PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Thursday, 15 June 2006

(Extract from book 8)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Legislative Assembly committees

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Standing Orders Committee — The Speaker, Ms Campbell, Mr Cooper, Mr Helper, Mr Kotsiras, Mr Loney and Mrs Powell.

Joint committees

Drugs and Crime Prevention Committee — (*Assembly)*: Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells. (*Council*): The Honourable S. M. Nguyen and Mr Scheffer.

Economic Development Committee — (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson. (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen.

Education and Training Committee — (*Assembly*): Ms Eckstein, Mr Herbert, Mr Kotsiras, Ms Munt and Mr Perton. (*Council*): The Honourables H. E. Buckingham and P. R. Hall.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Ms Lindell and Mr Seitz. (*Council*): The Honourables Andrea Coote, D. K. Drum, J. G. Hilton and W. A. Lovell.

Family and Community Development Committee — (*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell Mrs Shardey and Mr Wilson. (*Council*): The Honourable D. McL. Davis and Mr Smith.

House Committee — (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan and Mr Smith. (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen.

Law Reform Committee — (*Assembly*): Ms Beard, Ms Beattie, Mr Hudson, Mr Lupton and Mr Maughan. (*Council*): The Honourable Richard Dalla-Riva, Ms Hadden and the Honourables J. G. Hilton and David Koch.

Library Committee — (*Assembly*): The Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson. (*Council*): The President, Ms Argondizzo and the Honourables Richard Dalla-Riva, Kaye Darveniza and C. A. Strong.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Buchanan, Mr Dixon, Mr Honeywood, Mr Nardella and Mr Smith. (*Council*): Ms Argondizzo, Hon. C. D. Hirsh and Mr Somyurek.

Public Accounts and Estimates Committee — (*Assembly*): Ms Campbell, Mr Clark, Ms Green and Mr Merlino. (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, Ms Romanes and Mr Somyurek.

Road Safety Committee — (*Assembly*): Dr Harkness, Mr Langdon, Mr Mulder and Mr Trezise. (*Council*): The Honourables B. W. Bishop, J. H. Eren and E. G. Stoney.

Rural and Regional Services and Development Committee — (*Assembly*): Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Napthine and Mr Walsh. (*Council*): The Honourables J. M. McQuilten and R. G. Mitchell.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson. (*Council*): Ms Argondizzo and the Honourable Andrew Brideson.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Deputy Speaker: Mr P. J. LONEY

Acting Speakers: Ms Barker, Ms Campbell, Mr Cooper, Mr Delahunty, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Lindell, Mr Nardella, Mr Plowman, Mr Savage, Mr Seitz, Mr Smith and Mr Thompson

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
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Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr E. N. BAILLIEU

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

Leader of The Nationals:
Mr P. J. RYAN

Deputy Leader of The Nationals:
Mr P. L. WALSH

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Cameron, Mr Robert Graham	Bendigo West	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
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Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
Clark, Mr Robert William	Box Hill	LP	Merlino, Mr James	Monbulk	ALP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
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Delahunty, Ms Mary Elizabeth	Northcote	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
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Hardman, Mr Benedict Paul	Seymour	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Harkness, Dr Alistair Ross	Frankston	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Helper, Mr Jochen	Ripon	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Herbert, Mr Steven Ralph	Eltham	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Lyndhurst	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Kenneth Maurice	Bass	LP
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Hudson, Mr Robert John	Bentleigh	ALP	Sykes, Dr William Everett	Benalla	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Trezise, Mr Ian Douglas	Geelong	ALP
Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

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THURSDAY, 15 JUNE 2006

Thursday, 15 June 2006

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.32 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 163 to 164, 289 to 294 and 350 to 351 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Dingley bypass: funding

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

The humble petition of the undersigned citizens of the state of Victoria draws to the attention of the house that the severe traffic congestion in the electorate of Mordialloc needs urgent attention.

Your petitioners therefore pray that the Legislative Assembly of Victoria ensures that a toll-free Dingley bypass is constructed as soon as possible.

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

By Ms ASHER (Brighton) (993 signatures)

Gas: Mossiface and Bruthen supply

To the Legislative Assembly of Victoria:

The petition of the residents of Mossiface and Bruthen draws to the attention of the house the desire to be included in the natural gas reticulation rollout for regional towns. The petitioners therefore request that the Legislative Assembly of Victoria calls on the state government to provide funding for Mossiface and Bruthen to be reticulated through the state government's Rural Infrastructure Development Fund.

By Mr INGRAM (Gippsland East) (222 signatures)

Planning: Main Ridge development

To the Legislative Assembly of Victoria:

The petition of the Southern Peninsula Rural Protection Group Inc., including residents of the Mornington Peninsula and others interested in the preservation of this area, draws to the attention of the house applications for planning and building permits to the Mornington Peninsula Shire Council by D. Taggart Pty Ltd (registered in Australia) in partnership with Chateau Elan, an American developer, for a resort hotel complex including a large number of time-share villas to be located on the property, on the corner of Greens Road and Browns Road in Main Ridge in the Red Hill ward of the Mornington Peninsula.

The proposed development is adjacent to the Mornington Peninsula National Park, Greens Bush, one of the most significant national parks and wildlife habitats in Victoria and would have an adverse effect on the character and quality of the park itself and the surrounding rural areas, which are, with the proposed development area, located in a green wedge defined space.

The petitioners therefore request that the Legislative Assembly of Victoria refuse approval of this proposed development in any form, now or in the future.

By Ms BUCHANAN (Hastings) (4091 signatures)

Tabled.

Ordered that petition presented by honourable member for Hastings be considered next day on motion of Ms BUCHANAN (Hastings).

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Energy services industry

Ms LINDELL (Carrum) presented report, together with appendices and minutes of evidence.

Tabled.

Ordered that report and appendices be printed.

DOCUMENTS

Tabled by Clerk:

Auditor-General — Performance Audit Report — Protecting our environment and community from failing septic tanks — Ordered to be printed

Commissioner for Environmental Sustainability — Report on Government Procurement (four documents)

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 1 October 2005 and 14 June 2006 — Ordered to be printed

Multicultural Victoria Act 2004 — Report on Victorian Government Achievements in Multicultural Affairs for the year 2004–05.

BUSINESS OF THE HOUSE

Standing orders

Mr BATCHELOR (Minister for Transport) — By leave, I move:

> That so much of standing orders be suspended today so as to allow —
>
> (1) business to be interrupted immediately after question time for a motion of condolence in relation to Mr Ian Little, Secretary of the Department of Treasury and Finance; and
>
> (2) three government and three non-government members to speak on the motion, for not more than 5 minutes each; and
>
> (3) business under discussion and not completed at the time of the interruption to be resumed after the conclusion of the motion and any member speaking at the time of the interruption may then continue his or her speech.

Motion agreed to.

Adjournment

Mr BATCHELOR (Minister for Transport) — I move:

> That the house, at its rising, adjourn until Tuesday, 18 July.

Motion agreed to.

MEMBERS STATEMENTS

Women: opposition policy

Ms DELAHUNTY (Minister for Women's Affairs) — After nearly seven years of silence on women's issues the Liberal Party has now released a women's policy, but — guess what! — it is almost identical to the Labor Party's policy. The lazy Liberal Party has no new ideas and has just pinched the Bracks government's existing successful programs. The Liberal Party is so disingenuous that on one day it criticises the program and then two days later it adopts the very same program.

On 27 May the Liberal Party was reported in the *Herald Sun* as criticising the Parents Returning to Work program, but then two days later, on 29 May, it decided to adopt it under the same conditions as the current program. We should be impressed, I suppose, because imitation is the sincerest form of flattery. It is disappointing that the Liberal Party has no new ideas. It is adopting the women's roundtable, but with not as many. It is only doing 10, but we have already done 30! It is adopting the return-to-work program and the women's honour roll.

The Liberal Party has no plan for work and family balance. It is not fit to govern — but it is a compliment that it has adopted our women's policy.

Wonthaggi State Coal Mine: future

Mr SMITH (Bass) — Wonthaggi was built around the state coalmine which started in about 1909. It was the state's source of coal and it was used by the Victorian railways for many years. A huge mining site ran underneath the town for many kilometres and over many years many miners were killed trying to win the coal. The mine closed some years ago and has been used as a film set. After filming was completed it was turned into a tourist attraction for people to look at. It was very interesting and was a great tourist attraction.

About two years ago the mine was closed down and underground tours were stopped on occupational health and safety grounds, so people could not continue to go there after it had been operating for about 20 years. Recently an audit of the mine was conducted and it was found it would cost about $2.5 million to bring it up to the stage where it could be opened for use as a tourist attraction — not a huge amount of money. However, there was nothing in the government's recent budget to indicate it would contribute anything towards this tourist attraction. It is run by Parks Victoria and it could be turned into a great tourist attraction in the Bass Coast area.

I would have liked to think that the government would have cared enough to do something about it. The mine celebrates its centenary in 2009, and the government should contribute towards getting this mine open again.

Kirraly Lawrence

Ms BARKER (Oakleigh) — I congratulate Kirraly Lawrence of Chadstone, a student at Oakleigh Primary School, for being selected as one of eight children to represent Australia in Japan as a junior ambassador for the 18th Asian Pacific Children's Convention. Kirraly was encouraged to apply to the Australia-Japan Society of Victoria by her Japanese teacher, Jenny, in 2005. Following her interview she was accepted as a junior ambassador. Kirraly will travel to Japan on 12 July for two weeks, and during the first part of the cultural exchange she will be at a camp in Fukuoka with 344 other children from the 47 invited countries in the Asia–Pacific region. She will then go to a host family for seven days and go to school with her host family's children.

While in Fukuoka they will participate in a festival where the junior ambassadors will talk about energy and ecology. During the afternoon of the festival they will show some of our culture. I am told Kirraly and the other Australian ambassadors will be singing and dancing to music that they have chosen. Some of the music selected is *Waltzing Matilda*, *Surfing Safari* and *Up There Cazaly*.

This convention in Fukuoka fosters global citizens who are able to think of the world beyond national boundaries and carry with them a desire for world peace. The exchange of cultures and languages not only assists in the development of a tolerant and caring global community but also provides each junior ambassador with a wonderful cultural and educative experience.

Kirraly is a fantastic choice as a junior ambassador, and along with the other ambassadors, Jayden, Scott, Bill, Josh, Shalini, Bella and Cody, I know they will represent our nation with distinction. I wish Kirraly and all the junior ambassadors an interesting, informative, happy and very safe trip.

Schools: teachers guide

Mr WALSH (Swan Hill) — The Bracks government's social agenda has reached alarming levels of politically correct madness. The author of a new teachers manual called *Learn to Include* has been asked to promote her manual at a teachers conference in Melbourne in July. I understand she recommends to primary teachers and principals that the meaningful words 'mother' and 'father' should be replaced by the gender-neutral words 'carer' and 'parent' to show respect and sensitivity to same-sex families; that young children should be allowed to act out scenarios in which they have two mums and be encouraged to discuss discrimination; that posters of gay celebrities should be displayed; that the old chestnut, gender-specific toys, should be banned; and that children should be offered stories, games and TV programs that show various forms of relationships.

Remember that the manual targets primary school children who may be as young as five years old. Although not yet formally endorsed by the Bracks government the editor's welcome at a major official teachers conference suggests her proposals are being embraced. I do not believe these issues are for touting around primary school classrooms where they may leave children bewildered and confused.

Homosexuality and same-sex parenting are quite clearly matters for private discussion in the home, embarked upon when children are old enough to understand and undertaken by parents who feel their children are ready. Mothers and fathers in my electorate have every right to feel outraged at the scandalous imposition of minority views on their primary school children without their consent.

Dandenong Ranges Music Council: youth awards

Mr MERLINO (Monbulk) — The Dandenong Ranges Music Council is a supporter of community music in the hills and an encourager of young virtuosos. On 21 May I attended the DRMC youth music awards. It is an event that I look forward to every year because it is an opportunity to sit back and enjoy simply breathtaking performances by young Victorians. To witness 11-year-olds playing the piano like the masters is a real treat.

Two awards are presented at the event — the Ann and Chris Krans youth music award and the Bill Borthwick young musicians encouragement prize. Congratulations to the winners: second prize for the Bill Borthwick young musicians encouragement prize went to Daniel Li on the oboe; first prize went to Michael Byrne on the piano; second prize for the Chris Krans youth music award went to Austin Li on the piano; and first prize for the Chris Krans youth music award went to Sophie Hudgell on the violin. They were terrific performances. I look forward to the event next year.

Congratulations to Bev McAlister and the board of the Dandenong Ranges Music Council for their continued excellent work. Thanks again to the Upwey and District Community Bank, which is a longstanding sponsor of this event and a supporter of community music.

Preschools: opposition policy

Mr KOTSIRAS (Bulleen) — Three weeks ago I met with my local kindergartens to discuss a number of issues, including the disregard of preschools by this Labor government and the responsibility of Manningham City Council to keep facilities safe. Kindergartens are the cornerstones of early learning for Victorian children. Preschool learning is a fundamental and integral part of early childhood development. I agree with the council that the kindergarten program is a state responsibility, but the maintenance of the buildings is the responsibility of the council. I urge the council not to ignore this fact.

The one issue that all preschools strongly agreed upon was the need to transfer the supervision of the kindergartens from the Department of Human Services

to the department of education. I am pleased to announce that yesterday the Liberal Party gave a commitment to do just that within the first term of a Liberal government. The Liberal Party also announced a grant of $730 for fees for four-year-olds, paid directly to kindergartens, which will commence in 2007.

Other key points include the creation of a $10.5 million capital fund for kindergarten maintenance, the provision of extra funding towards the cost of country kindergartens, the provision of an extra $500 000 per annum for the support of kindergarten clusters, and the provision of an additional $300 000 to Kindergarten Parents Victoria. These initiatives build on a strong commitment by a generation of parents, kindergarten teachers and supporters. We are committed to ensuring that all Victorian kindergarten children have an equal chance to begin their education.

Mount Hotham: wastewater reuse project

Ms MARSHALL (Forest Hill) — It was with great pleasure that last weekend, with the Minister for Environment, the member for Yan Yean and the member for Benalla, I attended the opening of the ski season at Mount Hotham. It was the opening of stage 1 of the Mount Hotham wastewater reuse project, which is the construction of the recycled water storage reservoir and its connection to the snowmaking infrastructure at Mount Hotham. Whilst I am obviously a skiing tragic and am probably considered a Buller local, it was a fantastic opportunity for me to see first hand one of the incredible developments we have up in our alpine regions — the reuse of water in this way for snowmaking. It is a world first.

Attending the event with us were Geoff Provis, the chairman of Mount Hotham Alpine Resort management board; Jim Atteridge, the chief executive officer of Mount Hotham Alpine Resort management; Marshall Vann, the general manager of corporate development, MFS Group; Justin Downes, the chief executive officer of Mount Hotham Skiing Company; and John Schryver, the chief executive officer of Australian Alpine Enterprises.

This new water recycling scheme has been jointly funded by the Mount Hotham Alpine Resort management board, the Mount Hotham Skiing Company and the Victorian Water Trust. It will result in healthier local rivers and improved skiing, which is obviously of great concern. The beneficial use of the recycled water and the improved river health are major components of the Bracks government's Our Water Our Future action plan.

Sandringham: car parking

Mr THOMPSON (Sandringham) — I call upon the City of Bayside to review the Sandringham urban village strategy and in particular the minimum parking requirements for the area. In light of increasing development within the precinct, including a proposal for a 100-unit development, the minimum parking requirements will not augur well for the longer term development of the village. One of the proposals under the policy says:

> Accept bicycle parking in lieu of a minor shortfall in car parking on site where a development meets the other objectives of this strategy.

I believe that thinking is flawed, noting that the Sandringham area has a limited number of railway car parking spaces. When the Abbott Street police station site is being used for overflow car parking and in light of the 6.6 per cent increase in commuter traffic to the city by way of public transport, there needs to be longer term provision for car parking in the area. With a proposed 100-unit development there will certainly be a lack of car parking if provision is only made for one car park per unit when it is likely that many of these units will be occupied by two-car driving households.

In addition the strategy needs to take into account other important issues in relation to the use of building materials, energy rating and storage space. The current development on the corner of Abbott and Waltham streets is inappropriate in terms of the visual display of rubbish bins. Street trees and established trees on private property should be retained and opportunities for new plantings pursued.

State Emergency Service: Keilor unit

Mr SEITZ (Keilor) — I wish to congratulate the Keilor State Emergency Service on the wonderful job it is doing in my electorate of Keilor. I also thank O'Brien Glass Industries, which has since 2002 donated some $100 000 to the SES for equipment and material. This is welcome news, with the state government putting in a lot of money to build up the SES right across Victoria. It is nice to see that private companies are still prepared to contribute towards this valuable service.

My electorate of Keilor is in a wind-prone area and we regularly have roofs blown off. Sometimes the storms happen at the most awkward times, like weekends and evenings, as we had recently when the wind not only removed roof tiles from homes but also resulted in airconditioners being totally blown away. The SES provides tarpaulins and carries out extra work to help the community when these disasters occur.

What happens in our local areas does not get much promotion in the daily news, but the SES is doing a fantastic job not only in that field but also helping the elderly by changing the batteries in their smoke alarm systems. I am grateful for the work the SES does in my electorate of Keilor, helping to make lives more comfortable and safe in our community.

Mildura: community-based orders

Mr SAVAGE (Mildura) — I wish to raise again the issue of crime in the Mildura area and the continued failure of the justice system to protect the community. As I have said before in this place, the police are doing their job but something is not working within the courts jurisdiction. Mildura and Robinvale are nos 5 and 6 on the list of the most burgled places in Victoria. The state average is 1 in every 48 homes, and the rural average is 1 in 72. Robinvale comes in at 1 in 31, and Mildura at 1 in 32. That is unacceptable.

In a recent case, the court gave a person who had 22 pages of prior convictions for burglary and theft another community-based order (CBO). When are the courts going to realise that people are entitled to be protected in their homes and that sort of activity is not deserving of a community-based order? Two weeks ago a traffic offender, a hooligan with 16 counts of driving while disqualified, got a 12-month CBO with no extension of his licence disqualification. That is unacceptable.

The Koori court must deal with repeat offenders who elect to go to the Magistrates Court after appearing before the Koori court, bypassing the elders threats of incarceration. They should be forced to go back to the Koori court to be dealt with by the elders and not bypass the system and get a soft option in the Magistrates Court. The community is entitled to protection from criminals.

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

Cranbourne electorate: water conservation projects

Mr PERERA (Cranbourne) — Two innovative water conservation projects in the Cranbourne electorate will go ahead with funding from the Bracks government's Stormwater and Urban Water Conservation Fund. Hunt Club Estate at Cranbourne East will receive $30 000 from South East Water to reduce potable water consumption and recycle water through a potable water substitution project. This project is for the irrigation of parkland within the estate with class A recycled water.

Cranbourne Turf Club will receive $250 000 for a proposed design for a 25-megalitre irrigation storage dam which allows for stormwater run-off, primarily from the venue's car park and associated catchment areas totalling approximately 8.3 hectares. The total dam construction work is estimated at $800 000. This project, when completed, will remove the facility's reliance on a potable water supply. This is part of the drought-proofing strategy being implemented at the racecourse. Stage 2 of the project will utilise the eastern irrigation scheme-treated effluent to supplement the new stormwater dam storage.

I am very delighted that the Cranbourne Turf Club and the Hunt Club have been selected as 2 of the 33 water conservation projects across Victoria to share the $4.6 million in grants from the Bracks government. This funding will enable $10.9 million in water conservation projects to get under way. The latest grant will lift water savings.

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

Schools: funding

Mr HONEYWOOD (Warrandyte) — It is no surprise that once again this government has let down the people of Victoria when it comes to education. It is clear now that the government cannot afford to pay for its promised school initiatives because its flimsy budget has fallen apart, based ironically as it was on privatisation proceeds. Government members have already gone back to form by overcosting a school project, announcing it but failing to subsequently deliver it, or by simply taking all the credit for the funding of a project when in actual fact it is simply riding on the shoulders of the federal government's contributions to state education projects.

I refer to the allocation of funds in last year's budget for Bayswater Secondary College and Mountain Gate Primary School. According to the Bracks government $1.98 million was fully costed in the 2004–05 budget for the Bayswater Secondary College, and $1.42 million was allocated in the budget for Mountain Gate Primary School. Like many others in the state, these schools are in dire need of funding for new facilities because of the ever-increasing numbers of students in schools.

Of course we know how much this government loves a photo opportunity, so we had the Minister for

Education Services, the member for Bayswater and the member for Ferntree Gully all together, posing for local newspapers and patting each other on the back for a job well done. 'Look how much we have allocated for public schools!', they cried. The front pages of the Knox *Leader* and the Knox *Journal* had all these members singing each other's praises and reeling off the figure of $3.4 million for schools. What each of these members failed to mention is that the $700 000 for the secondary college and $500 000 for the primary school came from the federal government. According to the hardworking Liberal candidate for Bayswater, Heidi Victoria, the real kick in the Bracks government's sham is that $1.2 million has gone missing in action. This was federal money, and it was announced as state money.

Schools: maintenance

Ms BEATTIE (Yuroke) — Last week I was pleased to learn that every school in my electorate, and indeed the entire state, would benefit from the Bracks government's investment of an additional $50 million in maintenance. This funding is in addition to the Bracks government's $1.65 billion boost to school capital works and brings the total allocation to school maintenance to over $400 million. However, not everybody understands the significance of this unprecedented investment.

On Tuesday the member for Nepean used completely inaccurate figures and made misleading claims. He has claimed that the $50 million announced by the Minister for Education Services last week was the first special outside-normal-budget payments for school maintenance since 1999. This is totally wrong and exposes the member for Nepean's complete lack of understanding of both the education system and simple budget procedures — for example, in 2004 schools benefited from an additional $600 million, and in 2000 an extra $39 million was provided. I could go on, but I will not. I do not know which alternative is worse — that the member for Nepean has tried to be loose with the truth, or he has absolutely no idea how the education system works. He has also attempted to provide an average figure for the maintenance spend for every school and has based his calculations on the wrong figure.

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

Lions Club: Children of Courage awards

Mrs POWELL (Shepparton) — On Sunday, 4 June, my husband, Ian, and I had the pleasure of attending the zone 2 Lions Club Children of Courage awards in Shepparton, along with the mayor of the City of Greater Shepparton, Cr Jenny Houlihan, a member for North Eastern Province in another place, the Honourable Wendy Lovell, the district governor of Lions, zone 2 chairman Noel Chappell, Lions Glenda and Bruce McLeod and other members from the different Lions Clubs that make up the zone 2 area. But the most important people were the children and their families. I pay special tribute to Glenda and Bruce McLeod for their passion and commitment to this important event.

The Lions Children of Courage awards were established five years ago to recognise a very special group of young children and their families, and I have been proud to attend the ceremony each year. There are many awards that recognise the achievements of young people, but this is the only one that I know of that recognises the special achievements of children with special needs. The awards help these children believe in themselves, which helps to increase self-worth and give them encouragement for their future. About 16 children were awarded for their special attributes, such as 'never complaining', 'having a happy disposition', 'having a positive attitude', 'being kind and thoughtful', 'being enthusiastic', 'being very affectionate' and 'being a great role model'.

It is humbling to watch these children getting on with their lives, despite their disabilities, and overcoming huge obstacles. A number of the children have been in and out of hospital many times in their short lives. They are a joy to their families, who do a tremendous job in caring for them. These children really show tremendous courage, and I commend the Lions Club for honouring them and their families.

Refugees: off-shore processing

Ms MORAND (Mount Waverley) — I want to congratulate members of the Liberal Party and The Nationals — alas, not the members sitting in this chamber but members of the federal coalition who are opposing the new federal asylum seeker laws being introduced by the Howard government. The legislation introduced into the federal Parliament last month is going to lead to asylum seekers arriving on Australian shores by boat being processed offshore on Nauru or Manus Island without access to the Australian legal system. If they are assessed as being genuine asylum seekers, they will then be relocated to a third country, not Australia.

There is now an internal revolt within the Howard coalition against the new laws on asylum seekers with

coalition senators demanding the bill ensures that genuine refugees can come to Australia. I just want to say good on them for standing up for a genuine principle of human rights.

The all-party government-dominated Senate committee has asked the Howard government to dump the laws. The report released on Tuesday says the new laws are in breach of Australia's international obligations and are an inappropriate response to pressure from Indonesia. The Senate report expresses concern that the new laws lack protection for human rights, and the committee is concerned about inadequate scrutiny and the cost of implementing the plan.

Mr Howard was apparently indifferent to opposition to the bill. I thought he was sensitive to public opinion and the good counsel of his colleagues. After all he did seem to be sensitive, or at least he gave the impression of being sensitive, on the sale of the Snowy Hydro. The Prime Minister should hear the concerns of his colleagues and the public and withdraw the legislation.

