scheduled to be completed by the end of 2001–02 and will be made public once completed.

Police and Emergency Services: Torquay fire station

488. MR PATERSON — To ask the Honourable the Minister for Police and Emergency Services to explain the discrepancy in the estimated expenditure for the Torquay fire station, which was referred to as $850,000 in the Budget Papers, but as $650,000 in recent correspondence and media reports, including page 3 of the *Geelong Advertiser* on 20 September 2001.

ANSWER:

I am informed as follows:

The project to build a new fire station at Torquay was delayed to enable negotiations between CFA and Rural Ambulance Victoria (RAV) to be completed.

These negotiations resulted in an agreement for CFA and RAV to collocate in the proposed new building. This also required a redesign of the existing plans.

The cost estimates for the new building are a total of $1.1 million, which will be contributed, in the proportion of $650K from CFA and $450K from RAV.

The negotiations with RAV have now been finalised, and the architect is finalising the redocumentation for the new station, with plans for a completion date in 2002.

Police and Emergency Services: Portarlington community bank

538. MR SPRY — To ask the Honourable the Minister for Police and Emergency Services with reference to the recent hold-up of the Portarlington Community Bank — (a) what was the time taken by police to arrive on the scene; (b) how many police officers attended as a first response unit; and (c) which police station despatched the first response unit officers.

ANSWER:

I am informed that:

(a) Victoria Police and Intergraph records indicate that the initial report of the robbery was received at 11:14 am and the task was allocated to a Portarlington police unit at 11:17 am. The Portarlington police unit vehicle

arrived at the bank five minutes later. Therefore the overall response time from the receipt of the initial telephone report to the arrival of police at the bank was eight minutes.

(b) The Portarlington police unit who initially attended the bank comprised two members.

(c) The Portarlington police unit was dispatched to the scene by Intergraph.

Post Compulsory Education, Training and Employment: employment and conduct principles

582(b). MR WILSON — To ask the Honourable the Minister for Post Compulsory Education, Employment and Training with reference to pages 67 and 137 of the Department of Premier and Cabinet's 2000–2001 annual report and the Commissioner for Public Employment's 2000–2001 annual report —

1. Which organisations — (a) failed to comply with the employment and conduct principles expressed in the Public Sector Management and Employment Act 1998; and (b) what was the main reason given for this failure by each organisation.

2. Why did the figure of 85 per cent compliance not meet the target of 90 per cent.

3. How many organisations were monitored in 2000–2001.

4. What target for compliance has been set for 2001–2002.

5. How many organisations are expected to be monitored for compliance in 2001–2002.

6. What were the five most common 'causal factors' why organisations did not assess themselves as A1 or A2 in 2000–2001.

7. By what year and month will systems be put in place to monitor overall organisations' satisfaction with development programs.

8. How much is being spent on the monitoring of overall organisations' satisfaction with development programs in 2001–2002 and what forms does this expenditure take.

ANSWER:

I am informed as follows:

The question asks for information concerning the annual reports of agencies reporting to the Premier; it is therefore appropriate for him to respond.