Preschools: opposition policy

Mr DIXON (Nepean) — I was proud yesterday to join my colleagues the Leader of the Opposition and a member for Monash Province in the other place, Andrea Coote, as we launched the Liberal Party's preschool policy. This policy, which has been endorsed by the Brotherhood of St Laurence, Kindergarten Parents Victoria, the Australian Education Union, principals, teachers and parents, is a good policy, because it is the right policy for children and their parents both in an educational and social sense. Under the Liberal policy most parents will not have to pay kindergarten fees from 2007. This huge burden will be lifted from parents. The average of $730 per year in fee relief has been welcomed by parents as a significant saving and incentive to send their child to preschool.

Moving the supervision of preschools progressively over four years from the Department of Human Services to the Department of Education and Training is a commonsense move. It is already in place in all other states and territories. It recognises the reality that preschools are unique places of learning that are no longer adjuncts to health services but should be recognised as a vital cog in a child's early learning.

Parents are rejoicing that their efforts can now go into the enjoyable activities of their child's kinder experiences, not being forced to oversee and be responsible for every aspect of the administration of the kinder. Over the four-year transition period all stakeholders will have the opportunity to develop the administrative model that best suits their community.

The Liberal Party is the education party. This and other policies give parents a real choice between a party that wants to lead in educational policy and practice and a party that just wants to win the next election.

Wind energy: pressure groups

Mr HELPER (Ripon) — I wish to make members aware of an article in the *Sydney Morning Herald* of 19 May 2006. It is entitled 'Campaign to discredit wind blows to NSW'. Written by Wendy Frew, it debunks and discredits some of the anti-wind farm protest groups in Victoria which are now emerging in New South Wales. I quote from the article:

> Research by the *Herald* has found that a loose association of anti-wind farm groups in Victoria that goes by the name of Landscape Guardians, or Coastal Guardians, relies heavily for its information and tactics on the British anti-wind farm pressure group, Country Guardians.
>
> That group was set up by Sir Bernard Ingham, press secretary to Margaret Thatcher when she was Prime Minister. Sir Bernard is now a director of Supporters of Nuclear Energy …
>
> Coastal Guardians Victoria has also worked closely with the now-discredited British botanist, David Bellamy, who believes climate change is a myth. He visited Victoria's South Gippsland in 2004 to campaign against wind farms.

The article goes on to quote spokesman for Coastal Guardians of Victoria, Tim Le Roy, as not being worried that people would get the wrong idea about his group's connection with Mr Bellamy and Country Guardians and their link to the nuclear industry.

Renewable energy and the reduction of greenhouse gases from power generation from Victoria's abundant brown coal reserves are the answers for Victoria's energy needs, not transition to nuclear energy on the coat-tails of nuclear ideologues such as Prime Minister Howard and his parrot, the dim-witted and discredited Minister for the Environment and Heritage, Ian Campbell.

Information and communications technology: global community

Mr LEIGHTON (Preston) — Our society is changing rapidly. The community or village, once based on geography, is no longer restricted by distance. Mobile phones, text messages, email, the Internet, increasing income and cheaper travel have all increased the ease of communication, reducing the tyranny of distance. This allows like-minded people to meet and communicate with a previously undreamt-of freedom.

Now Melburnians are likely to develop social networks which are not located in a single geographic area.

Friends from different parts of Melbourne socialise in restaurants, cafes and sporting events in much greater numbers as a normal part of life. These informal social groups are small communities as real as any communities from the past. In this new social world where many social networks are not localised, we need to ask: are most communities local at all?

We should not be nostalgic for a time when people were trapped by limited travel and communications to socialising amongst the people with whom they lived. The privacy which modern fragmented communities produce is treasured by many in our society. It allows minorities to flourish freer from pressures of conformity.

While the growing ease of communication is positive, some have been left behind and suffer great loneliness, but if governments are to seek answers to this loneliness, these answers should realistically reflect new social attitudes. In this sense I consider the concept of the global community to be a most positive one.

Mount Baw Baw: snow season

Mr MAXFIELD (Narracan) — Last weekend I attended the opening of the snow season at Mount Baw Baw, and what that highlighted was the great economic benefit that our alpine resorts bring to regional Victoria.

I would like to thank the Deputy Premier, the Minister for Environment, for his strong support of our snowfields and their ongoing growth. In the Baw Baw shire, for example, $7 million a year is derived from the Mount Baw Baw resort and we achieve the equivalent effect of 94 jobs as a result of what is occurring up there. I also want to thank the local board up there and the chief executive officer, Leona Mann, for preparing this snow resort at Baw Baw for the season. It was in excellent condition when I saw it. The hotel has been significantly upgraded for accommodation, with en suite facilities within the hotel, and there is improved accommodation for backpackers.

I urge people, if they have the opportunity, to go to Baw Baw and enjoy the great alpine experience. The good thing about Baw Baw is it is a low-fee, easily accessible mountain. It does not cost as much as some of the other mountains, and of course from a Labor perspective, a cheap, low-cost entry mountain is where real people can go. You do not have to have a very large share portfolio to go to the snow at Mount Baw Baw! The ordinary bloke can go and enjoy the snow and the alpine experience.

Schools: Bellarine electorate

Ms NEVILLE (Bellarine) — Yesterday I was pleased to be able to ring schools in Bellarine that have received money to maintain and upgrade toilets. All schools have received additional money to ensure they keep their toilet facilities up to the highest quality. In addition, a number of schools in my electorate have received substantial amounts to undertake significant upgrades.

Moolap Primary School was thrilled to learn that it had received $141 000 for toilet remodelling. That is on top of our upgrade to the buildings at Moolap — new relocatables, which are fantastic — and additional maintenance money of $39 000 that I announced last week. Newcomb Secondary College has received $6565 for toilet upgrades. This is on top of $26 000 that I announced last week and the $8 million capital upgrade. Finally, Newcomb Park Primary School has received $51 000 to improve the quality of its toilets. Concerns had been expressed by some parents at the school about the condition of toilets at the school. This money will enable the school to meet these concerns.

I congratulate the Minister for Education Services, who is at the table, for her ongoing commitment to ensuring that schools have the best quality facilities for all our children.

SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL

Second reading

Mr THWAITES (Minister for Water) — I move:

That this bill be now read a second time.

Late last year the New South Wales government indicated its intention to sell its majority shareholding in Snowy Hydro Ltd.

In February this year, the commonwealth government also decided to sell its shareholding and subsequently the Victorian government agreed to sell its shares conditional upon additional protections over Victoria's water rights.

With the recent withdrawal of the commonwealth and New South Wales from the sale of Snowy Hydro, Snowy Hydro will be retained in public ownership.

The Snowy Hydro Corporatisation (Parliamentary Approval) Bill however ensures that any future sale of Victoria's share in Snowy Hydro Ltd is subject to parliamentary scrutiny.

There has been community concern over the sale of Snowy Hydro. The Independent member for Gippsland East, Craig Ingram, has consistently advocated that environmental flows for the Snowy River and irrigator entitlements are protected.

This bill achieves that.

This bill will ensure that any future proposal to sell Victoria's shares in Snowy Hydro Ltd must be agreed to by both houses of Parliament. It also requires that the relevant documents be tabled before each house so that the Parliament can consider them in deciding whether or not to approve the disposal of Victoria's shareholding.

Under the bill relevant documents include any agreement dealing with water flows, particularly environmental flows and the supply of water to irrigators, farmers and rural communities.

Relevant documents specifically include the high-level agreements between governments, including the Snowy water inquiry outcomes implementation deed which sets the Snowy River and River Murray environmental flows targets and the recent amendments to the Murray-Darling Basin Agreement which establishes the water sharing arrangements for releases from the Snowy scheme to the Murray–Darling Basin.

It also includes the New South Wales Snowy water licence and any future dealings or changes to the licence. The Snowy Water Licence sets out the rights and obligations of Snowy Hydro Ltd, including its rights in terms of hydro-electric generation and its obligations to make releases to the Murray–Darling Basin for irrigation and for environmental flows to the Snowy River and the River Murray.

Given the importance of the Snowy scheme as a source of water for the Murray–Darling Basin, relevant documents also include agreements for the provision of information by Snowy Hydro Ltd to the Murray-Darling Basin Commission to ensure that the commission and River Murray water have the data necessary to efficiently operate storages and to meet both irrigator and environmental demands on the system.

The responsible minister at the time is also able to table any documents that they may determine to be relevant to Parliament's consideration.

These measures continue to demonstrate the Bracks government commitment and proven record in revitalising the health of the Snowy River. We have delivered the first water savings target for the Snowy project by the target date of 1 July 2005 — 38 000 megalitres returned to the Snowy River and 19 000 megalitres to be returned the River Murray.

The future of all Victoria's rivers and aquifers will be protected through the establishment of environmental water reserves — water set aside for the environment. The Water (Resource Management) Act, passed in 2005, provides this safeguard for our rivers.

Action is also being taken to enhance the environmental water reserves and health of Victorian priority rivers such as the Murray, Thomson, Macalister, Yarra and Wimmera and Glenelg rivers.

Victoria also continues to lead the nation in its irrigation water management — from on-farm water efficiencies to water trading. The Water (Resource Management) Act, passed in 2005, will enable the unbundling of water entitlements and will create a new lower reliability water share — creating more value and choice for farmers.

The Victorian government is also progressing major water infrastructure projects, including the Wimmera–Mallee pipeline, channel automation in the Goulburn and Gippsland regions, the Lake Mokoan decommissioning, including the Tungamah pipeline and we recently completed the upgrade of the Eildon Dam wall and spillway.

Lake Mokoan and Tungamah pipeline projects will directly contribute to water savings available for increased environmental flows for the Snowy River.

This government will continue to pursue all available avenues to protect its water rights and the interests of Victorian irrigators and the environment.

I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until Thursday, 29 June.

TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 1 June; motion of Mr BATCHELOR (Minister for Transport).

Government amendment circulated by Mr BATCHELOR (Minister for Transport) pursuant to standing orders.

Mr MULDER (Polwarth) — The Liberal Party is aware of the amendment circulated by the minister. The Liberal Party raised these issues with the minister's department when it was brought to our attention that there was an anomaly in the legislation that allowed a Victorian person to perhaps move interstate, gain accreditation in another state, come back to Victoria and bypass the new accreditations within the bill. You could have had someone who had a serious criminal history bypass the provisions in the bill that supposedly ensure they would be subject to an automatic refusal of accreditation in Victoria. I am not sure how such a major oversight was not picked up by the minister, but I was happy to bring it to his attention. I am more than happy that he has acted on the advice I gave his department and that it has proceeded to deal with the matter through this amendment.

Before I move to what the government has indicated are the main provisions of the Transport Legislation (Further Amendment) Bill I want to raise some issues about the provisions that are buried deep within the bill. Clause 43 relates to coordination between the safety director and corresponding rail safety regulators. Members will recall concerns that Victoria's decision to drift away from the National Transport Commission's model bill and set in place its own safety regime separate from what was happening in other states was going to cause some problems. Indeed the National Transport Commission wrote to the minister and indicated that it had concerns that Victoria was jumping the gun.

I note that new section 62A(2) set out in clause 43 states:

> The Safety Director must, as soon as possible and before deciding whether or not to grant the application, consult with the relevant corresponding Rail Safety Regulator, or Regulators, in relation to the application with a view to the outcome of the application being consistent with the outcome of applications made in the other jurisdiction or jurisdictions.

This is exactly what the Liberal Party said would happen — that is, we have a situation whereby different jurisdictions have looked at the model bill put forward by the National Transport Commission and come up with different interpretations. What the Liberal Party was looking for — indeed what rail operators were looking for across Australia — was consistency within the regulations so that these types of provisions were not required. It is absolutely bizarre that we now have a situation where regulators from different states are going to have a conversation over a telephone to determine whether or not they believe there is consistency within the regulations.

This whole situation and the need for these provisions have been brought about simply by the fact that the Minister for Transport in Victoria saw fit to jump the gun, to move forward and try to be seen as a so-called leader in rail safety. But in actual fact he has created a difficult position for other states that operate within the rail industry. In these sorts of situations we have bureaucrats sitting back and shuffling papers, and all of them will see a particular regulation in a different light. No-one is going to make a decision, because it is not spelt out clearly on a national basis what the rail operators in the state want to know, such as what the obligations are state by state — and they want consistency. This provision says no, there will be no consistency, and this is going to lead to further delays.

Clause 41 concerns me greatly, and perhaps in his summing up the minister could address some of the concerns I am raising. It states:

> **28A. Provision of access to SMS to Safety Director or transport safety officer**
>
> (1) The Safety Director may request, in writing, a rail operator to provide the Safety Director, or a transport safety officer, access to the railway premises of the rail operator, and any document or equipment at those railway premises, for the purpose of enabling the Safety Director, or the transport safety officer, to inspect the safety management system of the rail operator.

There are other provisions in here that tidy up the principal act, which is the Rail Safety Act. My concern is that when we had the tragic accident at Trawalla, the Minister for Transport ruled out bringing in the Australian Transport Safety Bureau to investigate, even though that bureau has all the powers required to undertake an investigation of a train crash. He insisted that his own safety director and his own investigation unit carry out that investigation, claiming that the investigation would be thorough and that they had all the powers required to conduct it.

The provisions in the Rail Safety Act for putting in place safety management systems would seem to indicate that the safety director and any investigation

officer did not have the power to go to V/Line Corporation or VicTrack and ask, as part of their investigation, to look at and be provided with copies of their safety management systems. This is a real concern, and I would like the minister in his summing up to explain what the amendment is about.

Also I would like the minister in his summing up to give the house an assurance that the investigation unit he has set up — the first job of which is to investigate the Trawalla accident — has not been impeded in any way, shape or form due to lack of powers to carry out its investigation. Some of these provisions indicate that a massive tidying up of the act is required. We understand that V/Line Corporation is still a private entity and that the personal liability of the officers of V/Line has been brought into question. Given those circumstances, we understand that if the safety director or any of his officers have gone to those premises and collected documents, they may not have had the power to do so.

There are a lot of issues raised here in relation to the new position established in haste by the Minister for Transport and to his direction to his own people to carry out this investigation. I believe the people of Victoria, rail operators and the house have every right to have the minister who gave that direction give us assurances that at this point there is not a single outstanding issue that is in any way, shape or form affecting his own safety officers carrying out their roles in the same way that officers of the Australian Transport Safety Bureau would carry out theirs.

I am not a lawyer, I am not a bush lawyer, but I understood that the provisions in terms of entry and photographing documents and all the powers were with the Department of Infrastructure. With this new authority being set up with the director, transport safety and the new investigation unit, perhaps those powers were not with that unit at the time. Once again, it is a matter of clarification but given the time that elapsed between the minister's original announcement that he wanted to conduct the investigation with his internal team and this legislation coming before Parliament you would hate to think that the investigation process has been slowed, halted or indeed stopped in its tracks because the appropriate powers were not there. These are just a couple of issues which are not indicated in the second-reading speech.

The minister has not picked them up as major provisions in the legislation in terms of his explaining to the broader community what this legislation will do. Certainly I think there are a number of unanswered questions and I would like the minister to address them.

As was pointed out by the minister, the major provisions in the bill strengthen the existing accreditation scheme for public transport companies which employ or engage their own authorised officers to carry out law enforcement functions. The bill provides the courts with alternative measures for dealing with public transport offenders who, because of social circumstances or health matters, would be better served by being directed to an education program.

In relation to the strengthening of the accreditation scheme for drivers of taxis, school buses and hire cars, the accreditation scheme will have a public care objective surrounding comfort, amenity and convenience, especially where children and vulnerable people are involved. Persons with serious criminal backgrounds will be subject to automatic refusal or cancellation of accreditation. The bill provides access to the Victorian Civil and Administrative Tribunal to provide procedural fairness for a driver who has their accreditation refused or cancelled.

As I indicated, issues were raised with the Liberal Party in relation to the fact that persons here in Victoria could bypass those accreditation provisions by going interstate and being accredited there and coming back here. As I indicated when we supported the minister's amendment, there was always concern that someone with a serious criminal background would go down that path and find themselves providing a service to vulnerable members of the community in Victoria. I believe the provisions relating to the automatic refusal are good provisions.

In the past there was an appeal mechanism through the director, but I am not sure — we have not been provided with the information — whether any of those appeals were ever successful. However, I think it is a black-and-white case that the applications of people who have serious criminal backgrounds and who apply for accreditation should be viewed very strictly in regard to whether they are to be given accreditation. I think the provisions relating to the automatic refusal are right. As I say, we support that. There should be no questions, no grey areas when it comes to who will be transporting people in the community who are considered to be vulnerable.

I understand the intent of the provisions. However, many of the issues surrounding the public care objectives can be subjective. The taxi, bus and hire car industry really wants to attract staff who have an obvious element of care in their attitude and behaviour and the references they provide before they go to work for somebody who runs a business that deals with moving people around. The hire car industry, and

indeed the bus industry, rarely come to our attention as having a problem in relation to the care of passengers. In fact, I would have to say that the bus industry in its own right has had a very polished reputation in relation to the businesses it runs. However, it just seems that no matter how hard the taxi industry tries to get each and every driver to fit the skills base required to promote the industry, the harder it becomes for it. You only have to look at some recent incidents. One which was highlighted yesterday was the Kerang and Cohuna taxi service being on the brink of collapse. Recently the Castlemaine taxi service simply closed up and shut its doors.

Having worked in the service industry in the past I know it is very different to retailing or manufacturing. There are certain persons who fit well into the service industry because they have the personal skills required to provide personal service. We have an industry in the taxi industry where many of the people who work in it have the backside out of their trousers, to put it bluntly, because it is a tough industry with very poor returns. I wonder how under the new accreditation scheme somebody who has all the concerns and worries of trying to balance a budget at home while working in an industry which provides very poor returns, an industry which the Minister for Transport in Victoria has turned his back on and an industry which has been refused price increases that have been provided to the public transport system and to the general community through general wage increases, is supposed to get all excited and be prepared to embrace a public care objective which says, 'We are going to be the people who take care. We are going to take pride in our industry, despite the fact that we are broke and we are doing it hard'. Having worked in a service-based industry, I think it is an almost impossible ask. It may well work in the bus industry or the hire car industry, but given the returns to taxidrivers across the state I would be very surprised to see any change as a result of these provisions and the amendment to the accreditation scheme.

I understand the intent behind this. We all want to improve the types of services we offer, whether they are health services, education services or public transport services. However, unless the government is prepared to address the fundamental problems in that industry, it will be very difficult. I say that in loading the taxi industry up with a whole host of additional accreditation provisions and asking a lot more of the industry than it has in the past, in particular the drivers, it is pushing uphill. As it is, a taxidriver pays a significant amount of money to get a licence. I wonder whether there will be an increase in the licence fees, given the additional training that will be required under these public care objectives.

When you look at the taxi industry you find that there are some 13 000 active drivers in Victoria. Some 2298 new drivers joined the taxi industry in Victoria in 2004, of whom 1700 were issued with metropolitan Melbourne taxidriver certificates. Unfortunately that is the area where a number of the complaints stem from, but when you look at the number of drivers involved, you can understand that. If there are 2298 new drivers on an annual basis — I imagine there is a significant attrition rate with that — getting them all to take up a public care objective when they are struggling to make a living will be quite difficult.

It will be interesting to follow the progress of that accreditation scheme and see how successful it is. The information we have from the taxi industry gives us some idea. A self-employed taxidriver retains earnings varying between $8.50 and $15 an hour, compared to the $12.30 hourly rate paid under the minimum wage in Australia. Those were the rates when this document was prepared in 2005. It is a very tough industry and I wish the government luck with its intentions. It will be very difficult.

I made mention before of the Kerang and Cohuna taxi service. The 12.30 p.m. news on the ABC yesterday carried a story about this taxi operator indicating they were on the brink. As I said before, it is not just there, it is also the case in Castlemaine. There are a number of other taxi services at Rochester that have indicated to us that they are finding it very difficult out there at this point in time.

In relation to the new accreditation scheme, as I have said before, both the taxi industry association and the Victoria Police Association raised those concerns with us. I was quite amazed that the government had not picked up on this. In a letter to me the police association said:

> … we are concerned that consideration may not have been given to the prospect of Victorian-based driver and vehicle testers, who may not ordinarily be eligible for accreditation in Victoria, going to another state or territory gaining their licence in that other state or territory for the purposes of gaining Victorian accreditation.

As I said, it also affects vehicle testers. The chief executive officer of the taxi industry association said in an email to us on 8 June:

> My main concern is that as it stands the proposed legislation would allow people accredited in another state or territory to drive a taxi in Victoria without accreditation in Victoria. This is okay for cross-border trips in taxis licensed across the border, but it is not okay if the person is driving a Victorian taxi. No training and no Victorian scrutiny.

> The proposed legislation needs to be changed now or later before this element of the bill comes into operation.

As indicated before, the minister has agreed to do that. We do not want people with serious criminal backgrounds circumnavigating the accreditation scheme; we want to make sure that we have a sound industry, and we want to make sure that those people are kept out of that industry.

I turn now to clause 18 of the bill, which inserts new section 227A and deals with the power of a court to require attendance at an approved public transport education program. This provision gives the courts the option of directing people who have a mental illness or people in certain social circumstances to an education program rather than fining them or putting them through the courts in the normal process.

As we understand it, the public education program being set up deals with the issues to do with public transport safety; the comfort, amenity and convenience of passengers on public transport; the revenue implications for fare evasion for public transport operators in the state; the obligations of passengers and other persons in relation to public transport; the enforcement obligations of authorised officers of the providers of public transport in Victoria and any other matter related to public transport that the director considers appropriate.

From what we understand from the briefing we attended, thousands of infringement notices are issued annually involving persons falling under those categories, so this enabling legislation sets up the education courses. There is a description of what the education courses may cover. It is fairly broad, but it does not give the detail the Liberal Party or, I believe, the Victorian public would like to see. There are no details on who is going to provide the courses or where the courses are going to be held.

Will people in country and regional areas have to travel to Melbourne to attend such courses? There are no details on what the courses will cost to run or who is going to monitor the success or otherwise of the courses. If this is going to be a form of justice, you need to ensure that the people you have identified as being affected by these provisions are not disadvantaged by having to travel long distances to attend these courses. I understand advocates of persons who fall under these categories heavily lobbied the government to include these types of provisions and that this legislation complements earlier legislation that was introduced by the Attorney-General.

We understand the concept and what the government is attempting to achieve with these provisions overall. Our concern is that its past history in putting together programs and actually delivering on policy initiatives or services has been terribly flawed. Its process has always been, firstly, to get out the press announcement that it is all going to happen; secondly, behind the scenes it is trying to work out how it is going to make it happen; and, thirdly, it decides that perhaps it will just not happen. This is our concern in relation to these particular provisions.

We do not have a problem in relation to the overall intent of the bill, but what we would like is far greater detail on how the matters that the Liberal Party has raised are going to be addressed. In particular — I am sure the member for Swan Hill will pick this up — will the people in country Victoria have to travel long, long distances to get to Melbourne or Thomastown to attend one of these courses? That would be seen as being terribly anti-country Victorian. As I said earlier, we would certainly like some further detail in relation to these matters.

I am sure the minister is going to provide me with all the information from the director of public transport safety on the ongoing success or otherwise of the investigations into the Trawalla accident. I note in relation to level crossings, in particular the level crossing accident at Trawalla, that the truckies throughout south-west Victoria have now joined a rail crossing campaign to ensure that dangerous level crossings are dealt with as a matter of priority. An article in the Hamilton *Spectator* of Tuesday, 6 June, states:

> South-west trucking companies have joined the campaign to improve the safety of level crossings throughout Victoria.
>
> Truckies have supported the call for warning lights and bells to be installed at all level crossings throughout the south-west following the spate of rail tragedies in the region, with the most recent crash killing a Wedderburn man and derailing dozens of carriages during heavy fog at Lismore last month.

Interestingly, throughout the week I received a number of letters from pupils at Mercy Regional College at Camperdown who relayed to me their experiences when travelling to school either on buses or with parents as they came across the accident. A number of them referred to the counselling sessions that were held due to the trauma that was caused as a result of their coming across such a tragic accident.

The truckies and people across rural and regional Victoria have joined in on this issue to try to push the government into keeping its promises and commitments in relation to level crossing upgrades

across the state. You only have to look at the budget documents this year to see the abysmal failure of the Minister for Transport to live up to his promises. He promised to upgrade 38 level crossings across the state, but in actual fact he only delivered 20. At the time he claimed there was a skills shortage that caused the need for the level crossing program to be upgraded. Just as he always does with his weasel words, he came out at one stage and said there were over 70, but within a matter of days that was up to over 90. What he did was include all of the level crossings that were part and parcel of the regional fast train project. They were not part and parcel of the line item in the budget which says that the minister was going to do 38 outside of the regional fast train project, of which he only delivered 20.

What the minister has perhaps not been prepared to put forward is that all the skills that were required to upgrade the level crossings in rural and regional Victoria were transferred into the fast train project to save him the embarrassment of not having that project completed by November. That is most likely why the level crossings in rural and regional Victoria were shunted to the backburner and those works were not carried out.

I have raised a number of issues concerning the bill for the attention of the minister, and I look forward to his summing up so he can clarify those issues. The Liberal Party does not oppose the bill. It contains a number of provisions that are very vague in terms of how they will be implemented, and we will monitor them as we move forward.

Mr WALSH (Swan Hill) — Before I start my contribution to the debate on the bill, I thank the Minister for Transport and his departmental staff for an excellent briefing on the legislation. I put on the record that not all departmental officers are so forthcoming with information. Often when you have a briefing on a bill trying to get information on the bill is like pulling teeth. It is a serious issue that I am raising, and I do not want to get the minister into trouble by saying that he is doing his job properly. The opposition does not have the staff or knowledge, and it is important to get a briefing that means you actually understand the bill. It adds to the level of debate in the house if we all have a good understanding of what the bill is about, because we are not involved in the preparation of the bill or the basis of it.

Having said that, I point out that the issue of public transport is not something I had a lot to do with before I came to this place, but a lot of people in my electorate have a great interest in it. It is pleasing to see an additional train service coming back to Swan Hill and being utilised, which is a fantastic outcome. With the cost of fuel and travel to Melbourne a lot of people are taking the option of using public transport. I will talk about that later, but there may be the opportunity for the government to increase patronage on public transport by making the fares more reasonable, and potentially not losing income but increasing patronage.

The bill principally does three things, two of which are improvements. The bill groups together provisions from other legislation and introduces a new scheme for the accreditation of drivers of commercial vehicles, be they buses, taxis, hire cars or private bus services. It also strengthens the existing scheme for the accreditation of public transport companies and associations who engage or employ authorised officers to carry out law enforcement functions on public transport. We can all remember debating legislation in this place that set up the process to enable those companies to employ accredited officers to do that work. With the benefit of hindsight we probably should have had these provisions inserted in that legislation at the time. The third thing the bill does is insert a new section that will provide the courts with an alternative measure for dealing with certain public transport offenders — namely, participation in an approved public transport education program. I will talk about that at length later.

The accreditation of drivers provision will strengthen and improve the legislation. It uses a simpler format for the different levels of offences, of which there are three. People who have a history of serious criminal offences will not be accepted as accredited drivers. I assume that in the past, if a person employing those drivers had been aware of those offences, they would not have employed them. For less serious category 2 offences new section 169 provides that they may be refused employment but there is the opportunity for them to be employed. If someone feels aggrieved by the decision not to give them accreditation, the decision can be reviewed by Victorian Civil and Administrative Tribunal.

I want to spend some time on new section 164 inserted by clause 14, which relates to the public care objective. New section 164 states:

> The public care objective is the objective that the services provided by drivers of commercial passenger vehicles and vehicles used for the operation of private bus services —
>
> (a) be provided —
>
> (i) with safety; and
>
> (ii) with comfort, amenity and convenience —

> to persons using the services and to other persons, particularly children and other vulnerable persons;
>
> (b) be carried out in a manner that is not fraudulent or dishonest.

I would have thought that transport companies previously were aspiring to deliver that service. Putting this in the legislation is almost a slur on transport operators, suggesting that they were not doing this in the past. I would have thought it would be the core objective not only of government-sponsored transport services but also of private transport services that they would be aspiring to do that in their normal business planning.

New section 167, dealing with tests, qualifications and other requirements, particularly in relation to taxidrivers, refers to the applicant's fitness to drive a vehicle — if they have a licence you assume that would be the case — and the applicant's medical condition. We do not want people who have a serious medical condition driving a taxi. New section 167(1)(c) refers to:

> the applicant's knowledge of the names and location of significant streets and places in Melbourne or any other area relevant to the specified class of vehicle …

Then subsection (d) refers to:

> the applicant's knowledge and use of the English language.

When I am in Melbourne and have to take a taxi I do not know where a place may be in relation to the street names. Quite often when you get into a taxi and tell the driver where you want to go he will say, 'Where is that? What is the best way to get there?'. I am pleased about these provisions. It will be enjoyable to get into a taxi where the driver knows where to go. A lot of taxidrivers ask you which way you want to go, and when you say, 'It is up to you, you are the driver', I am absolutely sure that you go the long way. It is almost a trick question, because when the taxidriver asks you which way you want to go he knows that if you do not know he can take you the long way round and increase the fare.

There is some merit in the provisions of that new section, because they will make sure that taxidrivers know the street directory and know where they are going. Many members will know about London taxidrivers, who have to sit strenuous exams and undergo strenuous training programs to ensure they know every street and every corner throughout London. I hope these provisions deliver a better outcome for taxi patrons in Melbourne.

An interesting new provision in the bill relates to the power of the court to determine attendance at an approved public transport education program. I understand this is for people who are most likely not first offenders but are often repeat offenders in not paying their fares or causing trouble on public transport by being unruly or discourteous to other passengers and being discourteous or abusive to staff. The courts will have the discretion to send people who commit these sorts of offences to a public education program. The program will deal with a range of things but will not be limited to them. It will explain about public transport safety, the comfort and amenity of passengers on public transport, the revenue implications of fare evasion for public transport operators and the state, the obligations of passengers and other people in relation to public transport, the enforcement obligations of authorised officers, the providers of public transport in Victoria and any other matters relating to public transport that the director considers appropriate.

As I said earlier, I was not someone who used public transport significantly until I started taking some public office roles in Melbourne. When I was first elected president of the Victorian Farmers Federation I had no idea how to use a tram or those foolish automatic ticketing machines on the trams. One of the staff at the VFF actually took me for a training lesson in Melbourne on how to use a tram. I do not use trams often enough, but when I get on a tram and look at the different fares and all that sort of stuff, I find it is confusing trying to work out which fare to pay and what to do.

It was interesting to note that in Melbourne before and during the Commonwealth Games when you got on a tram you would see visitors to Melbourne not knowing how to use the system. They were quite often confused about what fare to pay and what to do. I suggest to the minister that if we were to make tram fares free in the Melbourne central business district, only a small amount of revenue would be lost. If we are serious about getting cars off the road and changing the traffic flows in Melbourne, then instead of having a congestion tax to penalise people, why not put in place an incentive program that could actually make it a lot easier for people to jump on and off trams or trains without this confusion, particularly for people from outside of Melbourne, about how the whole system works.

There is a new clause inserted in this bill which provides for accredited drivers, who work for a transport company which loses its accreditation for some reason, to move to a newly accredited company

so that they do not actually lose their accreditation within that business.

Clause 26, which amends section 228J of the Transport Act, deals with matters that must be considered by the director in determining accreditation renewals and refusals. It includes matters published in the *Government Gazette*. In the briefing they were described as just administrative issues. One of the concerns The Nationals have is that when we pass legislation in this place which puts in place a framework for particular things, the devil is quite often in the detail. If it will not actually be done through a regulatory impact statement process and if just administrative issues decide how these things are done, we have a concern that the devil could be in the detail. We never know what the legislation we pass in this place will actually do in the future.

Part 3 of the bill provides the power for rail corporations to access land. We requested a model to show how, under the Water Act and the gas and electricity acts, this can be done, which we believe would be a useful model into the future.

When we talk about any transport issues, one of the things that I would like the government to take into account is that it is another excellent time to make significant changes to rail access in Victoria. Country rail travel is vital to people in my electorate. With the Toll Holdings takeover of Patrick Corporation, Toll was instructed that it had to divest 50 per cent of its share of Pacific National. There was vigorous discussion in this house when Freight Australia sold its business to Pacific National, and I think it would be an excellent opportunity for the government to again revisit the ownership of the rail track in Victoria. As I understand it, with the divesting of half of its share of Pacific National, Toll will need to come back to the government to get permission to change its ownership structure. There was some debate about whether it was necessary for it to come back to the government to have that lease transposed across to that new entity or whether it was just about a change in Toll's ownership structure. I have seen the press reports that say they do have to come back to the government.

I put it to the minister and to the Parliamentary Secretary for Transport that we have an opportunity for this government to potentially change the management regime of the tracks in country Victoria. The Nationals would fully support a move down the path where the government had better control and where we had an open and transparent access regime and could actually get other trains running on those tracks — for example, GrainCorp operates trains in New South Wales and would be very keen to operate trains in Victoria. At the moment it is being denied access, because every time it goes to Pacific National it just gets all too hard as Pacific National puts in too many conditions and too many costs to make that happen.

There are several operators in the north of the state. Wakefield Transport at Merbein is another that would probably be very interested in trying to have some sort of discussion about putting Sprinter trains on the tracks to bring containers through to Melbourne. There is the Wimmera Container Line and Rodney Clarke in Horsham, who would also be very keen to do the same thing. I know that Roger Pickering from Pickering Transport would dearly love to buy his own Sprinter train to bring containers into Melbourne — although the rest of the family would not like to see him buy his own train. He must have been denied a train set as a child!

There is another opportunity available as a result of the sale of half of Pacific National by Tolls to meet the Australian Competition and Consumer Commission's requirements. I would urge the government to seriously look at any opportunities that may be there to get better control over the track here in Victoria. We all know the perilous state it is in and the investment and upgrade it needs. More importantly, it is the access regime and getting more tonnage back onto rail and off the road which we would all be pleased to have.

The member for Polwarth in his contribution briefly talked about the issue of taxi services and, in particular, the Kerang–Cohuna taxi service. I have alerted the Parliamentary Secretary for Transport about the issue with the Kerang taxi services. Graham Handcock has operated that Kerang service for quite a few years. It comes down to the fact that in country towns, taxis provide a different service in general than that provided in the city. They are effectively a community service as well as a business. There is no public transport in a town like Kerang.

I have had several calls from elderly ladies who were quite perturbed, after the news appeared in the press, that within six months this service may close. In particular one lady, Mary Jobling, whom I was talking to yesterday, was quite concerned, because the taxidriver picks her up, takes her to the doctor and assists her with her walking frame into the doctor's surgery, carries her groceries into the house when she gets home, and does all those sorts of things. This is the issue for country taxis. The drivers do not get paid any extra for doing things like that. Most often the runs are short because the towns are not very large, and country taxis do not get the revenue stream from the long trips

that a taxi makes here in Melbourne, to the airport or out to the suburbs.

I have been talking about public transport, and in some ways the taxi services in country towns are effectively public transport by default. Again I say to the minister and the parliamentary secretary, who has taken an active interest in the taxi industry, that the recent transport strategy and the changes in it for taxi services, according to the feedback from the taxi services in my electorate, just do not deliver enough to enable them to do the things they want to do. The reduction in licence fees is a good thing, but there have been only two chargeable fare increases in the last six years. The cost of fuel has gone up exponentially in that time. No-one begrudges the drivers increased pay, but the drivers get only half of that increase and they are finding it hard to make ends meet. No discussion on public transport would be complete without putting on the record this issue of taxis in our country towns.

The Nationals do not oppose this bill, and again I thank the minister for an excellent briefing.

Mr CARLI (Brunswick) — It is with great pleasure that I rise in support of the Transport Legislation (Further Amendment) Bill. It is in part an omnibus bill, making a series of changes to the Transport Act and the Rail Safety Act, but more importantly it has a common theme. It is almost a thematic bill, and the theme is: how do we ensure and protect and improve the situation of disadvantaged and vulnerable groups within our transport system? That is a really important theme and an objective that is stated in the legislation, running through all the changes.

I will start with the first one, which is about the accreditation of commercial passenger vehicle drivers — that is, in the taxi and bus industries. The legislation sets out an objective for them in terms of protecting and looking after the rights of disadvantaged and vulnerable people, particularly children. In that sense it follows the approach modelled in the Working with Children Act 2005, and has been adapted from the scheme which that provided. The act centred on children but this bill applies beyond that to other vulnerable groups. While it is true that to get a bus driver licence or taxidriver licence at the moment you have to be authorised or have a certificate — there is basically a ' fit and proper' test that determines whether you can drive a taxi or a bus in this state — it was felt that this was not sufficient and that an accreditation scheme would be much better because the focus would be not simply on the initial receipt of the licence but right through the accreditation cycle. It also obviously makes it easier where there are suspensions or cancellations as a result of a driver's actions.

The focus is shifting from a process by which a person has to be authorised as being fit and proper to that of an accreditation cycle where they will be reviewed and have to meet certain principle-based objectives centred on the protection of vulnerable members of the public. It would be unfair to say that the public has not been protected in the past, but it is really changing the nature of that protection and focusing much more on principles. That is important.

What does it mean to be an accredited driver? Obviously accredited drivers have to maintain their accreditation and risk having it suspended or cancelled if they transgress the requirements of accreditation. If they are found guilty of a serious offence the provision in clause 14 of the bill allows the director of public transport to respond in a very strong way. If the driver is convicted of the worst offence, a category 1 offence, the director must cancel their accreditation. That is a very strong provision, which is there to protect the vulnerable members of the community.

When someone enters a taxi they are incredibly vulnerable. They depend ultimately on the state and the system of accreditation we are setting up to protect them, because realistically a taxi is the only car a person would enter when the driver or car is unknown to them. People do not just enter strangers' cars at random. They will do it with taxis because they understand that they have a level of protection, and it is important that that protection is legislated.

The member for Swan Hill spoke about London taxis. For a long time London has had a two-tiered taxi system. It has what they call 'the knowledge' — that is, the black cabs with drivers accredited, if you like, by their knowledge of London's streets, but there was a secondary service of vehicles called minicabs, which were basically unregulated. Criminal elements involving drug dealing had entered into the system, and there were numerous assaults by drivers against passengers. The government subsequently regulated that system because there were no protections. Clearly we do not want to get to a situation where people do not feel protected when they enter a taxi, and this is a really important provision.

There is also the provision that applies where there is a refusal to accredit or a cancellation of accreditation so that drivers who are dealt with unfairly can go to the Victorian Civil and Administrative Tribunal. That is particularly true where there is an offence that is, let us say, stale and very old and basically the person is

seemingly being denied some rights. Through this provision there is obviously the right to appeal to VCAT, so they are protected. It is an area which the industry is very supportive of. The industry is very concerned that it maintains standards and that people feel very comfortable when using a taxi service.

The member for Swan Hill mentioned the issue of country taxis. Obviously that has been a big focus of mine. I have worked collaboratively both with the member for Swan Hill and other members of The Nationals. They have very big concerns about the future of our taxi industry in many country towns. We have undertaken some work to lower costs, but work is being done on a program to increase the work and services of taxis, and particularly looking at taxis in terms of community transport. Things are happening, but unfortunately they do not all happen in the short term. Obviously there have been some major shifts in government policy to ensure that some costs are lowered.

I wanted to touch on the issue of public transport education programs in clause 18 of the bill. This gives people an alternative to going before the courts if they are charged with an offence under the act. It provides that instead of being charged, fined or having a sentence imposed, these people can attend an education program. It is designed particularly for people who are genuinely vulnerable and do not understand the system well, such as people with limited English, people with impaired mental function and homeless people. I participated in a conference organised by the Office of Youth Affairs in Victoria. Basically it was about dealing with vulnerable people, particularly young refugees who did not know how to use the system. These people were found and fined and in a certain sense became adversarial to the system.

One of the problems was that they did not know how to use the system. They mucked up and then became adversarial to it. They stopped paying their fares and increased the numbers of fines they were getting, so that by the time they got to the courts they had very large fines. As it stands at the moment, the system was not able deal with these people. This provision is about ensuring that these people are familiar with the system and are aware of the importance of paying fares in terms of the sustainability of our public transport.

The sorts of matters that would be part of the education program would be: how the ticketing system works; how public transport is a community asset; how the majority of people pay full fares and would be aggrieved by other people not paying; the importance the revenue stream has in terms of maintaining services; the role of authorised officers; and the impact of fare evasion. It is a major program and would be funded by the Department of Infrastructure and supervised through the department.

Another issue was about potential country offenders. At the moment it is envisaged that we are dealing with issues in the city, because that is where the concerns have come up and where these programs will be set up. It has not come to the government's attention that this is an issue in country Victoria. If that were the case we would look at it. At the moment it is envisaged for particular groups. We know that some groups are a problem. As I said, I have had practical contact with a number of their advocates and the individuals concerned. We do not want to scare people away from using public transport, particularly those who are dependent upon public transport. I think this is a terrific way of having an alternative.

Mr COOPER (Mornington) — There are three issues in the Transport Legislation (Further Amendment) Bill that I wish to address in the time available to me. The first is the accreditation scheme for drivers of taxis, school buses and hire cars. As far as the bill is concerned, I note that the accreditation scheme will have a public care objective, which is a worthwhile and worthy thing to have. However, I want to touch on an issue which has worried me for some time — that is, the ability of people without endorsed licences to hire buses that can carry up to, I think, 12 people, so anybody with a normal motor car driver's licence can hire a bus and drive it around with themselves and 11 passengers in it without the need to have any special accreditation.

I know what the response is going to be — that is, that at some stage or another you have to decide what is a motor car and what is a bus. My view is that a bus is something that is bigger than a motor car, and once you have the responsibility for 10 or 11 people in a vehicle, you should have some requirements in regard to special training and accreditation. I speak from the point of view of someone who has driven one of these buses — I have done so on a number of occasions — but I do have an endorsed licence, so I feel that at least I have some basic qualifications to do that, which a lot of people do not.

We see these buses used regularly. I do not want to single them out — although I suppose I am going to — but around football finals time groups of people come down from country Victoria and have a jolly good time, maybe over the Grand Final weekend, then they pile on the bus either on the Saturday afternoon or the Sunday morning and drive back to their homes.

I do not suppose I have to underline the dangers for all drivers on the roads at any time. Sometimes people hire buses and their journeys can involved celebration or commiseration. There certainly can be a heavy emphasis on celebration and maybe overindulgence in alcohol the night before. There are opportunities for something to go wrong when driving a vehicle with which you are unfamiliar and which is bigger than the vehicle you would normally drive. Even though the driver may be completely sober, the passengers may not be and distractions can occur, which can create a situation of accident, and accidents have happened.

Without being able to give any detail, I can recall media articles about overseas visitors driving these vehicles and being involved in significant accidents in which injury and death have occurred — and that is only over the last few years. It is with that in mind that I draw the attention of the government to what I believe is an issue that needs to be addressed. I believe that anyone who hires a vehicle that is in reality a bus and can take more than the normal complement of passengers that would be in a passenger vehicle should have accreditation and qualifications. I also believe that people who do not have accreditation and are not qualified should not be allowed to drive them.

I again draw attention to the fact that the accreditation scheme set out in the bill has a public-care objective, and if a public-care objective is going to be taken to its proper extent, then what I am saying should be taken into account and should not just be brushed off as of no moment. Again, I believe the government should be paying some attention to this, not in the future but right now. You are aware of this, Acting Speaker, because I know that you have been in one of those buses up in north-eastern Victoria and are aware how many people can be carried in them and how careful one has to be when driving them.

I want to move on to another area in the bill: the education program for public transport offenders. I hope, although I expect I will get a negative response, that this education program for public transport offenders will include graffiti offenders. I expect the government will say it will not, but if we are going to face realities, we need to look at what turns people off public transport. One of the major things that turns people away from public transport is the awareness of commuters about the dangers that may be there for them. Filth and graffiti are messages sent out to commuters which basically say to them, ‘Don’t travel on this system, particularly at night’. Graffiti sends out a clear message to commuters that somebody else is in charge of the system rather than the people who are actually operating it because these graffiti artists are allowed to run around unchecked. I know the government has been doing some work on graffiti, but on the public transport system graffiti is a problem. It is a problem on railway stations, rolling stock and properties along railway lines. It is a problem the government needs to address.

When the government talks about public transport offenders, it is absolutely ridiculous not to include people who are caught writing graffiti on public transport rolling stock or property. It is ridiculous to exclude such people from the ability of courts to deal with them. If we are going to talk about education programs for public transport offenders as an alternative course of action for our courts, then they should certainly be included in the bill. We should be sending a very strong message to those people.

I do not want to get a response from the minister when he sums up saying that the government is doing that another way, through the Attorney-General’s department or through the department of the Minister for Police and Emergency Services. This issue confronts transport authorities, and it should be dealt with by them. It should not be handballed off to somebody else. If we are going to have control of the system and ensure that people are attracted to the system, we have to make sure it is attractive and not covered in graffiti. The rolling stock and stations must not be filthy, showing that they are unloved, uncared for and unmanaged. That is what the message of graffiti is. We have to make sure that that message is redressed. If the government is going to be taking alternative courses of action in regard to public transport offenders — and I say good luck to it — then it certainly needs to be dealing with graffiti.

Lastly, in the under 2 minutes I have left, I would like to talk about the accreditation of taxidrivers. I note that the Victorian Taxi Association has raised concerns in relation to taxidrivers who are accredited in other states being able to come to Victoria, get behind the wheel and drive off. The association says they need to have some significant training in public care objectives. That is all very well and fine, but I want to draw the attention of the house to the fact that we still have a plethora of unlicensed drivers of taxis in Melbourne.

I use taxis from time to time, and I am always interested to see the photograph of the driver sitting above the windscreen and compare it with the actual face of the bloke behind the wheel. Quite often there is no connection whatsoever. It is usually brought home when you start finding you are going to your destination by some very interesting, circuitous route. I remember getting in a taxi outside the Windsor Hotel

not all that long ago and asking to be taken to Melbourne Airport. I wondered which particular Melbourne airport this taxidriver was taking me to. I said to him, if you will pardon the language, 'Where the hell do you think you are going?'. He said to the airport, and I replied that he was not going to the airport I wanted to go to. I had to direct him to Melbourne Airport.

I find it extraordinary that there are still people driving around without licences. While we are worrying about taxidrivers who are accredited in other states coming to Victoria, we should be worrying about people who are not accredited and are unlicensed and quite often have absolutely no knowledge of the geographic details of the city and who are driving cabs. The government should be directing its attention to these matters.

Mr PLOWMAN (Benambra) — The Liberal Party supports the provisions in this legislation that protect vulnerable people in our community. Each one of us, as has been stated before, is somewhat vulnerable. Even the member for Mornington, I believe, felt a bit vulnerable when he was in the taxi he was just describing. Any provision that increases the security of people who use public transport, particularly taxis, is a step in the right direction.

There are two or three issues I would like to raise in respect of this legislation that need to be questioned. I would like the minister to give some assurances about the first two I wish to raise. The first one is concerns by private bus companies about the changes to section 9A in the Transport Act. Clause 5 inserts the word 'compulsory' into the heading of the section, so that it will now read 'Compulsory acquisition of land', and it deletes the word 'purchase', which is in line with compulsory acquisition. In the past where a private operator had assets that the state government required for a bus service to be maintained or continued, at the end of the term of the private owner's contract the government had the power to either purchase or compulsorily acquire those assets. Now that opportunity to purchase has disappeared. The government has resort only to compulsory acquisition.

That leads us to what currently occurs in New South Wales. Frankly, I think what happens in New South Wales should not occur in Victoria. In New South Wales if a private bus owner provides a public bus service to the community, at the end of the contract the government has the power to compulsorily acquire the land, the assets and the buses that that private bus operator owns and runs in order to provide them to the person who wins the contract.

If you think about it, this is totally against private enterprise as I see it. Private enterprise is about someone building up a business and taking out a contract in the hope and the expectation that he will have an equal opportunity, given the assets that he has built up and so on, to continue that business. Under the situation that applies in New South Wales, those private bus operators can have their assets compulsorily acquired in order to give the new tenderer a chance to walk straight into that business. Frankly, that is undemocratic and is certainly against the best interests of private enterprise. As the member for Rodney points out, it smacks of the actions of the Soviet state, and none of us would wish that to occur.

If someone wants to put in a tender for a contract to provide a bus service, I think he should do that on his own merits and should not be put in the situation that applies in New South Wales. I am concerned about this, and I want an assurance from the minister that this will not occur in Victoria.

Another concern I have relates to private bus operators and the change of delegation in the act. Under section 9(7) of the principal act:

> The Director may, by instrument, delegate to a person by name or to the holder of an office any power of the Director, other than the power to enter into agreements, leases or licences on behalf of the Crown or this power of delegation.

The amendment takes out the words 'the power to enter into agreements, leases or licences on behalf of the Crown'. That means that any more junior person in the department can have the power to enter into agreements, leases and licences, which again means that the buck does not stop with the director — and it certainly should. If someone's business is at risk and the department decides to use this power in respect of agreements, leases or licences, that should be the director's responsibility. That power of delegation is a real concern, and if such a situation arises, it could lead on to what occurs in New South Wales.

The other issue I wanted to touch on — and undoubtedly it is what all members of this house want to see — is greater patronage of public transport, whether it be in city areas or in country areas. One of the concerns we have in our area is that the Albury–Melbourne rail service will be closed every weekend for the next 12 months. It will mean that people travelling to Melbourne will have to take a bus instead of taking the train, and that will take add up to 1 hour to the trip. Particularly during the winter, these rail services are colloquially known as the football trains, because a lot of country people use them to come down to the football — or the races, for that matter — and come home again. Now they will have to

take the bus from Seymour to Melbourne, and that journey will take an additional 40 to 60 minutes. This is being done to allow electrification upgrades in the outer suburban areas of northern Melbourne to be completed. Nobody is against the electrification upgrades, but should that be done at the price of those country rail users?

Mr Nardella interjected.

Mr PLOWMAN — I do not think the member for Melton was listening to me. I said I actually support the electrification, but not at the cost of services for those country users. These upgrades could be done at night, and they certainly could be done at a time when it does not inconvenience the major users of these country lines. The real problem with this is that once you put people off public transport, it takes a lot to get them back onto it. Therefore I suggest the member for Melton consider the fact that anything that dissuades people from using public transport is a step in the wrong direction and certainly does not lead to its greater use.

The last issue I wanted to touch on is the need to increase the amount of freight going onto country rail — and the one thing that will do that is standardisation. Rail standardisation is a policy that this government took to the last election, and it has done absolutely nothing about a program to implement it.

Mr Nardella interjected.

Mr PLOWMAN — If the member for Melton understood anything about the freight industry in Victoria, he would know that a rail standardisation program is an essential component of getting more freight onto country rail. I think it is deplorable that this government has not met its pre-election promise and in fact has done absolutely nothing to encourage the development of a rail standardisation program in Victoria.

With these few words, and although we support the principles in this bill, I indicate that in relation to some elements we are very strongly opposed to the government's position.

Mr MAUGHAN (Rodney) — I want to make a couple of comments on the Transport Legislation (Further Amendment) Bill. The first relates to the accreditation of drivers of commercial passenger vehicles. A bus operator at Rochester in my area has been trying to get a police check on a potential driver. Initially a response came back saying that this person was of interest to authorities. I spoke to the person and was told by him that he had assured his potential employer that he had never had any contact with the police.

The accreditation request again went in to Victoria Police. The first time around it was lost. The next time around it went in, and because they had to do an interstate check, it has taken an inordinate amount of time to complete. Here is a driver willing and ready to work, and his potential employer is very keen to have him driving a bus, but the police check has in my view taken too long. I understand it came through just in the last week or so. But I query why, when a person has been approved by the New South Wales authorities to drive a bus in New South Wales, we need to go through exactly the same process in Victoria. It is cross-border issues such as this that drive all of us living along the border mad.

I raise that point because the bureaucracy is not performing efficiently. It is impeding people who want to work. In this case it is affecting a person who is fully able to drive a bus and an employer who is desperate to have good drivers and wants to give this person a job — but he cannot do so and has been frustrated by the delays for about three months. That is unacceptable, and I think it is something the government certainly should attend to.

The other comment I want to make is that I am a very strong supporter of rail and public transport. I think governments should do everything they can to encourage people to use public transport, the rail service and the tram service rather than using domestic and private cars. I support policies that encourage passengers to get back onto rail.

Even more do I support policies that encourage getting freight back onto rail, particularly heavy and interstate freight. Again I think the government has been tardy in pursuing the standardisation of the rail gauge. It is a priority of the commonwealth government, which over the years has put a huge amount of money into standardising rail lines. This government has not done very much at all to standardise them. I refer to the Mildura line, on which some work is being done; but the government has wimped on the opportunity to make that a standard gauge line. I think it is important that it be standard gauge.

On the matter of sleepers and the red gum forests, only last week I was talking to a sawmiller who provides sleepers for that particular line. He told me that about one in five of the sleepers going into that line will be red gum; the others will be low-profile concrete sleepers which the government says it has made provision for in standardising the line. I wonder why

the government does not bite the bullet and do the whole lot now. One would think it would cost much less to do it now, while the line is being worked on, in order to get the ultimate benefit of having a standardised rail line on all our major rail routes. We have paid a very heavy price for not having a standardised line throughout Australia. To its credit, the commonwealth government is trying to overcome that problem by standardising routes, particularly the major routes throughout Australia, and I encourage the state government to do that as a matter of urgency. With those few remarks I indicate that The Nationals will not be opposing the bill.

Mr SMITH (Bass) — It is nice to have the opportunity to join in the debate on the Transport Legislation (Further Amendment) Bill and to raise a couple of issues that I am concerned about. In a way it is good that we are doing something about the standard of taxidrivers and their accreditation. Most of us would have heard horror stories about people getting into taxis and not knowing whether the drivers think they are still working in the streets of Bombay and Somalia. Some of them do not really know where they are in Melbourne. When they grab for the *Melway* we have to question how they ever got a licence to operate a taxi and why they have not undertaken some kind of test of their knowledge of the streets of Melbourne.

When my brother was alive he drove drive taxis at one stage. He had a good understanding of the Melbourne area, even though he lived on the Mornington Peninsula. You had to have that knowledge to drive taxis many years ago. He knew areas intimately. He knew where he had to drive, he knew the route from the station to whatever hotel people were going to, and he knew the streets and inner suburbs of Melbourne. That was a good thing, but that knowledge seems to have died out.

I was the chair of the former parliamentary Crime Prevention Committee some years ago when we looked into the operations of taxis and taxidrivers. I went to London as part of a study tour, and while I was there I looked at their system, which was great. If you have ever been to London, you know that you never see taxidrivers there picking up the equivalent of a *Melway*. They know where they are going, and it is all because they have to have what I think they call The Knowledge.

Mr Cooper — It is the *Book of Knowledge*

Mr SMITH — Yes, they have to go and drive the streets of London for a period of time to understand the traffic flows and to know where they have to go. When I returned to Australia I made a recommendation to the committee along those lines, and if I remember rightly, it is in its report. I recommended that we should have our drivers undertake a test of their knowledge of the streets of Melbourne and suburban areas so that they were competent enough to know where they were going without having to pull out a *Melway*.

You have to wonder about the standard of taxidrivers. There are drivers who are utter professionals and who are terrific in the way they drive around Melbourne. They know the road laws, they know the streets and they know all the other things they should know. But some taxidrivers do not even know how to get to the airport. Some of them do not know where half the hotels in Melbourne are. You have to wonder what happens when international travellers arrive at Tullamarine airport and go to a taxi rank thinking that a taxi is probably the best way to get where they are going. They might say, 'I want to go to the Southern Cross Hotel' — although it would be a bit hard to go to the Southern Cross!

Mr Nardella — You are showing your age, Ken!

Mr SMITH — It would test a few of them out if you said, 'Take me to the Southern Cross'. But they might be asked to go to the Hilton Hotel, and some of them would not have a clue where it was — and that is not just restricted to Melbourne.

The fact is that taxidrivers should know where they are supposed to be going and know the easiest and quickest route to get there. If they are going to be accredited, we must make sure not only that there will be checks on their criminal backgrounds but that they have to undertake some proper testing so that they actually know where the dickens where they are supposed to be going in this country of ours.

With respect to the quality of taxidrivers, I had one of the biggest scares of my life when my three sons went out together one night with their girlfriends at the time. We drove them to the function and they got a taxi home. The next morning they told us that their maniac taxidriver had driven them down a gravel country road — and I mean a little, winding road — at 140 kilometres per hour. He could have wiped out my whole family. He was an incompetent, stupid, ratbag driver who just thought it was smart to drive along a gravel road with a carload of kids at 140 clicks! It is wrong that he was able to do that. I followed the matter through, and I hope he still is not in a position where he is driving.

I raise the issue of country taxidrivers, because they are an important group of people. We have heard today about the Kerang taxi company that is about to fold; we know that the Castlemaine one folded; and I am very much aware that the Wonthaggi taxi service, which serves Inverloch, Wonthaggi and other surrounding areas, is battling to survive because of problems with country driving. I raised this issue the other night for the Minister for Transport and issued him an invitation to come down to Wonthaggi to talk to our taxi operator, find out how difficult it is for him to raise his family, operate a business and make a dollar out of it. You go into business to make a dollar, but this taxi operator is finding it difficult firstly to find drivers because they cannot make a dollar out of driving taxis. There is a need for us to look at doing something about subsidising some of these taxidrivers and taxi companies to allow them to provide a public transport system.

If you go down to Wonthaggi or Inverloch, there is not a public transport system. You cannot just go outside your door and walk for 5 minutes and get either a tram or a train or a bus like the people in Melbourne do. There is nothing down there. We have the taxi service. If people want to move from point A to point B, they have to go by cab, and it is not cheap. It tends to restrict people to their own homes. It is important that the minister take up my invitation.

It is great that the minister is here at the table. I can personally issue the invitation to him: Minister, come down, talk to my taxi operators, see the difficulties that they have, and judge them fair dinkum, because they are fair dinkum people. I previously invited the minister to come down and have a bit of a look at problems we have with our bus services. I got a letter back from his chief of staff suggesting, 'Hey, what are you complaining about, Smith? You have three bus services a day that run from Inverloch and Cowes' — three bus services a day; not three an hour, a day! — 'to be able to run up to Melbourne. You have a public transport system. What are you complaining about?'. My people pay the same taxes into the pool that subsidises bus, train and tram services that people in Melbourne pay, but they do not have the benefit of any of those things. This minister could not even reply himself; he got his chief of staff to reply to me. I felt that was a pretty weak effort on the part of the minister.

I turn now to the education classes for public transport offenders. Where are they going to be and when are they going to be held? I will not have any offenders down my way; we do not have any public transport for them to offend against. Where are we going to hold them? Where are they going to be? We do not really know. We do not know what they are going to be able to do — although the other night I saw on television a couple of the government's public transport enforcement officers giving a young man a bit of a lecture as they held him down with his head on the ground and gave him a really hard time because he did not buy a ticket on the tram. Public transport users should buy tickets and they should be prosecuted to the limits of the law, but they do not deserve to have the crap beaten out of them by enforcement officers. It was wrong that that happened.

Mr Batchelor interjected.

Mr SMITH — You heard me the first time, Minister. Beating the crap out of them, and that is not the way it should be. This is an important thing. We are looking to get accreditation for taxidrivers, school bus drivers and hire car drivers. People can come from interstate and can get accreditation straight away because they may have driven a cab interstate. We do not know whether they are rapists or murderers or sex offenders of the worst possible kind, and they could be sitting behind the wheel of a taxi that you or I or any of the staff here could be in. I saw that shiver, but the minister does not have to worry about that any more, he has the ultimate taxi service. It is called Big White Car, so the minister does not have to worry about taxis any more. But some of us here do, and it would be nice if we could have some trust in the people who drive our taxi and bus services in Victoria. We wish the bill a speedy passage.

Mr THOMPSON (Sandringham) — In commenting on the Transport Legislation (Further Amendment) Bill I would like to make a number of general comments in relation to the purposes of the legislation. Firstly, it is to introduce an accreditation scheme for drivers of taxis, school buses and hire cars. The accreditation scheme will have a public care objective surrounding comfort, amenity and convenience, especially where children and vulnerable persons are involved.

Secondly, persons with serious criminal backgrounds will be subject to automatic refusal or cancellation of accreditation. The bill provides for access to the Victorian Civil and Administrative Tribunal so as to ensure procedural fairness for a driver whose accreditation is refused or cancelled. Thirdly, it introduces a public transport education program which will provide the courts with a means of dealing with public transport offenders whose health and social circumstances cause them difficulty in understanding their obligations as public transport users. It may be that this new education scheme can run in concert with the

education program for judges! They might be able to set up a new education facility in the central business district or down at Flinders Street station.

In commenting further on the bill I mention the unreliability of the Sandringham and Frankston lines, which have had record levels of unreliability in service delivery demonstrated by cancellations. At a time when in environmental terms we need to save on greenhouse gas emissions and build increased public transport patronage it is regrettable that there has been a serious deterioration in service reliability.

Next I draw attention to an article that appeared in the *Herald Sun* on Saturday, 3 June, headed 'Connex strains to catch'. It includes a picture showing people who have moved with the horizontal alacrity of Wayne Harmes in a famous grand final incident or with the prowess of the Flying Doormat, Bruce Doull, and have collared some fellow — a chap by the name of Daniel Fourikis — on the station platform. The article states:

> Four plainclothes Connex officers wrestled the male passenger, Daniel Fourikis, to the ground near Mentone station yesterday.
>
> The 20-year-old student claimed later he was being roughly treated.

I am happy to table this excerpt for the benefit of the minister.

I am not sure whether the former promoters of World Championship Wrestling at Festival Hall are part of the wider education program, but these particular officers, as evidenced by the picture here, look like they have the skill of Killer Kowalski and Mario Milano — —

An honourable member interjected.

Mr THOMPSON — The Minister for Transport, who is at the table, is a good Tex McKenzie look-alike!

But it is unacceptable, and the striking thing about this image and this story is that if it had happened seven years ago when the honourable member for Mornington was providing great leadership in this sphere, the first person who would have commented on it would have been the current Minister for Transport, who would have been down at Mentone railway station doing a doorstop interview about the excessive use of force in the apprehension of a train traveller, presumably for not having a ticket or not having validated his ticket. Another entity out the streets would have been Liberty Victoria. And thirdly, the Public Transport Users Association would have had some comments on this particular matter.

It was suggested by Connex spokesperson Kate De Clercq that:

> … the four staff members had acted properly without using excessive force.

I trust that under the bill the new education program, which will provide the court with a means of dealing with public transport offenders whose health and social circumstances cause them difficulty in understanding and complying with their obligations as public transport users, may have some spin-off for the Connex officers who displayed such agility and prowess in drawing this young man to the ground. As I said earlier, it was like the horizontal flight of Wayne Harmes in that important grand final — and I am sure some people in this chamber could give me the year of his slide and glide to the boundary line.

The opposition has some other concerns about this legislation. People with a mental illness who may incur offences under this system are in a special subset or category, and it is important that appropriate provisions for dealing with them be examined. In a parliamentary committee review of access to law and legal services in regional Victoria and a review of the powers of entry, search and seizure, there were concerns about the incidence of people with a mental illness becoming involved in the criminal justice system when there may be more effective means of dealing with them. It is important that rather than people who may have other issues they need to address first and foremost being incarcerated for multiple offences, there are constructive outcomes available under another program. I trust that the aspirations of the bill are fulfilled in this regard.

I might also point out that there are no details as to who will provide the education programs or where they will be held. People in country areas may have to travel to regional centres to attend them. I hope they do not fall into any difficulties on the way to attending those programs if they are required at travel by public transport. If you live in Mildura and have to travel to Melbourne by train, I am certain that you will not be able to travel by the *Vinelander*. Anyone who had made an advance booking to travel from Mildura to attend one of these courses may be disappointed and may have to catch a bus.

I would like to make a few general comments on taxidrivers in Melbourne. The majority of taxidrivers I have met take great pride in their work. For international travellers they are a first access point to an understanding of the city of Melbourne. Through the work of the then Premier, Jeff Kennett, and the Honourable Geoff Craige, a former Minister for Roads

and Ports, great emphasis was placed on the role of taxidrivers and the maintenance of very high driver standards. A taxidriver I knew 20 years ago called himself an 'information service on wheels'. He played a wide and active role in fulfilling his responsibilities.

I knew another taxidriver, Michael Maguire, who won a number of taxi awards. He also took enormous pride in his work. The only problem was that he ran into some difficulties with the directorate because it required him to wear a blue shirt in his duties but he personally starched and pressed a white shirt, similar to the one the minister is wearing today. It was a point of difficulty with the taxi company, where instead some sensible discretion might have allowed him to continue to provide a service to his customers.

I have a number of concerns in relation to hire cars. I do not believe the government is enforcing the hire-car regulations at Tullamarine airport. The first group anyone who is travelling to Melbourne from overseas or interstate needs to work their way through is the people touting for business to take travellers into the city. I trust that when they take a hire car they do not run into the problems alluded to earlier by the member for Mornington involving people travelling to the airport.

The taxi industry has been a great gateway to employment for people from multicultural backgrounds who have recently arrived in this country. It certainly helps them find their way around Melbourne and to establish an accessible form of engagement in the Victorian work force.

A number of years ago Rajmohan Ghandi was the guest speaker at an important environmental conference in Melbourne. In travelling from his accommodation to the World Congress Centre, where he was speaking, he commented on the remarkable diversity of background of Victorian taxidrivers, including drivers from Italy, Greece, the Horn of Africa and India itself. My observation is that there are a number of students from India who are doing IT courses at RMIT and Swinburne who have taken the opportunity of working part time in the taxi industry. This reflects the marvellous cosmopolitan background of drivers in Victoria.

In conclusion I will summarise by saying that it is important that the education programs be appropriately delivered. Compared to what would have taken place a number of years ago, there has been a level of inaction on the part of a number of stakeholders in responding to the excessive violence used by Connex inspectors. My final remark is that if we are to have an efficient public transport system, reliability needs to be improved, certainly on the Sandringham and Frankston lines.

Dr SYKES (Benalla) — I rise to contribute to the Transport Legislation (Further Amendment) Bill. As other speakers have outlined, it has three key components. The first is a scheme for the accreditation of drivers, the second is about strengthening the existing scheme for the accreditation of public transport companies and associations, and the third is about providing options for education of public transport offenders.

As other speakers have mentioned, public transport options are often very limited in country Victoria. Trains and buses are certainly limited but we rely very heavily on our taxi services in country Victoria. The vast majority of taxidrivers — owner-operators and employed staff — would easily meet the criteria in this bill. They are genuine country people who are courteous and care about their passengers and the communities they are working in. They provide an outstanding service. My experiences in relation to taxi services in Melbourne are limited but varied in terms of the quality of the service delivered. This bill does not necessarily cover this but there are issues in relation to the ability of people to speak the English language, and local knowledge can be quite frightening. I remember on more than one occasion heading off to a location and needing to get the *Melway* out to provide guidance to the taxidriver to get to the location. I should say that the global positioning systems do take some of the challenge out of that.

When travelling in Melbourne cabs quite frankly I do not have a clue whether the driver has a criminal record or is likely to be a threat to my safety. Therefore the aspects of the bill looking to address that by providing accreditation should be welcomed. Every member of the public has the right to expect safe travel. To go to the absolute other end of the spectrum, at one stage in an earlier career I was working in Papua New Guinea and there was a problem there with public safety on the bus system.

The situation in Port Moresby when the rascals were ruling was that — and this was reported in the public papers there — women were being raped on public transport buses by public transport staff. That was an absolutely horrible situation which we hope never happens here. What was even more concerning was that the solution to the problem of people being raped by public transport staff was the advice that women should not travel on public transport after dark. Thank God we do not have that situation in Australia. This bill will

ensure that people in general have greater confidence in their safety on public transport.

I will just touch on country taxis because, as I said, they are the public transport in country Victoria. We welcome the initiatives announced recently by the government in relation to providing a $3 million fund to assist country taxi operators to purchase wheelchair-accessible cabs. That will be a great boon to our frail elderly and disabled. I encourage the government to introduce that sooner rather than later.

There have also been credible moves in relation to improving flexibility of hours of operation and decreasing administration costs. There is still more to be done in relation to the provision of public transport via country taxis. I encourage the government to ensure that its announcement of greater incorporation of country taxis into the community transport system is not just words but is actually followed up with very strong encouragement by the government of community transport service providers to ensure that taxis are incorporated. That will save a lot of money and provide a better and safer service. There are still other issues that need to be addressed in relation to dead mileage in country taxi servicing and the fare rates.

Turning now to the train services, no doubt other speakers have mentioned a number of issues of concern in relation to the provision of safe and efficient rail travel. There are concerns on the main Melbourne–Sydney railway line in relation to track maintenance. I have photos of sections where the spikes can easily be removed from four out of five railway sleepers. That is totally unsatisfactory. In addition, there is railway reserve management which has an environmental component in relation to weeds and pest animal control. It is to the credit of the government that it recently successfully prosecuted one railway reserve manager for failing to manage its weeds and reserves properly. That approach needs to be further applied throughout the state of Victoria.

I know the Minister for Transport has an interest in the safety of rail crossings. That is important for the safety of people crossing those crossings and the passengers on the trains. I acknowledge the minister's personal interest and help in achieving safer railway crossings at Avenel. His intervention saw great progress there, albeit after a two-year lead time prior to his intervention. However, there are many more railway crossings in northern Victoria and throughout country Victoria which need a lot of attention.

The other issue of concern in relation to railway stock and safe travel and the commitments and responsibilities of the operators to provide safe and efficient railway travel is the rolling stock needs one hell of an investment. The government must continue to press operators to ensure that rolling stock available to country Victorians is of a satisfactory standard and they can travel not necessarily first class but not cattle class like they now do sometimes.

In relation to the offenders education component of the bill, we will wait and see how that works out. I should say we had one experience with a lady from Bright who came to Melbourne. Not being familiar with public transport, she got onto the Internet and researched the service availability and worked out her connections and what she needed to do. She was in town for three days and on the first couple of days she managed to buy her fare at the station before getting on the train and there were no problems. However, on the last day she was running a little bit late — I think the train might have been running a little bit late — and she did not buy her fare before getting on the train.

She was caught by the ticket inspectors and they subjected her to a fairly strong barrage of pay-up-or-else-type letters while she protested her innocence and said she had done everything humanly possible to meet her fare-paying commitments and it was her intention to pay the fare at the other end. She had evidence that she had paid her fares on the previous days. I am not sure how it happened but I raised the issue with some key people and shortly after her case was listened to and she was let off. Interestingly, and true to form for a country person, she did not want to be just let off and not pay the fare. Once she was let off the penalty she sent her outstanding fare to the public transport operators. There is an example of a person doing the right thing.

I wish the government luck in educating a lot of the offenders who I think deliberately rort the system. Those who are deliberately rorting the system need to be brought into line because they are bludgers on the system. They are disadvantaging the honest people who do the right thing. With those few remarks, The Nationals have no opposition to this bill.

Mr DELAHUNTY (Lowan) — I will make a few brief comments in relation to the Transport Legislation (Further Amendment) Bill. My colleague the member for Murray Valley says never say 'a few brief comments', but I will be brief because I only have 10 minutes.

I want to cover a couple of points in relation to this very important bill. As we know it has three key components: a new scheme for the accreditation of

drivers; strengthening the existing system for the accreditation of public transport companies and associations; and providing the courts with an alternative measure for dealing with certain public transport offenders. Because of time I will not go through all of the components.

I want to talk about some of the country taxi issues that affect my area. As we know, the Lowan electorate is the largest in the state, and public transport is limited. The taxi service operators provide a very important resource for our country communities. They are all licensed. In Horsham we have Andrew Kuhne. He owns the service there and provides an excellent service right across Horsham and surrounds. His difficulty was the replacement of wheelchair-accessible taxis. I am pleased to see the government has responded to that, after pressure from The Nationals which was particularly led by my colleague the member for Benalla. It is good to see that there will be some assistance to help those country taxi services fund those very important wheelchair-accessible taxis.

The other group of taxi operators I have in my electorate is in Hamilton where there are four directors who run individual taxis. The directors are Wayne Uebergang, Renee Ackerley, Jason Lester and Jan Uebergang. They are very concerned about the way the Victorian Taxi Directorate has operated. They wrote to me in January this year, raising two matters of concern. The first is the New Year's Eve surcharge on taxi fares. They received a letter from the Victorian Taxi Directorate on 21 December advising that they would receive stickers for the cars prior to New Year's Eve. These stickers had to be displayed on the cars to enable the drivers to collect $5.50 extra on New Year's Eve. Unfortunately they did not receive the stickers via post until 3 January, three days after the event. That is really good! If we are going to provide these services, we need to work with the industry to make sure it happens.

It might be important to point out to the Victorian Taxi Directorate that Victoria is bigger than Melbourne, and if it is going to get information out to country taxi operators, it needs to organise it a little bit better than last year.

Mr Smith interjected.

Mr DELAHUNTY — As the member for Bass said, before they go broke, and we have seen some of those organisations go broke because the government did not respond quickly enough to the concerns being raised. The fact that fuel prices and other charges have gone up is often raised, but there has been no change over many years to some of the charges that taxi operators can apply. I do not have the details in front of me. Taxis, whether they be in Horsham or Hamilton, provide an important service. Importantly the Victorian Taxi Directorate and the government need to assist and work with them in the appropriate way.

The other issue that Hamilton taxis spoke to me about was the time the Victorian Taxi Directorate enforcement officers came to Hamilton. Without arranging a mutually convenient time, the enforcement officers pulled up, opened a taxi and wanted to check the back seat and tyres, which they had no problem with, except that there was a passenger trying to get into the taxi at the time. It is important they are able to work with the taxi directorate to make sure there is a convenient time so they do not lose passengers and are able to survive in a very difficult environment. They were very unhappy about the tactics employed by the Victorian Taxi Directorate's enforcement officers, which from their point of view left a lot to be desired. We need to take account of those issues.

The other issues I want to talk about relate to buses, particularly the enforcement and accreditation of drivers and also the existing accreditation of public transport companies. As we know, the government provides public transport services across rural and regional Victoria, and in my area it is always done by V/Line. I plan to use the train to get home to Ararat. It is a good service. In fact on Tuesday morning I travelled down by the train, which left Ballarat at 6.00 a.m. It was a good, quick and comfortable service, but, unfortunately, it does not go past Ballarat.

Mr Walsh — Was it fast?

Mr DELAHUNTY — It was fast, but I do not think it was worth the $980 million that is being taken from right across Victoria for it to be 3 minutes faster.

Mr McIntosh — A bargain!

Mr DELAHUNTY — A bargain, as the member for Kew says! The concern that has been raised with me by my constituents is that the government brags about its doing much work in relation to public transport, but even the kilometre table in the annual report shows that back in 1999–2000, which is at the end of the coalition government, there were 15.7 million kilometres of country interstate rail lines, which dropped in 2005–06 to 11.3 million. This government says it does a lot for country rail, but in fact the rail lines in our country areas have dropped by 4.4 million kilometres.

In relation to bus services, there were 11.9 million kilometres at one stage, but they have now increased to 18 million kilometres. Going back to the member for

Melton's yelling across the chamber about the closing of rail lines, I do not believe any rail lines were closed; the services were changed, and they were changed for the good. I have bus services now that go from Horsham across to Bendigo. They were never there before, but they provide an excellent service for people to get to university and the like.

Of interest, and what really concerns most people, is the number of passengers carried. Back in 1999–2000 there were 8.4 million passengers in country areas. That figure dropped in 2005–06 to 6.8 million passengers. There needs to be more action taken in relation to that. It could be related to the tourist numbers, it could be related to the timetables, but I think it is also related to the fares. If the government takes on The Nationals' position and reduces those fares, we would get more people using public transport and more people going out to those great areas of rural and regional Victoria.

School buses are also referred to. I want to highlight the fact that in my electorate there is a need for vocational education and training (VET) buses to provide the opportunity for students to come to Longerenong Agricultural College at Horsham to do VET and Victorian certificate of applied learning courses. They are also necessary around Ararat, particularly Lake Bolac, and for students around Hamilton and Casterton to travel down to the Warrnambool TAFE for their courses. The government needs to do something to address those matters.

I would like to finish off by saying that rail standardisation is very important for the transport of heavy freight. It is disappointing that the government promised $93 million back in the 2001 budget — —

Mr Walsh interjected.

Mr DELAHUNTY — I am informed by the member for Swan Hill that there was $96 million in the 2001 budget. Not one nail nor one sleeper has been laid for standardisation, particularly on the line up to Mildura. But the line I am concerned about is the line from Ararat down to Portland. It services the great port of Portland, which is a deep sea port. Many of my people are saying we should not be worrying about deepening the channel, but they are asking why we do not move some of that heavy freight around to the port of Portland.

Mr Nardella — It gets to the port, but they cannot shift it. That is really good; that is smart!

Mr DELAHUNTY — It is smart. It would be very logical, but to be able to do that we must make sure that we keep the line open between Ararat and Portland, and that is the responsibility of this government. If we are going to keep the port of Portland open, we could give the port the opportunity to move a lot of that heavy freight.

As I said, rail standardisation is a very important issue, particularly up in the north-west. The Wimmera container line and others use that service. We also know that Dooen is being looked at as the site for an intermodal hub. It will be used to link in a lot of things that happen at the Horsham railway station, which is becoming difficult to get into because of the large trucks, B-doubles and the like. With those few words, on behalf of The Nationals I say we will not be opposing this legislation.

Mr BATCHELOR (Minister for Transport) — I thank those members who have contributed to the debate on the Transport Legislation (Further Amendment) Bill, particularly the members for Polwarth, Swan Hill, Brunswick, Mornington, Benambra, Rodney, Bass, Sandringham, Benalla and Lowan. It once again demonstrates the widespread interest in transport issues on both sides of the chamber, even in legislation which is supported.

I thank members for their constructive contributions. I also thank the member for Swan Hill for his generous words in relation to my staff. He was supported by the member for Polwarth. If there are transport bills coming through we try to make sure the opposition is briefed to the extent it needs to be. If there are additional issues there is the ability to chase them up. It is a policy that is welcomed and used by the opposition spokesman and The Nationals spokesman and leads to a constructive debate, and today is a good example of that.

I want to summarise the purpose of the bill, and I will then go to the issues that have been raised, particularly by the lead speakers. The bill provides a number of things, particularly a new and tougher legislative scheme for the accreditation of commercial passenger vehicles and private buses, with the particular focus during the debate today on taxi accreditation and the role taxidrivers have to play in providing public transport services. There have been mixed reviews of what our current taxidrivers do in delivering those services.

Another element of the bill is to strengthen the legislative scheme for the accreditation of public transport companies that employ or engage their own authorised officers to exercise law enforcement powers on public transport. We need to make sure that fare evasion is curtailed and reduced. That is beginning to happen under a broad suite of initiatives the

government has put in place, and this is another element of it. We are determined to reduce the amount of fare evasion with this continuous program of improvement, and this is one element of it.

The bill also provides a new sentencing option for the courts with a public transport education program being made available to offenders who experience difficulties in understanding and complying with their obligations as public transport users. This is a new initiative that is being developed as we speak. It is really designed to try to encourage those people who use public transport and who have some special difficulties in understanding their obligations, which leads to their continually reoffending, but with a low level of culpability, to change their behaviour so they understand the system and do not offend.

In this bill we are also giving administrative responsibility for public transport more directly to the office of the director of public transport rather than the secretary of the department. There are other administrative technical changes incorporated in the bill. As the member for Polwarth pointed out, there are some issues relating to changes to rail safety. He raised a number of specific issues with me relating to the changes proposed to the new rail safety regime.

I will address specifically some issues that the member raised in relation to clause 41, which inserts new section 28A into the Rail Safety Act. We are seeking to make sure that access is provided to our investigators to the safety management systems of rail operators. The provision in the principal act indicates that the safety director does not have the power to look at the safety management systems and the amendment in the bill gives that power to them.

Mr Mulder interjected.

Mr BATCHELOR — What the member for Polwarth has not quite grasped is that there is existing legislation to cover railway investigations that has a suite of powers. We are proposing to move to a new system and the amendment in this bill will make sure, once the new regime has been put in place, that it has all the tools, powers and enforcement. At the moment the new rail safety legislation has not come into effect. It is planned to come into effect at the end of July, and the amendment in this bill, which is inserted by clause 41, goes to the issue of making sure that once the new legislation is in force it will have the powers to look at safety management systems. All the amendment is doing is making it clear that the safety management systems are available to be inspected by the new safety regulator.

We are not aware of any other power issues in relation to other matters. Some incidents which have occurred recently will be investigated using the pre-existing powers. They have not been replaced at the moment and will continue to be in force and available to those investigations. In making the transition from one regime to the new one we will not do anything that will diminish or undermine those investigations that are under way.

The second matter raised by the member for Polwarth related to clause 43, which inserts new section 62A into the Rail Safety Act. The member said that the provision may be out of line with the new national rail safety legislation. As I have explained to the house in the past, Victoria is leading the way with national rail safety reform. In fact, we are using our position in Victoria to make sure the rest of the country comes into line with essentially the Victorian legislation.

At a recent meeting of transport ministers from around Australia, including the federal minister, an agreed decision was made to adopt new model legislation that is largely based on the Victorian model. It looks like we will have our new rail safety legislation in place and operational 12 months earlier than the deadline set by the Council of Australian Governments process. New section 62A is virtually a direct take from the national rail safety legislation. It envisages consultation and dialogue on accreditation matters with interstate regulators. It is an element that has come out of the national process which had not yet been finalised when we passed our bill. It was signalled and foreshadowed around the time we were dealing with our bill, but the elements contained in new section 62A about interstate consultation have only been raised at a national level since the passage of our bill.

I gave a commitment with the passing of the Victorian legislation that, as much as possible, we would try to maintain national uniformity with other jurisdictions coming in behind us, which might require some changes. In the broad sense we do not think that will be necessary, but this clause in particular deals with an issue that has subsequently been agreed to at a national level but was not available for us to consider when we dealt with our bill.

The other issue that was raised by the member for Polwarth is the public education programs. This is really an innovative proposal. It has been initiated by this government to deal, in a more creative, responsible and compassionate way, with disadvantaged members of the community who, on the basis of low culpability, get themselves into trouble with fare evasion penalties. We are trying to identify those circumstances and the

people who fit into that category who might be better helped as individuals to understand their obligations through an education program rather than by developing a mass of fines.

The member for Polwarth raised with me a whole range of issues — for example, where will the classes be held, who will be doing them and what will be the substance of them. They are being developed at the moment. This proposal is to establish the heads of power and to give authority for these programs to be developed. They will be developed, and I am happy to have the department advise the member for Polwarth on matters as they develop. They have not been undertaken at this stage, but that will occur.

Just on the same point, the member for Mornington said it would be better for these people to be sent to clean off graffiti, as I understand it. That is not the purpose of this program. That is already happening under community-based orders and a separate stream dealing with offenders. In fact the Minister for Police and Emergency Services, through his department, is doing a fantastic job. The number of people undertaking this activity has more than doubled over the last 12 months. The minister has ensured that the activity of cleaning off graffiti by the people who vandalise the system is undertaken. More funds are being made available for it in the current budget, but you could not describe graffiti vandals and their actions as low culpability issues. The government is talking about the low culpability issues of people who may not have the mental capabilities and faculties to understand how the fare system works and who try to avoid it.

The member for Swan Hill said a better solution might be to make transport free in the metropolitan area. We have already done that for country visitors. When they buy a V/Line ticket now, they can travel around the city in their destination zones with their V/Line ticket. If they are coming from Swan Hill, they can travel in zone 1 around the city. It even works so that if you are travelling from the Latrobe Valley and if you get off at Dandenong or something, you can travel — —

Mr Mulder interjected.

Mr BATCHELOR — You can get public transport from the Latrobe Valley at the moment. The member knows that. You could get off at Dandenong and use it in zone 3. It is a fairly flexible system, but it is absolutely designed for country people. In effect it is giving them free public transport, subject to some business rules, within their area of destination. For most of them, that is within the central business district.

I again thank those members who made constructive contributions to this debate. There were some very specific issues mentioned, and I have tried to — —

Mr Smith interjected.

Mr BATCHELOR — I said 'constructive contributions'. I commend the bill to the house.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 13 agreed to.

Clause 14

Mr BATCHELOR (Minister for Transport) — I move:

> Clause 14, page 13, lines 25 to 33, omit all words and expressions on these lines and insert —
>
> "(4) Despite anything to the contrary in this section, it is not necessary for a driver of a commercial passenger vehicle to hold a driver accreditation if —
>
> (a) he or she is driving a vehicle that is permitted by the laws of another State or Territory to operate as the equivalent of a commercial passenger vehicle; and
>
> (b) he or she is driving the vehicle in Victoria in any of the circumstances set out in section 139(1B).".

I would like to acknowledge a comment made by the member for Polwarth at the beginning of this debate: that this amendment arises from an issue that he raised with our staff. It is an issue that has been raised by the taxi industry. It seeks to address two matters. It seeks to allow a taxidriver in border regions who has got a fare to come from Albury to Wodonga to continue that journey, and vice versa of course, and it also seeks to eliminate the circumstances that the member for Polwarth described.

We have very strict accreditation rules, and we want to make sure that they are the rules that govern drivers who operate in Victoria. A person who wants to work as a taxidriver has to get accreditation under the Victorian system. It is not designed as a system based on mutual recognition of standards that we do not control. I thank the member for raising this. It strengthens the bill. It puts into effect the desires and intentions of the bill. It overcomes a technical deficiency, and we appreciate the contribution.

Mr MULDER (Polwarth) — In relation to the amendment, the Liberal Party did raise this matter with the minister and with his staff, and we appreciate the fact that the amendment has been brought forward. There was some discussion about its being addressed in legislation in the future. However, the Liberal Party felt very strongly about the fact that we faced the potential to have two levels of accreditation for drivers operating in Victoria, so that somebody who wanted to could circumvent the stricter accreditation rules in Victoria.

The bill seeks to take people who have a serious criminal record out of the industry of carrying people on buses and in taxis, and it needs to ensure that those people cannot circumvent our accreditation processes by going interstate, getting accreditation interstate and then come back here and find themselves able to drive a commercial passenger vehicle in a state that has two laws — one for drivers who have their accreditation established in Victoria and one for those who have their accreditation established interstate.

I am not sure what discussions the minister has had with his interstate colleagues as to whether or not they intend to follow the example of Victoria in getting people with seriously criminal backgrounds out of the public transport industry, but certainly, if that is the intent and those discussions are taking place, the Liberal Party would be supportive of that.

Amendment agreed to; amended clause agreed to; clauses 15 to 40 agreed to.

Clause 41

Mr MULDER (Polwarth) — The minister in his summing up referred briefly to clause 41, which says:

> The Safety Director may request, in writing, a rail operator to provide the Safety Director, or a transport safety officer, access to the railway premises —

and documents and equipment. The minister indicated that those provisions do not have any impact as they stand today in relation to implementation of the legislation and that there are other wide and varied powers for access to documents and rail properties. I ask the minister whether these provisions will have any impact at all on the Trawalla accident, whether the wide and varied powers of others in the department which he referred to cover their ability to look at safety management plans and who are the people conducting the investigation at this point in time.

Mr BATCHELOR (Minister for Transport) — As I indicated in my summation of this bill, the purpose of clause 14 and a couple of other clauses is to amend the newly established rail safety legislation. A pair of amendments went through this and the other chamber not so long ago to set up a new regime with new standards and laws to cover rail safety investigations in Victoria.

As the member for Polwarth knows, and as members of the house would have known at that time, we indicated that it was part of a process of establishing national rail safety laws. This is a process that has been developing for some time at a national level, and it has been given impetus recently by decisions at the Council of Australian Governments. There has been no suggestion from anyone that we should not be doing this. We are simply getting on with it. Our main bills have been passed in this Parliament in full knowledge of what was likely to happen at the national level and, as I can now advise this chamber, that is happening.

However, it was pointed out that the new rail safety investigation process needed to be supplemented with this particular provision. It was intended that powers of search and investigation be contained in the regulations supporting the new rail safety legislation, but we were advised that because of the strength of these powers the community would be better served by their being placed in the head legislation rather than the underpinning regulations. That is the intent of what we seek to do through clause 41 of the Transport Legislation (Further Amendment) Bill.

In essence, we were going to include the safety director's powers to investigate in the regulations. The government has had further thought on that, influenced by what has happened here and also at a national level, so we propose to migrate those powers from within the regulations to the legislation because of their nature so as to give Parliament the opportunity of putting them under direct scrutiny. That is what we are seeking to do.

In relation to rail accidents that occurred prior to the proclamation of the new rail safety legislation, the powers contained in that are of a similar sort. The Department of Infrastructure has powers to investigate a range of areas, including gaining access to rail company documentation and safety plans, and in fact it is in the process of doing that with the Trawalla accident. The Trawalla accident happened when we were moving from one system to another, and as I mentioned earlier, we have no intention of interfering with the Trawalla investigative process just because of the coincidence of new rail safety legislation coming into force.

I will ask the department to double-check that that is the intent. Our previous intent was to proclaim these new

laws at the end of July to make sure they do not interfere with the powers of and the ability to conclude the Trawalla investigation.

Mr MULDER (Polwarth) — Is the minister saying that he does not know that these provisions have had some impact on the investigation that is proceeding with Trawalla? Is the minister saying that he does not know which party is actually conducting the investigation? Or is there a crossover with the newly established office and the existing investigation unit within the Department of Infrastructure?

Mr BATCHELOR (Minister for Transport) — No, that is not what I am saying. I am saying that I have been advised that the new bills will not interfere with the investigation. That is what I have been advised. I did say I would go back and double-check, and I am happy to do that.

Within the Department of Infrastructure there are existing rail safety investigators and structures, and people are in those positions and carrying out the investigation. At the same time we are proposing to set up a new regime, with new structures and officers. There may well be a transmission of staff and personnel, but we are not proposing to allow the forthcoming proclamation of the new rail safety regulations to interfere with the Trawalla investigation, and I have been advised that that will not occur. The member has sought that assurance and raised the matter again, and I have no problem in going back and double-checking it with the department. That is what department staff have advised me, and I will be wanting to make sure that nothing happens to interfere with the Trawalla investigation.

On this side of the house we take rail safety very seriously, and that is why we are introducing the new legislation. It is also why we introduced the principal legislation and had it passed. The plan was to have this proclaimed at the end of the July, and that is why the bill before the house has a clause that lifts the powers of investigation out of the regulations and places them in the head legislation. We believe that this will set up a vastly improved and superior form of investigation than has existed previously.

The form and substance of the rail safety investigations that have been undertaken in the past have served the community. However, and firstly, all forms of institutions can change over time, and that is happening in this instance; and secondly, there has been a longstanding desire for rail safety investigations to have some form of national uniformity. Again, the new pieces of legislation are our attempt to do that. We are leading Australia in this process, and the member will find that over the next 12 months the other jurisdictions will come in behind what we have done.

Clause agreed to; clause 42 agreed to.

Clause 43

Mr MULDER (Polwarth) — Proposed section 62A(2) states:

> The Safety Director must, as soon as possible before deciding whether or not to grant the application —

referring to the accreditation —

> consult with the relevant corresponding Rail Safety Regulator, or Regulators, in relation to the application with a view to the outcome of the application being consistent with the outcome of applications made in the other jurisdiction or jurisdictions.

This becomes a situation of 'You show me yours, and I'll show you mine'. This is a direct result of the minister's launching ahead in setting up his own rail safety regime without following all the guidelines of the National Transport Commission. This particular clause is meant to deal with a situation where there are anomalies between the two regulators and the various jurisdictions. I ask the minister: what is the mechanism for resolving disputes if the two regulators cannot come to an agreement about accreditation?

Mr BATCHELOR (Minister for Transport) — Clause 43 inserts a new section in the Rail Safety Act to deal with coordination between our safety director and the corresponding rail safety directors in other jurisdictions. It was not included in the original Rail Safety Bill because at the time, although it was signalled as an area that needed addressing, agreement had not been reached at the national level. This has now occurred, so we are using the Transport Legislation (Further Amendment) Bill as an opportunity to put into our Rail Safety Act an element that was not available to us before.

When the pair of original rail safety bills were being debated in the house we indicated that there might well be some areas within a short time or further into the future which would necessitate alignment. When you are trying to set up a reasonably nationally uniform scheme, the issue to be determined is whether you go early or go later, and on this one we have decided to lead the pack. We do not mind leading the pack on rail safety.

Other jurisdictions are going to go second, third, fourth, fifth or sixth, and in a sense they will be constrained by what we have already done. We have not done ours in

isolation or in defiance of the national process but in consultation with the National Transport Commission. We have subsequently had meetings with the industry and the small group of stakeholders — the operators, the Australasian Railway Association and the National Transport Commission — and they acknowledge that our bill is essentially the model national bill. We are now working with them to go to the next layer of law making — that is, the regulations that will underpin it. Again, what Victoria does will be used as the model.

This particular provision is really modest. It requires that interstate regulators must consult with a view to maintaining interstate consistency. But at the end of the day it takes two to make an agreement, and individual states are going to stick to their areas. If they believe that an area of jurisdictional responsibility must be maintained, that could be the cause of some breakdown or inconsistency into the future. You have to bear in mind that this is the beginning of a quite lengthy process towards a goal that has never been able to be achieved in the rail industry.

Anomalies often occur in the road industry, but progressively over time and with goodwill and a desire to overcome them, any differences can be overcome. We are trying to do that in the roads area, and we will continue doing it and future governments will continue doing it. We are hoping that there will be less need for that within the rail industry because of the narrower and smaller number of players that industry has compared with the road industry. We are setting out on a course. These are the first steps in a long journey towards national consistency, and this is a mechanism to provide for that consultation. As I said, it is modest and requires them to consult. Let us see what comes out of that consultation process.

Clause agreed to; clauses 44 to 61 agreed to.

Schedules 1 and 2 agreed to.

Bill agreed to with amendment.

Remaining stages

Passed remaining stages.

ACCIDENT COMPENSATION AND OTHER LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 1 June; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — This bill amends a number of acts but principally the Accident Compensation Act. As a consequence of a few matters, it also amends the Transport Accident Act and the Wrongs Act.

The bill provides a revised benefits package to injured workers, and in relation to those two other acts, people who have suffered injuries in accidents. It excludes professional sportspeople other than jockeys from the operation of the Accident Compensation Act. That apparently raises an anomaly in relation to legislative enactments from 1985 to 1997. It also varies the impairment benefits under the Accident Compensation Act, the Transport Accident Act and the Wrongs Act.

The opposition does not oppose this legislation but we are concerned about the economics of the revised benefits package. Everybody is enthusiastic about ensuring that injured workers have appropriate benefits. The weekly benefits paid to injured workers who return to work will be increased from 60 per cent to 75 per cent. That enables and encourages an injured worker to return to work. If there is any differential payment between their weekly salary and the part-time salary, the Transport Accident Commission will top it up. It is a very generous increase. Some employer groups and insurance companies that the opposition has had the benefit of speaking to about this bill expressed some concern about whether it will place tension on the Transport Accident Commission.

I note the TAC is very much in the black. Over the last two years the government has delivered some premium relief — —

Mr Stensholt — Some? Thirty per cent — 10 plus 10 plus 10 per cent.

Mr McINTOSH — Indeed. Three successive reductions — I certainly acknowledge that. One would not want to see it in a position where these increased benefits would place any further premium pressure in the reverse direction. Hopefully it can continue that trend.

The reduction in accident rates and the investment policies of the workers compensation scheme provide profound benefits that enable this to be reduced. However, I compare the accident compensation scheme now with what was inherited by the Kennett government in 1992 when it was $4 billion in the red. The way the TAC has addressed this over successive years is a testimony to both governments.

There are provisions in relation to injured workers, with an attempt to facilitate a return-to-work program.

Weekly benefits will extend beyond 104 weeks to 130 weeks, which is an increase of some six months. The opposition has had a full briefing from the government and the opportunity of speaking to many employer groups about this point. We understand the government's intention, but to some extent we remain incredulous that the increase from 104 weeks to 130 weeks will facilitate a return to work by injured workers and whether there will be a dramatic increase in the numbers who return to work.

The opposition acknowledges that in normal cases the opportunity to return to work and regain either full or partial productivity is a worthwhile part of this process. It supports the idea that any mechanism we can adopt to allow injured workers to return to work should be supported. I just remain a little incredulous about whether the increase will lead to any significant improvement, given that after two years conditions have stabilised, and whether or not further benefits to continue in a return-to-work program should be extended. Alternatively the finalisation of the outcome should kick in at that time.

Sitting suspended 1.00 p.m. until 2.02 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Budget: schools

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Premier's claim — —

Mr Leighton interjected.

The SPEAKER — Order! The member for Preston will not interject in that manner or else I will remove him from the chamber.

Mr BAILLIEU — I refer to the Premier's claim at the Public Accounts and Estimates Committee that future revenue from Snowy Hydro of around $50 million per year will be sufficient to fund Labor's $600 million budget black hole, and I ask: now that the chief executive of Snowy Hydro has flagged a significant reduction in those revenues, does the Premier stand by his commitment to schools, and how will he fund it?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. As has previously been the case, the opposition leader has only provided part of the facts. At the Public Accounts and Estimates Committee I indicated that we would utilise the dividends which were not previously in place because it was to be sold off, plus we would use the unallocated capital which is contained in the budget, and that those combined amounts would be used to fund those schools in the future. And that is the case. All those matters will be committed to and funded as part of our process, and instead of those being over a period of three to four years, it will be four to five years, and it will be from those two sources.

Federation Square: World Cup match

Ms ECKSTEIN (Ferntree Gully) — My question is to the Premier. I refer the Premier to the growing popularity of Federation Square as a venue for community celebrations, and I ask him to detail what extra is being done for the large crowd expected for the Australia v. Brazil World Cup match on Monday morning? Go the Socceroos!

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster should not interject when questions are being asked.

Mr BRACKS (Premier) — I thank the member for Ferntree Gully for her question. Indeed I was at Federation Square this morning with the Lord Mayor of Melbourne, Cr John So — —

Honourable members interjecting.

Mr BRACKS — There was complete silence! Assistant Commissioner Gary Jamieson from Victoria Police was there as well. We were there to announce some support and assistance for the next time the Socceroos play, which of course will be this Monday against Brazil.

What we announced was some support for transport arrangements and for security, which will be on site, which the assistant commissioner also indicated, to make sure people can enjoy themselves and enjoy the benefits of seeing the Socceroos go into the second round after, for the first time ever, kicking a goal and for the first time ever winning a match at the World Cup in their first appearance in 32 years at the World Cup itself.

What I announced with Lord Mayor So and Assistant Commissioner Gary Jamieson was that from 4.00 on Monday morning we will be providing NightRider buses to assist in the transportation of people so they can have support with public transport from Federation Square to about 300 different destinations. The

NightRider bus will utilise other services. I also indicated that some 500 car parking spaces would be available at Federation Square itself and that we would also be alerting the taxi directorate to the requirement to assist people if they want to get a taxi to Federation Square or from Federation Square.

The member for Ferntree Gully asked me about the success of Federation Square. It is a great success: it has become the square and the centre of Melbourne. It is the focal point for community activity, and of course for the World Cup it will become the focal point over the coming weeks as well. There were about 7000 people there to see the Socceroos beat Japan in that historic match. We expect that will build further. That excitement and success will build more people, and whilst people will be watching right around Victoria, we know that Federation Square will continue to be a focal point.

I am very pleased, therefore, that the NightRider bus will be operating from 4.00 a.m. for about 300 different destinations and will be associated with other transport options. We will make sure it is smoother and easier and will support people in enjoying what it is going to be a great event.

Bushfires: fuel reduction

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Environment — sorry to interrupt your reading there, John! I refer to the fact that the budget papers advise that the expected fuel reduction burning outcome for 2005–06 would be 130 000 hectares, whereas fire chief Ewan Waller this week confirmed that only 49 000 hectares was actually burnt.

I refer to the further fact that Mr Waller has indicated that a Department of Sustainability and Environment internal investigation has been launched into the fuel reduction program, and I ask: will the minister agree to release the results of the DSE investigation so that Victorians can see for themselves that the real reason for the consistent failure to achieve burn targets is a lack of resources as opposed to the tired old government excuse that 'the conditions for burning were just not right'?

Mr THWAITES (Minister for Environment) — I thank the Leader of The Nationals for his question. He refers to the fuel reduction burns, of which there have been about 49 000 hectares done this year. He raised with me the issue of what I was reading. I can indicate to the house that what I was in fact reading were figures in relation to fuel reduction burning in 1998, which I think was the last year of the previous government. They indicate that — —

Honourable members interjecting.

Mr THWAITES — They indicate around 25 000 hectares. I am not sorry he interrupted my reading; it was very helpful indeed.

He also raised the issue of resources. Two years ago in the state budget this government committed an extra $168 million to additional resources for fire prevention, and then in this year's budget there is $26 million of further funding. This means we have more staff available not only for fighting fires but for fuel reduction burning. That is why in the last three years we have seen a significant increase in the amount of area that has been subject to fuel reduction burning. However, as all members who know anything about this issue would be aware, fuel reduction burning is limited by the weather and the ability to do it safely.

Honourable members interjecting.

Mr THWAITES — Members on the other side laugh about that. Are they suggesting that we should be doing fuel reduction burning on days when it is not safe? Just to give the house an indication of the weather this year, because this has been a very difficult autumn for fuel reduction burning, there were 30 days during autumn on which it was unsuitable for burning. That can be compared to last year, when there were 16 days that were unsuitable for burning, and 2003–04, when there were 21 days.

I remind the Leader of The Nationals that March was extremely warm and dry and that the average maximum temperature in March was some 2 to 3 degrees warmer than average. The advice our experts received from people like Bruce Esplin, the emergency services commissioner, was that it is inappropriate to burn on days when it is hot and where there is a risk that a fire could spread and cause further damage.

After that March period — —

Mr Ryan interjected.

Mr THWAITES — The Leader of the Opposition, of course, is locked up in Melbourne all the time and never gets out — —

Honourable members interjecting.

Mr THWAITES — The Leader of The Nationals — the city-centric Nationals!

After the March period, April was extremely cold and wet, which once again made fuel reduction burning difficult. However, because we were prepared and had additional staff I can indicate — —

Mr Ryan interjected.

Mr THWAITES — I take this very seriously. On this side of the house — —

Mr Ryan interjected.

The SPEAKER — Order! The Leader of The Nationals has asked his question. I suggest he allow the minister to answer it.

Mr THWAITES — On this side of the house we take this very seriously. Every week I get a personal report from the staff to see how we can maximise fuel reduction burning. As a result of the action that was taken, on 13 April there were 47 burns conducted on that single day because conditions were suitable, and on 27 April there were 52 burns conducted on that single day, and that is believed to be a record number for one day. Every possible opportunity was taken.

The Leader of The Nationals talked about an investigation. What the fire officer, Mr Waller, said is that the department is going to investigate everything it has done to ensure that it can do even better and that it can continue to do the best possible job. I am sure the Leader of The Nationals, when he was on the government benches and half that amount of fuel reduction burning was done, did not have anything like the support and knowledge we have on this side of the house to maximise fuel reduction burning.

Schools: maintenance

Mr HERBERT (Eltham) — My question is to the Minister for Education Services. I refer the minister to the government's commitment to making Victoria a great place to raise a family, and I ask the minister to detail for the house how the government's latest school maintenance announcement is a demonstration of that commitment.

Ms ALLAN (Minister for Education Services) — I thank the member for Eltham for his question, and it is with great pleasure that I announce to the house today that every Victorian government school will be sharing in an additional $16 million for school toilet maintenance and upgrades. Students in our schools repeatedly rate school toilet standards as one of their most important issues. This funding means that schools will be flush with funds that will enable them to undertake general toilet maintenance work. It also means that an additional 140 schools will be funded for major upgrades on their toilets.

It was only last week that I was able to inform the house of the Bracks government's additional $50 million maintenance boost, which is detailed in the 2006 state budget. It is maintenance funding that is being distributed to every Victorian government school. That $50 million, plus the $16 million we are announcing today, plus the $34 million that is provided to schools annually, takes to $100 million the amount of maintenance funding that is being allocated to schools for the 2006 school year. That is $100 million that is going to schools in 2006 for their critical maintenance needs.

Members must remember that this funding allocation is in addition to the capital works funding that is provided to schools. This year's capital works investment in the 2006 state budget is a whopping $379 million. To put that into context, it is the same amount that the previous Liberal-Nationals government allocated to school capital works in its last four budgets. We have been able to do it in one! I know the member for Eltham will be very pleased that Eltham East Primary School is going to receive $130 000 to upgrade its school toilet block. The member for Warrandyte will also welcome the news that schools in his electorate such as the Kalinda Primary School and the Mullum Primary School will benefit from significant toilet upgrades.

This additional funding brings the total maintenance investment by the Bracks government since 1999 to over $400 million. I would like to use this opportunity to explain to the member for Nepean that of this $400 million, over $180 million is additional to the annual $34 million that is provided to schools. That is $180 million in additional funding that has gone into schools since 1999, taking the total to over $400 million. Members will see that this commitment to providing Victorian students with new and upgraded school facilities is just another example of the Bracks government's commitment to making Victoria the best place to live, to work, to raise a family and to go to school, as opposed to the opposition, which refuses to stand up for working families.

Members: information searches

Mr McINTOSH (Kew) — Will the Premier give a guarantee to the house that ministers and their staff are not abusing their power by collating personal information about the families of members of Parliament?

Mr BRACKS (Premier) — I am not sure where this question has come from, but of course that is not a matter which this government does. It is a ridiculous question.

Industrial relations: WorkChoices

Mr SEITZ (Keilor) — I refer the Minister for Industrial Relations to the government's commitment to Victorian working families. Can the minister update the house of the government's efforts to protect Victorian working families from the federal government's extreme industrial relations regime?

Mr HULLS (Minister for Industrial Relations) — I thank the honourable member for his question. Since WorkChoices commenced its relentless march on the rights of working Australians we have seen example after example of how the callous federal government's attitude to working families is eroding working conditions. In the first month of operation the federal government's own employment advocate confirmed that 100 per cent of all Australian workplace agreements exclude at least one protected award condition; 64 per cent exclude leave loading; 63 per cent exclude penalty rates; 52 per cent exclude shiftwork loading; and 16 per cent expressly exclude all protected award conditions. These protected award conditions that have been taken away are the very same ones that the Prime Minister said were protected by law, but his own officers have exposed that for the untruth that it always was.

The question is, what is the Bracks government doing in relation to fending off this attack on working Victorian families? It is a very good question.

The workplace rights advocate is now, I am pleased to say, the first port of call for workers and fair employers. The job of the workplace rights advocate is to highlight when employers are exploiting isolated and vulnerable workers and to put that that on the public record. Already the workplace rights advocate is investigating allegations that 14-year-old kids are being employed as independent contractors.

Honourable members interjecting.

Mr HULLS — That is right. Fourteen-year-olds are now being employed on the same basis as consultants who run their own business. They are being paid 10 per cent of what they make from selling ice-creams, with no guaranteed minimum rate, and the total responsibility to comply with health regulations and occupational health and safety standards rests on the heads of these 14-year-old kids. This is an absolute outrage, yet when the federal Department of Employment and Workplace Relations was told about this, it said it could not see a problem with it.

In contrast, the Bracks government is certainly standing up for Victorian workers, whether they be hardworking mums and dads or their optimistic kids eager to earn the first few bucks that they can call their own. We do not take the view that the Liberal Party has taken that it is worthwhile trading off $90 in penalties for a measly 2 cents per hour for, as the Prime Minister said, the general health of the economy.

The fallout from WorkChoices, I hope everyone in this house agrees, is absolutely appalling, yet I have not heard a squeak of protestation from the ranks of those opposite. I dare them to stand up to their bosses in Canberra and stand up for ordinary working families — —

Mr Cooper — On a point of order, Speaker, the minister has strayed from answering the question to trying to debate the question. I ask you to bring him back to order.

The SPEAKER — Order! I ask the Minister for Industrial Relations to come back to answering the question.

Mr HULLS — I just want to conclude by advising the house that the Bracks government will always stand up for working families. The workplace rights advocate is one very important example of the policies that we are implementing to make Victoria a great place to work, to live and to raise a family.

Timber industry: auctions

Mr INGRAM (Gippsland East) — My question without notice is to the Premier. The state government is currently conducting further reviews into the timber industry, which may affect resource security. This comes on top of the Our Forests Our Future disaster and the new online timber auction system. As the government's timber industry reforms continue to cause significant hardship and uncertainty to licensees, businesses, timber communities and timber workers, will the Premier visit East Gippsland and meet first hand with affected communities, businesses and timber workers to prevent any further disastrous timber reforms?

Mr BRACKS (Premier) — I thank the member for Gippsland East for his question. I disagree with the member's assessment of this government's Our Forests Our Future policy. It was a necessary and essential policy given that we were effectively committing to resources that were not there — that is, timber was

being committed to for long-term contractual arrangements which were not able to be met because the timber was not sufficient. That is why we had to reduce logging by 30 per cent as part of Our Forests Our Future.

We did not just reduce logging by 30 per cent, we assisted the industry with adjustment processes. We assisted the communities involved through key projects that were funded in those communities. We assisted the work force through packages to assist them in moving to other occupations and to assist them because they no longer had those occupations. So we provided assistance on three levels as part of Our Forests, Our Future.

Secondly, we ensured that there was a fair system through an auction for the sustainable supply that we identified on a proper footing for long-term sustainability — that is, long-term contracts. I believe that has been successful. Tenderers have been successful in the tender arrangements, and there is more to go as further tenders are applied.

In relation to any other measures taken in the future, of course we will consult the community. We would consult people in Gippsland and other communities as a precondition of any matters which affect them in the future. In relation to meeting with the community, if I am unable to meet directly at this stage in a timely way I will certainly always reserve the opportunity for the member for Gippsland East to lead a deputation. I know he has done so in the past, and I would welcome that in the future as well.

Financial services: employment

Ms LINDELL (Carrum) — My question is to the Minister for Financial Services. I refer the minister to the government's commitment to making Victoria a great place to work, live and raise a family. I ask the minister to detail for the house any recent good news in the financial services industry and any resulting benefits to the Victorian economy.

Mr HAERMEYER (Minister for Financial Services) — I thank the honourable member for Carrum for her question and for her interest in jobs, Victorians and their families. Just recently the Premier and I opened the new GE Asia-Pacific headquarters in Burnley and the associated GE global Imagination Centre. It is a world-class facility and an investment of about $100 million, which has created 1500 direct new jobs at that centre. It is a magnificent investment in Victoria.

There was great competition amongst Australian jurisdictions for that investment but Victoria won it. We won, firstly, because of our world-class skills and our education system, we won it because of the competitive business environment here in Victoria, and we won it because of the supportive approach that has been taken by this government.

Indeed the financial services industry in Australia is now undergoing significant growth largely because of the growth in our superannuation funds. Australia is now the fourth largest funds management market in the world with some US$670 billion under management. Over the next seven years that will grow to US$1.6 trillion under management.

An honourable member — How many zeros is that?

Mr HAERMEYER — It is a hell of a lot of zeros. Victoria is at the centre of all that activity because it is largely predicated on the industry funds located here in Victoria. Of the top 10 industry funds, 7 are based in Victoria and 65 per cent of that money is managed from Victoria. So Victoria has some great strengths, and I think the GE investment is a great indication of how Victoria is attracting a lot of attention globally.

I must say there were those who said the GE investment was an unwanted development.

An honourable member — Who was that?

Mr HAERMEYER — Who did say that? Whoever said that is obviously against the 1500 jobs that the centre has created. We need to understand that for most Victorians a job is not just occupational therapy. A job puts food on the table and a roof over your head and enables you to send your kids to school. Unfortunately the Leader of the Opposition was the person who said it was an 'unwanted development'. We welcome that development. This government welcomes investment in the financial services sector. Haven't we come a long way? In 1998 someone said:

> Sydney is where most of the financial operations now occur so there is no point in trying to deny the obvious.

That was Jeff Kennett, as reported in the *Age* of 2 October 1998! We have turned the financial services industry in the state around. We now have over 100 000 people employed in financial services in this state, and the number has grown by something like 18 000 since 1999. That is a very significant development, and this government will continue to work to make Victoria a great place to invest in and thereby a great place to live, work and raise a family.

Leader of the Opposition: information searches

Mr McINTOSH (Kew) — My question is to the Attorney-General. Will the Attorney-General confirm that his chief of staff, Julie Ligeti, has been collating personal information on the wife of the Leader of the Opposition and their children?

Mr HULLS (Attorney-General) — Can I answer that question by saying that I have not the slightest idea what the shadow Attorney-General is talking about.

Biotechnology industry: government assistance

Ms GREEN (Yan Yean) — My question is to the Minister for Innovation. I refer the minister to the government's commitment to supporting and fostering innovation in the Victorian economy. I ask the minister to detail for the house how the government's support for the biotech industry is an example of that commitment.

Mr BRUMBY (Minister for Innovation) — I thank the member for Yan Yean for her question. Yesterday morning I was delighted to open the 2006 Australian BioInvestment Expo which highlights the outstanding performance of the biotech industry in Victoria. During the speech I highlighted some of the achievements particularly against the targets we set and what we have done from 2002 through to 2004.

The sector is now valued at around $16.4 billion. That is a 50 per cent increase over that period. We have seen a 30 per cent increase in sales worth $5.9 billion over 2004–05. We have seen a 30 per cent increase in corporate R and D expenditure to $413 million, and we are all on target for $1 billion in biotechnology deals by 2007, with $678 million already signed up since 1 July 2004.

A Victorian company, Cytopia, which is based in Prahran, has recently signed a deal with Novartis which is worth as much as — —

Honourable members interjecting.

The SPEAKER — Order! The member for Polwarth will cease interjecting

Mr BRUMBY — It was worth as much as $287 million last week, which is a great outcome in terms of investment, jobs and health.

Today I am delighted to inform the house of a further positive announcement for Victoria — a $28 million agreement between BASF Plant Science and the Molecular Plant Breeding Cooperative Research Centre, which is based in Victoria. This deal will create 25 high-value jobs in the biotech research area. These jobs have been created because of the government's establishment of the Agribiosciences Centre based in Bundoora. As members know, we partnered with La Trobe University to provide $7.8 million for this building — the Premier and I opened that building earlier this year — with La Trobe funding $12 million. This highlights the international standing of Victoria's biotech sector, our world-class reputation and our excellent infrastructure. Of course, we have put $1.8 billion into innovation.

We are well on track to becoming one of the top five biotechnology locations in the world by 2010. The point is BASF could have gone anywhere in the world, just like the members for Doncaster, Warrandyte and Malvern after November. However, it chose Victoria. The company's chief executive officer, Glenn Tong, told the *Weekly Times*:

> The key thing is that it will be possible to get a number of drought-busting varieties of wheat for Australia …
>
> That will have enormous benefits to the rural community.

We have a food and fibre export industry which is worth $6.8 billion, and our biotech industry wants to see that number increase.

The only recent reference by the Leader of the Opposition to innovation I have found was in a recent speech when he said, 'The life sciences are a noble pursuit' — and he would know a bit about nobility. We are not interested in nobility, but we are interested in growing the state for all Victorians. That means high-value jobs, economic benefits in the regions and a brighter future for all Victorians.

CONDOLENCES

Ian William Little

Mr BRACKS (Premier) — I move:

> That this house expresses its sincere sorrow at the death, on 5 June 2006, of Ian Little and places on record its acknowledgment of the valuable services rendered by Mr Little to the Victorian public sector and the people of Victoria.

It is with great sadness that I rise to express my sincere condolences at the sudden death of an extraordinary Victorian, Ian Little. This morning, alongside other members of Parliament and the Victorian public sector more broadly, I had the privilege of addressing a state tribute service held in honour of Mr Little. I would like to take this opportunity to place on the record the

comments I made at that service at the Melbourne town hall.

Much has been written and said about Ian Little since he passed away at home 10 days ago. Those words tell of a man of enormous substance, an outstanding public sector leader who was highly regarded by politicians on both sides of the house, a thoughtful manager, a highly respected voice in the national economic debate and, in the words of his former colleagues, a great thinker and a great listener. Ian Little was a devoted family man, a loving husband, a father, a son and a brother. He was also a great friend, colleague and mentor to many people across the Victorian public sector and the financial community here in Victoria.

Ian Little held the position of deputy secretary of the Department of Treasury and Finance from 1994, before becoming Secretary of the Department of Treasury and Finance in 1998. He was educated at Monash University, where he graduated with an honours degree in economics in 1977, before completing a master of science (economics) degree at the London School of Economics and Political Science in 1984. Mr Little began his career at the Reserve Bank of Australia, where he held a number of positions before becoming head of forecasting in 1986. He joined the ANZ banking group in Melbourne as a senior economist in 1987, before rising to group chief economist in 1990 and chief manager, retail bank, in 1992. Ian Little made an enormous impact during his time at the Reserve Bank and the ANZ. His contribution to our Department of Treasury and Finance was no less impressive.

I first met Ian Little when I was shadow Treasurer. I was immediately struck by his integrity, his professionalism and his objectivity. When in April 2000 as Premier and Treasurer I delivered our government's first budget, Ian was head of the Department of Treasury and Finance. During the subsequent years when I was chair of the expenditure review committee of cabinet it was Ian Little, sitting to my left, to whom I, together with the committee, often turned for advice, particularly on complex matters. That advice was undoubtedly vital to the sound management of the Victorian economy under both our government and the former government.

One of Ian's great traits was his good judgment of people and his unwavering faith in those people. Indeed, he never missed a chance to put on the record his deep appreciation of what he called the 'day-in, day-out commitment' of the men and women of the Department of Treasury and Finance, without whom, he said, none of the department's achievements would have been possible.

I have talked to a lot of people since Ian Little's death. One thing they have repeatedly referred to is his great wisdom. He was regarded as a gentleman in the finest sense of that term. His efforts to make sure staff were not overworked or burnt out, particularly after budget time, were greatly appreciated. It is this genuine concern for others, together with the dedication he brought to one of the highest positions in the Victorian public sector, that we are honouring today through this condolence motion in this house.

Our government wants to build on the enormous legacy Ian Little has left. That is why at the tribute at the town hall today I indicated that the Victorian government and Monash University will establish an annual Ian Little Lecture. As I mentioned earlier, Ian Little was educated at Monash University. All Victorian government departments and Victoria Police have proposed to me that they contribute to an endowment to Monash University to establish the lecture as a lasting tribute to Ian Little. It is a proposal I wholeheartedly agree with and support. The lecture will be delivered each year at Monash University by a distinguished scholar or leader in public policy or economic management. It will be a fitting tribute to Ian Little's invaluable contribution to economics and public policy in this state and, as we heard today from the head of Treasury in the federal government, across the nation.

In conclusion, I offer my deepest condolences to the family of Ian Little: his wife, Clair; his daughters, Kristina and Natalie, who are here with us today; and his mother, Jean, and sister, Helen, who are also in the gallery today, together with Ian's executive assistant, Greg Lavis. We welcome them to the Parliament and pass on directly our deepest sympathy at the loss they must feel at the death of Ian Little. That loss is felt right across the public sector in Victoria and on all sides of this house.

It is a privilege to have known and worked with Ian Little. His death is a sad loss for all Victorians.

Mr BAILLIEU (Leader of the Opposition) — It is an honour to join the Premier in seconding this condolence motion to pay tribute to the life and special contribution of the late Ian Little. Ian Little was, until his tragic death on 6 June, the Secretary of the Department of Treasury and Finance.

It is usual for motions such as this to be presented to the house to recognise the lives of former ministers, former members of Parliament and former Governors. A condolence motion for non-members is rare. In the past 15 years there have barely been a handful. Only two come to mind — Sir Donald Bradman and the

remarkable Dame Pattie Menzies, both obviously Australian icons. I cannot vouch for whether Ian could bat like the Don, but I know his smile was as wide as Dame Pattie's. To my knowledge there has not been such a motion in the past to mark the life of a senior public servant. This motion today is therefore a very special tribute to a fine Victorian leader. It is a very special tribute to a first-class public servant. Above all it is a very special tribute to Ian Little, the man. It is fitting because of the widespread respect and affection with which he was held in Victorian public life — in the Parliament, in the public service and in the community.

Ian Little was only 50 years old, younger than many of us in this chamber, perhaps most of us. It seems so unfair — but he achieved so very much.

Ian Little received an economics degree at Monash University in 1977 and a master of science (economics) degree from the London School of Economics and Political Science in 1983–84. He began his career at the Reserve Bank of Australia in Sydney in 1979 and spent seven years there before joining the ANZ in 1987, where he was promoted to group chief economist in 1990 and chief manager, retail bank, in 1992. If memory serves me correctly, it was about that time that I first met Ian.

As members will know, he was appointed deputy secretary of the Department of Treasury and Finance in 1994 and appointed head of Treasury in 1998 under the previous government. It is common ground in this house that he did a great job. Indeed as former Treasurer Alan Stockdale said today, he did it as well as it can be done. After joining this house I met Ian many times. He was always welcoming, engaging, unpretentious and a pleasure to deal with. His affection for swimming was something we both shared.

Along with Ian's family, the Governor, the Premier and other members, I attended the official tribute to Ian Little at the Melbourne town hall this morning. As the Premier said, it was an impressive gathering. A series of heartfelt speeches recorded Ian's great contribution to public policy and the good governance of Victoria's economy. The Secretary of the Commonwealth Treasury, Dr Ken Henry, spoke beautifully of Ian Little, describing him as 'a permanent voice of reason in the world of Treasury heads'. Never before has such a distinguished and large gathering heard such an extensive and intimate series of details on the workings of the Department of Treasury and Finance.

It was said today that public policy defined Ian Little. That may well be true, but there was a startling reminder to us all in the video presentation that followed this morning's speeches of what public life is all about. Throughout the many images of him thrown onto the screens were those of Ian the public servant, Ian the advocate, Ian the Treasury official and Ian the urbane leader. But then in that stream of memories there was a beautiful colour photograph of Ian and his family, close, comfortable and beaming at the camera. It was a moment to skip a beat.

Victoria has lost a fine man and a fine public servant, and as Ken Henry said today, Victoria's course has been altered forever. A happy and loving family has lost a son, a brother, a husband and a father, and their lives too will be changed forever. They have already made great sacrifices in supporting Ian's commitment to Victoria.

Our deepest thoughts are with his wife, Clair, their daughters, Kristina and Natalie, his mother, Jean, and his sister, Helen. We trust they will have the comfort of knowing that Ian's heritage is very much appreciated by all Victorians.

Mr RYAN (Leader of The Nationals) — I join with the Premier and the Leader of the Opposition in speaking on this condolence motion to mark the passing of Ian Little. By any standard this was a remarkable man. Both the Premier and the Leader of the Opposition have traced his career, and much of that is set out in the booklet which was made available to all of us who had the honour of attending the memorial service at the town hall today. It was a remarkable occasion.

That booklet traces the qualifications which Ian achieved over the course of his studies and the various occupations in which he was engaged during the course of his professional life. But one of the most outstanding aspects of the commentary on this remarkable man is the way in which he was viewed universally by his peers. Again and again the commentary by the five people who spoke was reflective of the contribution which he had made, not only in his professional career in the narrow sense but to the greater betterment of those organisations for which he worked, most particularly, I suppose, the state of Victoria. He fulfilled the quite remarkable achievement of being able to work under governments of both persuasions. I thought the comments today reflected accurately the universal regard in which this man has always been held by people of all political persuasions.

I was also interested to hear former Treasurer Alan Stockdale confirm what we in this chamber have always known — that is, that the Department of

Treasury and Finance runs governments of all persuasions. It was an interesting observation by the former Treasurer, because he is safe from any of the implications which might otherwise flow from that assertion! We are yet to hear confirmation of that from the current Treasurer. Be that as it may, it was again reflective of the manner in which Ian Little's peer group see him as having contributed to the state of Victoria and its fortunes, not only in the past but, very importantly, into the future.

On behalf of The Nationals I join with the Premier and the Leader of the Opposition in conveying my sincere condolences to Ian's family. I appreciate that Ian's mum is here today — and these things are always hard on mums — that his sister, Helen, is here but that his wife, Clair, is not. I recognise the presence also of his daughters, Natalie and Kristina. I might say in closing that my dad died when I was 17, and I feel for them.

Mr BRUMBY (Treasurer) — I also wish to express my deepest sorrow at the passing of Ian Little 10 days ago and to pay tribute to his outstanding contribution to the people of Victoria and, as we heard this morning, more broadly to the people of Australia. I join with the Premier, the Leader of the Opposition and the Leader of The Nationals in paying my respects.

As I said this morning at the memorial service, Ian served respective governments with great distinction, great loyalty and great professionalism. He was in every sense of the word an outstanding public sector leader. He was a first-rate manager, and he was under successive governments a hugely effective policy adviser. Needless to say, he will be greatly missed professionally and personally not only by his colleagues in Treasury but also more broadly across the banking and economic communities. As we saw at the funeral yesterday and at the memorial service today, Ian was held in extraordinarily high regard by a broad range of people.

For 12 years, 4 years as deputy secretary and 8 years as secretary, he brought a very keen mind, immense skill, clear vision and shrewd judgment to bear on securing a strong economic future for 5 million people. Beyond that, as we heard this morning in the remarks of Ken Henry, he played a significant national leadership role in many of the great reform issues of our time, including the reform of commonwealth-state financial relations and the national reform initiative.

Many people have remarked on how he served two respective state governments with the utmost professionalism and impartiality. Ian was able to do that because he believed he was serving the people of Victoria. He was a true public servant, and he was a great public servant.

Ian had a background with the Reserve Bank and then later with the ANZ. In that regard he was superbly qualified to head up the state's leading economic and financial department. He was recognised by everyone who worked with him as one of the best economists of his generation. He combined a deep understanding of the practical realities of finance and economics with considerable intellectual capability. As I said this morning, whether it was tax policy, whether it was commonwealth-state financial relations, whether it was superannuation reform or whether it was driving microeconomic reform, Ian was always in command of the issues, delivering excellent advice based on achieving strong and positive outcomes.

Ian was not only a skilled economic thinker and planner, he was also a great team leader, building up the Department of Treasury and Finance as a widely admired organisation within the broader Australian public sector and business community. He put in place a set of core values for Treasury that set the benchmark for any organisation. He developed systems and processes to deliver policy and management objectives that set a new standard for the public sector. Above all, as I remarked to the whole of Treasury last week on the day of his death and again today, he built up an extraordinarily strong team, finding and mentoring many talented people and providing the leadership, the guidance and the human touch that inspired universal respect, affection and loyalty within the department.

Ian was also a mentor and a friend to me. I worked alongside him for six years, and if you work alongside someone for that time you get to know them very well. I still recall our first meetings after Labor won government in 1999. I recall visiting New York with the Premier and Ian, particularly our first visits, when, with a bit of trepidation, we went to Moody's and Standard and Poor's, essentially relying on Ian's experience at those meetings. I remember our weekly meetings, our annual pilgrimage to Canberra for the treasurers conference, the annual economic review committee process, the budget process, the budget drinks and the annual strategy meetings — and, of course, the regular dinners with the Governor of the Reserve Bank, Ian Macfarlane.

I remember last week very well too, as we were preparing for the Public Accounts and Estimates Committee hearing. It was, I suppose, a normal day, although a reasonably long day in some respects. I sat down with Ian and the Treasury team at about half past six for the briefing on the PAEC. We finished at about

8 o'clock, and we were all in good spirits. I remember speaking to Ian for 15 or 20 minutes after that, just chewing the fat and discussing the budget, Snowy Hydro and various things. He then went home, and 8 hours later he was not with us.

Ian was a gentleman in every sense of the word, and he was a great believer in his staff, encouraging each and every one of them to step up and take on new challenges.

Above all else he was a man of tremendous integrity, a man whose word was his bond and a person I trusted implicitly to put the best case for Victoria and Australia regardless of who he was dealing with.

The only thing that Ian was more dedicated to than his job was his family, and though we all feel the shock and sadness that Ian is no longer with us, none of course feel it as deeply as his wife, Clair, his two daughters, Kristina and Natalie — Natalie played so beautifully on the organ at the funeral yesterday — his mother, Jean, and his sister, Helen. On behalf of the house I extend my deepest sympathies. It was an honour and a privilege to work alongside Ian. He was an outstanding public servant, and he leaves us with many wonderful memories and leaves Victoria with a priceless legacy of economic security and prosperity.

Mr CLARK (Box Hill) — I join with other speakers in mourning Ian Little's untimely death last week. I had the privilege of knowing and working with Ian from the time he joined the then Department of the Treasury in 1994 when I was parliamentary secretary to the then Treasurer, Alan Stockdale. Ian came to the job as deputy secretary, economic and financial policy, with very strong economic credentials indeed. As has been said, he was the group chief economist and then chief manager of retail banking for the ANZ banking group, and before that he was head of the forecasting section of the Reserve Bank of Australia.

Ian quickly made a very favourable impression within Treasury, working closely with the then departmental secretary, Mike Vertigan. By June 1995, after the merger of the departments of Treasury and Finance in March 1995, Ian's economic and financial policy division had responsibility for taxation and revenue policy, economic policy, financial strategy, financial liability management and intergovernmental financial relations — in other words, Ian as deputy secretary had under his direct charge all the core macro roles of the department.

Ian played a crucial role at that time in helping to place the state's finances on a sound basis, managing and unwinding many of the complex and onerous liabilities and risks which the then government had inherited and establishing appropriate prudential and funding arrangements for both public financial institutions and the state-owned enterprises that were created as part of the disaggregation and/or corporatisation of electricity, gas, water and other statutory authorities. Ian carried out these demanding responsibilities so well that when Mike Vertigan retired from the Department of Treasury and Finance (DTF) in March 1998, Ian was the standout choice to be Mike's successor. It is thus that the photograph of a very youthful Ian Little, aged 42 years, appears alongside the secretary's covering letter in the 1997–98 Department of Treasury and Finance annual report.

As secretary Ian continued to serve in exemplary fashion under both the Kennett government and the Bracks government. He presided over a wide range of demanding changes, including the move to output-based budgeting, coping with the dramatic downscaling of key areas of DTF following the 1999 change of government and in recent times the complex move to international accounting standards.

Ian also deserves much of the credit for the quiet, behind-the-scenes work with the Commonwealth Grants Commission and with heads of treasuries that has seen significant changes by the Commonwealth Grants Commission in recent years, both in improving its methodology and in redressing some of the outcomes that have been for years skewed against Victoria. He also helped generate a renewed interest among the states in national economic reform.

Ian was a decent, honourable and exceptionally able man. He was also mild, gentle, thoughtful and fair. In all the time I knew him I do not recall his uttering a harsh word to or about anyone. At most I can recall him expressing a degree of mild annoyance in the face of absurd or unfair claims. Instead, in a clear, calm, measured and compelling way Ian would logically and systematically set out his analysis and views and rebut contrary arguments. There were times both in government and in opposition when I disagreed with Ian's conclusions, but one could always have an intelligent and reasoned discussion with him, and he was always open to persuasion by evidence and logic, just as he expected others to be similarly persuadable.

Ian was always willing cheerfully to put himself out for others, but he never troubled others with his own problems. I vividly remember our last meeting at the Public Accounts and Estimates Committee post-budget breakfast on 1 June. I subsequently learnt that Ian went to considerable personal trouble to rearrange his affairs

to attend that breakfast, but he gave no sign of those difficulties. Instead he was his usual lively, good-humoured self and gave a thorough and lucid briefing on the budget with lots of interesting observations and asides, and then he answered a variety of questions. Afterwards the chair of the PAEC and I chatted with him for some time about various current issues, including a discussion about options for the future improvement of the budget papers. We said farewell to each other with a casual, 'See you later', expecting to see one another in a few days time at the estimates hearing, but tragically it never came to pass.

Ian has been an outstanding public servant in the true meaning of the words, and his death last week will leave an enormous gap in public policy development and public administration both in Victoria and in Australia.

Ian was a very private man. He maintained a clear separation between his professional and family lives. Those of us who worked with him had little opportunity to meet his wife, Clair, his daughters, Kristina and Natalie, or other members of his family. Those of us who miss him so sorely for his goodness, ability and dedication in public life can only extend to his family our profound sympathy for their even greater loss.

Ms KOSKY (Minister for Education and Training) — I join with the Premier, the Leader of the Opposition, the Leader of The Nationals and other members in speaking on this condolence motion. Ian Little was an outstanding Victorian. He was a highly regarded economist, a well-respected public sector leader and reformer, and a genuinely nice person. He was a man of great integrity. His sudden and tragic death has left all those who knew him shocked and deeply saddened. For all who had the privilege of knowing and working with Ian, you could not help but be impressed with his intellect and his capacity to analyse the situation and develop solutions and to bring others along with him. That was combined with his commitment to his colleagues, his warm personality and his thoughtful and considered manner. Ian truly was a remarkable person, making his premature death all the more sad.

Everyone who spent time with Ian was made to feel important by him, and you would always leave the conversation feeling it was time well spent. Ian had time for everyone. Whether it was a minister, a senior colleague, support staff or the person serving Ian at the Treasury deli, Ian always showed respect.

I want to give a couple of examples from last week. When someone went to the Treasury Deli after Ian's death had been announced, the staff at the deli just wanted to talk about Ian and what a wonderful person he was. Similarly the Treasury parking attendant just wanted to talk about the loss that we all feel. As Greg Lavis, Ian's personal assistant, said at his funeral yesterday, Ian always took time to show an interest in the people around him, both professionally and personally.

I do not know if government was good for Ian, although given his zest for public sector reform I suspect it was, but what I do know categorically is that Ian was definitely good for government — of both persuasions. He had a very intricate economic knowledge and a great capacity to be across detail and still to see the macro picture.

Ian was highly regarded across the public and private sectors and throughout Australia. Much has been said in the past week of Ian's significant contribution to economic reform within Victoria and, indeed, across Australia. Ian not only focused his attention on matters of policy and reform, he was also a great leader of people, always striving to get the very best out of all his staff. His practice of establishing an organisation which focused on applying excellent analysis and providing rigorous policy advice was backed up with a highly refined professional development plan for every staff member within the Department of Treasury and Finance. He invested in all of his people so he could get the very best out of them, and he did, along with their complete loyalty.

Ian earned everyone's respect, because he always showed respect to others. On a personal note I will miss Ian very much. I will miss his wisdom, his generosity and his thoughtful contributions at both a formal level and over a cup of coffee. Everyone who met Ian admired him and liked him. I feel very privileged to have been one of those people. Family was paramount to Ian, and he structured his working hours to ensure quality time with his family. My sincerest sympathies go to his wife, Clair, his daughters, Kristina and Natalie, his mother, Jean, and sister, Helen, for their loss is the greatest of all.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

ACCIDENT COMPENSATION AND OTHER LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed.

Mr RYAN (Leader of The Nationals) — It is my pleasure to join the debate in relation to the Accident Compensation and Other Legislation (Amendment) Bill. The Nationals do not oppose this legislation. There are some aspects of it, however, that I would like to comment upon. The general theme of the legislation is that it provides additional benefits to a range of people who are presently entitled to payments. It does so both in terms of the duration of those payments and in relation to the amount of the payments themselves. It amends in some respects the manner of calculation of some of the benefits. That also is to the obvious advantage of the recipients. It includes all the rhetoric about the performance of the authority under this government. I refer in that regard to the content of the second-reading speech, and I will return to that in just a moment.

The bill also includes a default penalty provision in clause 27, which inserts section 31B into the Accident Compensation (WorkCover Insurance) Act, and I want to make some specific comments in relation to that issue. I must say though, as a general concept I strongly support the notion of additional payments being made for the purposes of injured workers. Suffering the shock and horror of being injured at work, particularly for those who are seriously injured, is something that in turn confers a responsibility on the part of the system which looks after those to whom that sad event has occurred. It is necessary to make as best provision for those people as is possible. The notion of these benefits being increased in the manner set out in the legislation is a good thing.

The bill will increase the level of the weekly benefits for injured workers who initially return to work part time from 60 per cent to 75 per cent of their pre-injury salary. It will provide for quicker access to impairment benefits for seriously injured workers, and it will provide for injured workers with up to an additional six months of benefits beyond the present 104 weeks, thereby taking that period up to 130 weeks. It will increase the death benefits to affected families by 18 per cent to a total of $250 000 and include overtime and shift allowances in weekly pensions for surviving members. It will provide counselling services to families of severely injured workers. All of those things are excellent initiatives.

During the time I practised law, I was primarily involved in litigation, most of which in the latter 10 or 15 years was taken up in looking after people who were injured either in the workplace or in motor vehicle accidents, or in other various forms of incident. I had first-hand observations — day in, day out — of the way in which different scales of injuries impacted upon people in different ways. Just as an observation, one of my lasting memories of those years in looking after those people is that the capacity of the human frame to withstand injury is nothing less than staggering. If mechanical equipment were subjected to the forms of injury suffered by the people I cared for in legal claims, the mechanical devices would never sustain it.

I saw people from all walks of life suffer the most dreadful injuries and yet be able to recover, albeit with some ongoing difficulties, and be able to live their lives. I was forever astounded by the ability of the human spirit to overcome the problems that came upon them. Remember, of course, that for the very main part, in the absolute blink of an eye an individual at work would be gravely wounded in some way that would change his or her life forever.

I also remember that in one particular year when I was running claims, I was handling cases for seven widows whose husbands had been killed, primarily in the work environment — two of them in motorcar accidents. I mention that by way of a general commentary to the extent that I will always support additional benefits being paid to people who are injured — particularly those seriously injured in accidents — and also to the families of those who suffer such injuries, and indeed who may suffer death.

There are a couple of aspects of the second-reading speech that I just cannot let go by without commentary. One of those is on page 2 where it gets into this business about the performance of our scheme, and that the present scheme stands in stark contrast to 1999–2000, or so the second-reading speech says, when the Victorian WorkCover Authority faced $1 billion in unfunded liabilities — yada, yada, yada. It is always interesting to see verbiage like that trotted out, because that sort of commentary — and it is a ministerial responsibility, because departmentally people do as they are asked to — does not assist anybody. I would urge the minister to delete this rubbish from future second-reading speeches, because it only invites the inevitable comment that if you reckon it was bad in 1999, you should have them here in 1992, when it was an unmitigated and absolute disaster.

Fortunately for the sake of the people of Victoria and the people who were dependent upon that scheme for their livelihoods, along came a minister by the name of Roger

Hallam, who was of course a member of The Nationals. Roger had the task in the Kennett government of being not only the Minister for Finance but also the minister responsible for WorkCover. It was very much due to the initiatives instigated by Roger Hallam that the government of the day was able to rein in the appalling performance of the authority. I say 'appalling' in the financial sense. Not for one moment do I cast any aspersions on those working in the ranks, and I mean that sincerely: everybody does the best they can. But the financial performance of the authority was simply not up to par.

It was Roger Hallam who drove a lot of the changes that are reflected in the way the scheme operates to this day, and I might also add that that is not to say that Roger Hallam and I did not have the passing moment — or five — over some of the amendments that were made.

Mr Cooper — Or 10!

Mr RYAN — 'Or 10', said the member for Mornington, who was there when some of those moments were on. Room K still echoes with the sounds of some of those discussions. Be that as it may. In the end changes were made that stabilised the scheme and put it on the right road so that it could continue to improve with the passage of the years. I will just say to the government that I think it is better to delete this sort of rubbish from second-reading speeches and stick with the contemporary stuff. It is universally recognised in the chamber that the capacity of a scheme of this nature to make appropriate provision for people who are injured or for the families of those who are killed is paramount. The responsibility for it falls very much on our respective shoulders. I see no advantage for the current government in trying to rewrite the history of the events that occurred when we took over government in 1992.

The other thing I want to refer to in a similar vein is the comment on page 1 of the second-reading speech about the purported restoration to injured workers of their right to seek common-law damages. There are two elements to my criticism of this comment, which is part of this government's mantra and another of those benchmarks that it trots out to compare its performance with what it asserts was the performance of the former government.

The first thing I say is that the union movement is weak, because it has not had the courage of its convictions to call the government to account over this sort of commentary. To put it in relatively crude terms, the unions have not had the guts to stand up and say what the situation is. In the face of this repeated assertion about workers having their common-law rights returned to them, the facts are entirely different. There are unfortunately literally tens of thousands of people each year who have the misfortune to be injured in Victoria. With the best will in the world, and despite our endeavours to introduce the best of systems in occupational health and safety and WorkCover legislation in all its forms, we in this chamber nevertheless have to face the fact that in Victoria tens of thousands of people a year suffer injury in the workplace. They are dependent on the principal act, which is under discussion by way of amendment, to secure their rights. Part of those rights is importantly the capacity to obtain weekly benefits and lump sum payments, as well as common-law rights.

I well remember that the former government removed common-law rights to such claims in 1997 — and that is a fact. When I referred earlier to some of those colourful conversations in K room, a fair proportion of them were around that issue. Nevertheless that was the decision taken by that government, and so be it. The present government then made an enormous song and dance about returning common-law rights, and since making amendments which have in part — I emphasise 'in part' — returned common-law rights, it has continued to assert what it says, without qualification, in the second-reading speech:

> Workers injured at work not only have been restored the right to seek common-law damages for serious injuries, they now access a much more responsive range of benefits than they had before.

It is not the latter part I take issue with, it is the former, because the facts tell a completely different story. Members should bear in mind that tens of thousands of people are injured at work each year. Let us look at what that translates to in terms of common-law claims. I have with me a letter that all members will have received from a group called People's Rights. This organisation comprises primarily members of the legal profession but also members of the community at large who have an interest in compensation being provided for persons who are injured in a variety of environments. This organisation sent members of Parliament this letter, which is undated but recent, and attached to it a schedule of figures extrapolated from the records of the County Court of Victoria of personal injury claims issued over the past three years. It is an interesting read in the context of the assertion made in the second-reading speech about the return of common-law rights to injured workers.

Before I get to that column, I will reflect on a couple of other things. It is interesting because it shows that in

2003 the number of public liability claims that were the subject of writs issued in the County Court was 1734. Last year the number was 84. That tells us that the changes that have gone through the Parliament — supported by all of us — affecting the way in which injured people can claim damages under public liability claims have absolutely gutted their ability to make those claims. I think we need a rewriting of the balance there, because it is obviously out of kilter. You cannot go from 1734 writs being issued down to 84 writs being issued over a period spanning three years without inevitably coming to the conclusion that something is horribly wrong with the balance between injured workers' rights and the capacity to pursue them in Victoria.

This document traces the claims made in other areas. Let us look at industrial accidents again in the context of the tens of thousands of people who have suffered injuries in the workplace each year. How many writs have been issued in the County Court seeking common-law damages? In 2002–03 it was 165, in 2003–04 it was 67, and in 2004–05 it was 129. Despite those figures the government continues to run out its mantra, which is approaching the notion of a lie. I quote from the second-reading speech:

> Workers injured at work not only have been restored the right to seek common-law damages for serious injuries —

yada, yada, yada! The union movement sits quietly, knowing full well that that statement is absolutely misleading. This government can until the proverbial cows come home be as critical as it likes about common-law rights having been removed altogether — I accept its capacity to make that criticism if it wants to — but I do not accept the consistent statement made by this government, as reflected in this second-reading speech, that common-law rights have been returned to injured workers. The minister tags onto the end of it a reference to those who have suffered 'serious injuries', but the government knows, and the figures disclose it, that what it is trotting out and would have people believe just simply is not the case. The government should give that one away as well, or at least qualify it.

The other thing I want to make a specific reference to appears in part 3 of the legislation. I refer to clause 27, which inserts new section 31B into the Accident Compensation (WorkCover Insurance) Act. This talks about a default penalty being issued against an employer who has, in effect, understated his premium. It refers to the situation where a provider has given returns to the authority upon which calculations are made for the purpose of setting a premium and subsequently it is discovered that those returns are wrong and a new notice is issued to have the correct premium paid. What this legislation contemplates is that a default penalty can be issued against the employer with regard to the difference between those two figures and that the default penalty has to be paid.

As a general principle I do not object to that, because I think the system is dependent upon full and proper disclosures by employers. You cannot have some of those in the system carrying the weight of those who are not prepared to participate in it honestly. That is not a fair outcome. But there is a subsequent provision in this clause which allows for an additional 20 per cent of that penalty to be charged under certain circumstances. It is those circumstances that trouble me, in that the whole basis for judgment as to whether a penalty notice is issued and then whether the 20 per cent is to be added is the notion of the authority being 'satisfied'. All the provisions that are pertinent to the operation of this proposed section talk about the authority being satisfied as to this, that and the other. The authority has to be satisfied about the failure by an employer to provide a full and true disclosure. The authority has to be satisfied as to whether an employer has deliberately gone through the process of trying to be misleading in all of this.

Why is that a cause for concern? Because I think that any system which enables an authority or an entity such as this to raise what is in this context an additional tax against an employer, and to be able to do it off its own bat without the process being subjected to some sort of third-party consideration, is potentially a mistake. There is plenty of room for errors to be made by those exercising what is a very significant power under these provisions in a way which does not do justice to the case. I would like to hear confirmation from the government, whether it be under the principal act or otherwise, that there is a capacity for employers, if they want to challenge this provision, to go off to VCAT or seek a remedy somewhere else to ensure that justice is done. They are the matters I wish to raise. As I say, The Nationals do not oppose this legislation.

Mr STENSHOLT (Burwood) — I rise to support the Accident Compensation and Other Legislation (Amendment) Bill. This is another good example of legislation whereby the Bracks government is standing up for Victorian workers and their families. Of course as a government we are standing up for ordinary Victorian families, who obviously need jobs in order to pay their mortgages. We are standing up for them and helping them get those jobs, because 300 000-odd jobs have been created in the last six or so years.

When someone in a Victorian family is injured — and I am pleased to follow the Leader of The Nationals because I understand his interest and experience in this matter — it certainly is of great concern, given that many people are injured every year. As I said, the Bracks government is out there supporting Victorian families and workers, and it is seeking to make that support as comprehensive as possible. We are proud of our record in occupational health and safety and workers compensation. In 2004 we passed a new occupational health and safety act, and now we are seeing the lowest rate of injuries on record. Let us not forget that the opposition opposed that particular bill every step of the way.

In the area of workers compensation, it was the Kennett government that stripped away common-law rights for injured workers. The Bracks government is proud to have returned this right to Victorian working families. The key objective of this particular bill is to deliver increased benefits to injured workers and to assist them in their return to work. I am very pleased to say that the Victorian WorkCover Authority (VWA) and the board have done a marvellous job and put the scheme on a positive footing. Indeed we have been able to reduce premiums not once or twice but three times — each time by 10 per cent — saving employers around about $160 million to $170 million at a time. This legislation actually increases benefits to injured workers and provides them with incentives and capabilities to help them get back to work. In fact this package of reforms delivers around about $155 million in benefits over three years while at the same time not impacting significantly on the Victorian WorkCover Authority's strong financial position.

Other members of the house have joined me and ministers in discussing the annual presentation of the accounts of the Victorian WorkCover Authority. It has been pleasing over the last several years to see the actuarial results as well as the financial results steadily moving into the black, delivering benefits to both workers and business and making sure that Victoria is not just the place for working families but also the place to do business.

The benefits outlined here were anticipated by the Premier and the Minister for WorkCover last November. There was a review of the benefits available under the Accident Compensation Act that involved a whole lot of the stakeholders — obviously, employers, unions and lawyers — working with the VWA to identify areas where benefits might be able to be improved, with an eye to what was happening in other jurisdictions as well. A number of key proposals from the benefits review have been brought forward in this bill. First of all I should mention the extension of the 104-week benefit to 130 weeks and the provision for a longer period of notice of the termination of those benefits. It increases the notice period from four weeks out to three months, allowing workers to better prepare to return for work or make other arrangements if necessary.

The bill provides higher weekly benefits for those workers who make a partial return to work following an injury. It is very important that people have incentives and that the right incentives are set. At the moment we have discovered the situation where a worker with a current work capacity receives 60 per cent of their pre-injury earnings, while those with no work capacity receive 75 per cent. There is an inherent disincentive to return to work for those receiving less compensation than those who do not work. To remove this disincentive this proposal increases the benefits to 75 per cent for those who return to work. It is very sensible and obviously a product of consultation with a wide range of people.

The bill expedites the payment of no-fault lump-sum impairment benefits to make sure the benefits are available rather than a worker having to wait up to several years while the matter is perhaps before the courts. The bill increases lump-sum amounts for death benefits. It extends the counselling services which are available not just for families where a worker is deceased, but also for severely injured workers. It covers limited circumstances for injured workers who are over 65 years of age and require time off work and medical treatment. This is very much in line with modern practice where you find many people now working after the age of 65. It recognises that they should have entitlements rather than just stopping when the age of 65 is reached.

There are a number of other aspects to this bill. Clause 4 clarifies that the WorkCover scheme was not intended to cover professional sportspeople injured while playing. That stems from a recent Supreme Court decision in *Whitehead v. Carlton Football Club*. That particular case is pending an appeal. The amendment covers other possible cases that may come forward.

There is also a range of technical amendments to improve the efficiency of the scheme, which other speakers have mentioned. Since the Leader of The Nationals raised this matter, I should note that there is in the bill a provision for a penalty for misleading premium information. Quite frankly, we are keen to cover any possible loopholes. The Victorian WorkCover Authority has estimated that around 400 employers might have avoided almost $30 million

in premiums by exploiting a loophole since 1993. This is good justification that they need to provide the right information; if they do not, there is a disincentive in the form of a penalty which can be applied by the Victorian WorkCover Authority.

There is a range of provisions in the bill regarding the Accident Compensation Conciliation Service in terms of the appointment of members and changing the employment of members. This makes sure the minister is the person involved in the first case rather than just simply the authority, because in fact the conciliation service is under the legislation meant to be independent. There is a range of other smaller amendments in terms of the Transport Accident Commission chair and the Government Superannuation Office board members.

With this legislation the Bracks government is standing up for Victorian workers and their families. We are proud to do that and we continue to do that. This bill extends that. I commend the bill to the house.

Mr COOPER (Mornington) — Accident compensation legislation is always an interesting debate in this Parliament because it addresses issues that are very important to all Victorians, particularly to working Victorians. I wish to focus my remarks on that aspect. This particular bill gives us an opportunity to go back and have a look at some of things that have been done in the past. I note that the amendments in this legislation include amendments to the Wrongs Act. I believe the last time we made amendments to the Wrongs Act was in June 2003 with a bill entitled Wrongs and Limitation of Actions Acts (Insurance Reform) Bill. That bill received a significant amount of attention in this house. I have gone back and looked at some of the debates at that time.

One of the comments I made in that debate in June 2003 was about a speech made in 1997 by the member for Mildura on the Accident Compensation (Miscellaneous Amendment) Bill. I pointed out in my remarks that at page 1477 of the *Hansard* of 2 December 1997, he said:

> This legislation is wrong. It is a denial of an historical right that this state has enjoyed for workers to pursue common-law claims through the courts, albeit not very frequently, and I do not believe it is appropriate to support it.

Between 1997 and 2003 the road to Damascus was well trodden by the member for Mildura because in June 2003, having made that very strong statement about a bill that was brought in by the Kennett government, he then did a complete backflip with pike and earned maximum points, because he supported the Bracks government's Wrongs and Limitation of Actions Acts (Insurance Reform) Bill. I wanted to point that out to him.

What we had at that time in 2003 was a demand or a pressure placed upon this government by insurance companies to try to limit the rights of injured workers to pursue common-law claims. That particular piece of legislation did that in no uncertain terms.

The bill that we have before us now, which addresses exactly the same subject matter and in part the same act, does nothing to repair that situation. The 5 per cent impairment provisions remain in place, except that the government has now added provisions in this bill for occupational asthma, infectious occupational diseases and psychiatric impairment in line with American medical guides. But as far as the level of impairment is concerned, the 5 per cent permanent impairment provisions remain.

An article in the *Herald Sun* of 22 May 2003 states:

> Two accredited injury assessors for WorkCover and the TAC have launched a startling attack on the state government's claims of who can sue for pain and suffering.
>
> They warned that many people the government said reached the new 5 per cent threshold did not.
>
> Professor Frank McDermott — an expert on the 340-page guide the government's claims are based on — found 9 of the 29 injuries the government said would attract pain and suffering damages would not do so.
>
> …
>
> The second assessor, Dr Clayton Thomas, said most of the government's percentages of impairment were wrong.
>
> 'It's confusing and it's misleading', he said.
>
> …
>
> Both doctors are experts on the American Medical Association's impairment guides, the basis of the state government's new thresholds.

At the time what I said, and what a number of other members in this place said, was that the legislation should include a fairness clause that addressed the issues of people around, slightly under or slightly over a 5 per cent permanent impairment state, because there were people who were ruled out from being able to lodge a common-law claim where it could be found that they were right on the cusp and were being treated unfairly.

As the Leader of The Nationals said, the line swallowed by the government — the line that was given to the government by the insurance companies — is in fact nothing less than a lie. The insurance companies were saying to the government that the courts were being

flooded with common-law claims and that if you increased the impairment provisions, made any kind of change or gave any sort of discretion in any way to people hovering around that 5 per cent mark, the state could not afford it. The insurance companies would also have been saying, 'We cannot afford it. We do not want to pay out any money'.

Insurance companies have a motto, 'Give us your money, and we do not want to give you anything back'. They do that in all sorts of ways, and the government swallowed the line. A table issued by the County Court of personal injury writs by cause of action filed at the County Court shows that for the period October 2002 to September 2003 there were 165 common-law claims filed as a result of industrial accidents; in 2003–04 there were 67; and in 2004–05, 129. That is not a flood. That is not even a drip. That is a tiny number, and for anybody to advance the argument that the state, the insurance companies or the economy of the state cannot afford to show some flexibility and discretion in regard to personal injury is an insult to reasonableness.

The call that I and others made in this house back in 2003 was for a fairness clause to be inserted into the legislation, and I again make that call on behalf of injured workers who are not being treated fairly in this state, people who, as the Leader of The Nationals said, can be injured in the blink of an eye. These things can happen. Off they go, they are on benefits, and their long-term prospects in many cases are zero. They should have an entitlement, if they wish, to go to court and argue their cases. But if they are hovering around the 5 per cent mark and an assessment is made that they do not qualify for a claim in the courts, those people should have the right to go before a judge or magistrate and argue that they have that right. I am not saying it should be untrammelled; I am saying that people should have a right to go to a judge or magistrate and argue their case, and it would be the judge or magistrate who would say that on their judgment that person is able to go or not able to go before the court.

That seems to me to be a reasonable way to go. The lawyers who act in this area — who of course can be insulted by people saying that they are talking out of their hip pockets — are saying that a fairness clause is exactly that: it is fairness. It is quite clear from the statistics that it is not going to open up the floodgates, but the reality is that this government rejected that approach in 2003 and no doubt will reject it again. But that is not going to stop me from arguing on behalf of those injured workers who are hovering around that 5 per cent mark and who have been deemed under the strict provisions of the guides to not be able to commence a common-law action.

This is a lost opportunity for this government to redress the damage it did in 2003 with its legislation to amend the Wrongs Act. I am very sorry that the government has not taken up that opportunity. I cannot say that I am surprised, because this is a government that does not listen to anybody except itself. But injured workers have a vote next November, and I hope they will remember this debate and the one that occurred in 2003.

Ms NEVILLE (Bellarine) — I am pleased to speak briefly today in support of the Accident Compensation and Other Legislation (Amendment) Bill. That was an extraordinary contribution from the member for Mornington, acting as an advocate for injured workers. I remind the member for Mornington that back in 2004 when this government brought forward landmark legislation in occupational health and safety members of the opposition opposed it every single step of the way. They stood up there and slammed the government for that and were not focused on injured workers at all. Then they get up here today and say, 'We are the strong advocates for injured workers'. The fact that they opposed that significant piece of legislation, which was all about prevention, all about ensuring that we have good collaboration and good partnerships in our work force to prevent injury in the first place, is what injured workers will remember. I am sure they will not have forgotten either that the member for Mornington was a member of the previous government, which stripped away common-law rights for injured workers. One of the first things this government did when it was elected was to restore those rights.

This bill continues what I think is a very proud record of our focusing both on the reduction in injuries and deaths in the workplace and ensuring that we have appropriate supports and benefits available to injured workers and their families following injuries or deaths. There is an occupational health and safety ad on TV at the moment which really brings home the impact of workplace injuries and death. I am sure other members will have seen it. It is the one where one of the children is waiting and waiting for their parent to return home. It is getting later and later and anxiety levels are starting to grow. As you are watching the ad you feel this sense of trepidation about what may have happened to that parent. The parent does return home and the family is happy, but you have that moment where you think, 'Oh dear, a disaster has happened here. How will this family ever recover?'.

I think we can rightly claim a fantastic reduction in the number of injuries and deaths in the workplace in Victoria, but reductions in statistics never make up for the families who have suffered death and significant

injury, and I think those families continue to struggle. Where we have significant reductions in workplace injury, particularly in workplaces that have traditionally had quite serious injuries, and have been very successful in bringing down injury and death rates is where we have seen strong partnerships and good collaboration between employers, employees, unions and the broader worker community.

Where we have seen that in place we have seen in those workplaces a significant reduction in injuries and deaths. I know that Alcoa, which is one of the major industries and employers in my electorate, has a very innovative program in its workplace, working very much in partnership with the union and the employees. It makes contributions to a charity when the workplace goes for periods of time without injury. That has provided a real incentive to both the workers and the managers in Alcoa to constantly improve practices. I was lucky enough to spend a day working at Alcoa — —

Dr Napthine — Alcoa is a self-insurer, it is not under WorkCover.

Ms NEVILLE — I am talking about occupational health and safety. One of the things that was really clear to me was the way the firm managed risk all the time in terms of health and safety issues. Incidents might happen, but it then worked through those incidents and improved practices to ensure the continuing reduction of injuries.

This bill is also about what supports and resources are needed to help injured workers and their families. There is a significant investment of money in these reforms: $155 million to deliver these improved benefits. And what is extraordinary and fantastic about all this is that it is being delivered in the context of 10 per cent cuts for three years in a row in WorkCover premiums. When the Bracks government was first elected there was $1 billion in unfunded liabilities in the Victorian WorkCover Authority. We now see a situation where we are continually able to reduce premiums and are also able to improve the benefits and the supports available for injured workers and their families.

I am very proud to be part of a government that continues to support injured workers and continues to focus on injury and death prevention in the workplace, and I am proud to support a bill that continues to develop and improve on those reforms. I commend the bill to the house.

Ms ASHER (Brighton) — I rise to make a few comments on the Accident Compensation and Other Legislation (Amendment) Bill. As you would obviously expect, as the shadow minister for industry and employment for the Liberal Party I would have been more impressed had there been greater consultation with businesses in relation to the bill. I acknowledge that there needs to be a humanitarian regime to care for injured workers, but there also needs to be an ever-present eye on business costs and an examination of whether all these benefits are actually warranted.

The bill provides for an increase in benefits; it provides for the exclusion of professional sportspeople other than jockeys; it varies impairment definitions; and it brings into effect a number of minor provisions such as the appointment of the Transport Accident Commission chairman by the Governor in Council.

I will make a couple of observations on the detail of the bill. Firstly, it increases weekly benefits from 60 per cent to 70 per cent of pre-injury salary for an initial return to work part time. I am reminded at this juncture of the work done by the previous minister responsible for WorkCover, the Honourable Roger Hallam, who was a huge advocate for return to work, and he based a number of reforms in the Kennett era on that return-to-work premise. I am pleased to see that the government is continuing with a push for return to work. The bill also provides for quicker access to impairment benefits for seriously injured workers — in other words, what the bill provides for are some payouts on claims whilst the injured worker may still be taking legal action. Payments can be offset after the settlement, and in terms of procedure that is something that would not meet a lot of opposition.

The key feature of the bill, however, is an additional six-month benefit beyond the current 104 weeks to 130 weeks, and the government's claim — I am not sure whether this can be adequately substantiated — is that this will assist in planning for return to work. In other words, what the government is de facto arguing is that 104 weeks to plan to return to work is not enough and we now need 130 weeks. Again the Liberal Party, in the briefing on this, made inquiries as to the basis of this particular extension. It was made clear that this is not some sort of statistical or actuarial calculation; it is simply a figure that the government has arrived at.

There have been some business, not universal, concerns in relation to this, and I wish to echo these concerns in the chamber. With this one it is a concession to the trade union movement. If the government were able to present some sort of study that would indicate a lack of preparedness on return to work then that would have been more persuasive. However, I accept that that is the Labor Party. It has a trade union affiliation, it has a

view, and that is an element of the bill. There should have been far greater consultation and listening to business on this element of the bill.

The bill also introduces increased death benefits, which are appropriate. Whilst having a desire to exclude professional sportspeople other than jockeys so that they will not be eligible to claim workers compensation, the bill quite rightly has quarantined the legal action brought by Adrian Whitehead from the Carlton Football Club.

There are a number of new provisions in relation to workers over 65 years of age. The bill picks up a new section to cover workers over 65 years of age who are still in the work force. The provision allows for a worker who has received compensation in the 10 years prior to turning 65 to receive up to 13 weeks in workers compensation benefits if they require inpatient treatment at a hospital post that retirement age. Any new injury claim would generate an entitlement of up to 130 weeks. Employers have raised concern over this provision as well. Some employer groups — and I acknowledge that this is not universal — have indicated that this could provide a further disincentive to either employing or retaining older workers in the work force. I would hope the minister, in summing up, may make reference to that.

There should have been far greater consultation on the detail of this bill with employer groups. These are complex areas. Of course injured workers have a right to be protected; of course everyone is concerned about safety in the workplace. Whenever I speak on these issues I make reference to the fact that the area where there is the greatest number of deaths in the workplace is on farms. Everyone is concerned about worker safety and everyone has a humanitarian view that a sound system should be provided. However, employers pay premiums and these costs will of course be borne by employers. Again, I single out as areas of concern from employer associations the key features of this bill: the additional benefit to be extended from the current 104 weeks to 130 weeks, and the new provisions in relation to older workers.

Ms MORAND (Mount Waverley) — In May last year the Minister for WorkCover and the TAC committed to review the benefits payable to injured workers under the Accident Compensation Act, and most of the amendments before us today are a result of that review. The primary objective of the Accident Compensation and Other Legislation (Amendment) Bill is to improve the benefit to workers. Three areas were highlighted during the review process: workers returning to work on a part-time basis; addressing the impact of the withdrawal of benefits for long-term injured workers; and, very importantly, the needs of families affected by the death or severe injury of a worker. The bill will provide, among other things, an 18 per cent increase in death benefits and it will improve counselling services — a new case management approach that will help families in dealing with the Coroners Court.

The member for Brighton is just leaving the chamber, but I was very surprised to hear her questioning whether all of the benefits in this bill are warranted. Members of the Liberal Party often talk about how concerned they are about occupational health and safety and benefits to injured workers, but you do not see a lot of evidence of that in their contributions. In fact they did not support the new occupational health and safety legislation that was introduced in 2004 to support injured workers and reduce occupational injuries. I also agree with the member for Burwood, who said not only that the increase in benefits is welcome but that it is possible because the WorkCover scheme has been managed so well. I want to add my congratulations to the WorkCover board and staff on their success.

The most important objective of the Victorian WorkCover Authority in managing the workers compensation scheme is to reduce workplace deaths and injuries and their terrible impact on families. It is great to see that workplace deaths are at a record low, and there has been a large reduction in the number of WorkCover claims over the last few years.

I think there has been a change in the behavioural approach in the workplace. Unions, employer groups, employers themselves and individuals are working together to reduce the number of workplace injuries. The new Occupational Health and Safety Act that was introduced in 2004 has played a big part in addressing these problems by approaching them in a new and improved way. That approach has shown great benefits and improvements and reduced injuries. So competitive premiums, improved benefits and a focus on safety are due to the success of the government and the Victorian WorkCover Authority's approach to occupational health and safety.

I also agree with the comments made by the member for Bellarine about the current WorkSafe advertising campaign which sends the message that the most important outcome of improved safety at work is seeing your loved one coming home at night and that families are not adversely affected by workplace injuries and deaths. We should all work together to achieve this outcome. The reforms before us deliver improved benefits and support for workers and their families who

are unfortunately affected by workplace deaths injuries. In summary, I am proud to support the package of reforms, and I commend this bill to the house.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Accident Compensation and Other Legislation (Amendment) Bill. I think that all members on both sides of the house have genuine empathy and sympathy for those people who are tragically injured at work. We want a system that looks after workers and their families and ensures that their health and welfare are restored so that they can return to work as quickly as possible, and if it is not possible, they are appropriately looked after.

However, I am also reminded of the saying, which I will paraphrase, that those who do not learn from history are condemned to repeat it. I recall the history of WorkCare under a previous Labor government during the 1980s and 1990s. In 1992 when the current opposition came into office WorkCare was a $4 billion basket case; it had $4 billion worth of debts and liabilities. The most important thing we can do as members of Parliament to look after the interests of injured workers and their families is to make sure the WorkCover scheme is sustainable financially, because nothing would be more soul destroying or harmful to injured workers and their families than if the scheme was not sustainable and not able to meet their basic needs in terms of being able to put food on the table and look after themselves and their families. It is very important that whenever we make changes to the WorkCover scheme, whether that be reductions in premiums or increases in benefits to workers, they are made on the basis of economically sustainable management of the accident compensation system.

I bring to the attention of the house the Victorian WorkCover Authority's 2005 annual report. What we are largely doing in this legislation is increasing benefits to injured workers and, as I said, there is no argument about the need to have proper benefits for injured workers. Those benefits should be targeted particularly at helping workers return to full mental and physical health and preferably able to return to work. That is what we need to focus on in any benefits we provide. When you look at pages 42 and 43 of WorkCover's annual report, which are the financial pages, you see that what we are fundamentally doing with the WorkCover scheme at the moment is living on the growth of returns on investments in that fund rather than improvements in its management.

Mr Stensholt interjected.

Dr NAPTHINE — The member for Burwood interjects, but let me go through some of the figures for the years 2004 and 2005. The difference between the premium revenue received in 2004 and the total expenses meant that the WorkCover scheme had a $316 million profit, if you want to call it that, or a positive difference between revenues received and total expenses. In 2005 the difference between premium revenue received and total expenses was only $39 million, which is a fairly thin margin when you are talking about a $2 billion or nearly $3 billion annual turnover. There was only a $39 million difference in a positive sense between revenue received from premiums and total expenses.

If you put on top of that, as members have pointed out, the further 10 per cent cuts to premiums, which are worth about $180 million — the member for Burwood said it was $170 million, but the figures here suggest it is closer to $180 million — so that is a $180 million cut on a $39 million freeboard, you actually go into the red with the difference between revenues received from premiums and what is paid out in total liabilities. If on top of that you add the additional costs and additional benefits in the proposed legislation, you are going further into negative territory in the difference between premiums received and payouts. That is saved in terms of the total WorkCover situation only because the investment revenue has grown significantly over the last couple of years because of the stock market boom and the property boom. If you look between 2004 and 2005 you see there is nearly $200 million extra in investment revenue because of that situation.

The point I am making is that it is not the good management of the scheme that is able to deliver cuts to premiums and increased benefits. It is being delivered on the back of the stock market boom and the property boom. It is always a challenge for members of Parliament to answer the question, 'Will that last?'. Those people who have watched the stock market in the last week, when it has had a few ups and significant downs, will know it is risky to base the future of the scheme on expected continued massive growth from investment revenues. That is the risk I look at.

The statement of financial position on page 43 shows that the total equity in the scheme increased from $125 million in 2004 to more than $900 million in 2005. That sounds fantastic; you think the total equity of the scheme has increased significantly. But if you look at it, you see the investments went up nearly $2 billion in themselves. If you took away the enormous boom from the investments in property and the stock market, you would see that the scheme actually went backwards and outstanding claims

increased by over $250 million. Total liabilities increased from 2004 to 2005 by nearly $700 million, so the scheme is on a knife edge except for the windfall gains from the stock market and the property boom. There are real questions about how sustainable that is.

In that context I make the point that if you are talking about cuts to premiums, it is easily reversed. If the stock market boom fails and the stock market turns turtle, the property market turns turtle and investments do not deliver the expected outcomes, then it is easy to actually increase the premiums to make that adjustment. That can be done fairly easily. But it is very hard for any government to wind back benefits to injured workers. Therefore, it is always a higher risk to take to increase benefits at a cost to the scheme. I think that is what is happening here, and that is what I have concerns about.

I am also concerned that these improved benefits are not focused. They should be focused on improving health and welfare and return to work. I am not confident that any evidence that is based on case studies, actuarial assessments or any other scientific or intellectual arguments has been presented to the house showing why these benefits will improve outcomes for injured workers. While we want to commit to helping injured workers, any decisions about increasing benefits should be clearly based on evidence that shows that that will help, rather than perhaps hinder, the recovery and return to work of injured workers.

Yes, we want to provide safe work environments — we all agree on that — and I support the comments made by the honourable member for Bellarine. It is interesting that she used Alcoa — in my electorate it is Portland Aluminium — as an example. If you look at the WorkCover annual report you see that the no. 1 and no. 2 companies that are self-insurers are Alcoa companies. They are not subject to all this. They are self-insurers; they operate their own insurance system. The member was saying how good it is, and I endorse that. It shows that self-insurance is a good way to go.

Finally, I will make some points about the need to provide appropriate care if you have injured workers. In my town of Portland — which has industrial businesses that operate 24/7 and an international port — this month on 11 of the 30 days in June no doctor will be available for accident emergency. If somebody is injured at work, they can have no medical attention unless they travel for over an hour by ambulance to a neighbouring hospital. In Warrnambool we have a situation where this government refused to fund the much-needed redevelopment of the hospital.

Finally, one of the things that is really important for injured workers in rural and remote areas is the ability to get to some of our specialist trauma centres as quickly as possible. South-west Victoria is the only part of the state with no multipurpose emergency helicopter service to take people quickly to a trauma centre, which is absolutely critical to providing proper care and support for our workers. With those comments on the bill — —

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

Mr SEITZ (Keilor) — I rise to support the Accident Compensation and Other Legislation (Amendment) Bill. The bill will increase the level of weekly benefits for injured workers who initially return to work part time from 60 per cent to 75 per cent of their pre-injury salary. It is important to have those measures, as they are a vital step in assisting the workers and their families.

Mr Ingram interjected.

Mr SEITZ — No, I am not; I am reading my notes. It is absolutely important that we deal with the issue of working people who have an accident at a workplace. I well recall that when workers compensation legislation was introduced to this house in the first place it was decried and there were claims that employers and businesses would go broke. We are basically 15 years down the road and it has not had that effect on employers. What it has done is make us a better and more civilised society. It has provided more security for the community, for workers and for companies instead of there being lengthy litigation.

This legislation takes another step towards clarifying how severely impaired people can have quick access to settlement of their cases instead of having them dragging out for months, and sometimes years, as they used to. That is very important when you have a family and you know you cannot return to work and are uncertain of being able to support them with the little income that you have from sickness benefits — now WorkCover, which we have introduced. These amendments will go a long way in that regard.

The reforms have been introduced after consultation by the government. There has been a reduction by 10 per cent of the premiums for employers, which is greatly welcomed and appreciated by the employers, because of the management of the board in carefully administering its affairs and finances and of the case managers who deal with injured workers. At times injured workers who believe their case managers have

not been treating them fairly come to my office. However, at the end of the day, when everything is looked into, it is found that the workers are being treated fairly with their injuries and being assessed properly on medical grounds.

Both sides welcome the fact that there is a clear path through the process of achieving benefits and being looked after. It is also important that the family is looked after. The benefits in these amendments are important for that.

We know the occupational health and safety legislation introduced by the Bracks government and passed by this Parliament has improved our health and safety and led to fewer injuries occurring in the workplace. My personal opinion is there are still too many accidents and too many fatalities on the job. We know that last month there were three fatalities in the building industry alone, which is three too many. We can have laws and regulations and inspectors around the place and run education programs but accidents do happen, and sometimes you cannot save people from themselves.

Some supervisors and managers in the construction industry and those involved in the erection of tents at the Commonwealth Games village and at the grand prix say they have occupational health and safety inspectors there all day with cameras, watching them to find a fault or a mistake, and they then have to write up lengthy incident reports about it. I just say that that is protecting them and their workers, because it makes them conscious of safety and ensures they receive training if a mistake or incorrect procedure is discovered. That is the only way we can develop this program.

Occupational health and safety is reasonably new and everything evolves and changes — like industry and the equipment that is used in industry. We are banned from using ladders 1 metre and higher, we now have scissor lifts. When I came into this Parliament there was a big argument about scissor lifts and who was going to operate them and so forth. They were a new piece of equipment being introduced for safety in the industry — they did not exist in the building industry before that. We now have cherry pickers and chair lifts even in domestic house painting, and we are trained to set them up so they do not topple over when people are lifted into the air to paint a house or erect a scaffolding.

When we do our roof coverings we have safety railings around the roof. That practice did not exist a few years back in the domestic building industry. All of these steps we have taken contribute to the safety of workers. They provide some assurance that the government and the Parliament care for workers. We have been able to reduce WorkCover premiums for employers. Employers need to understand the additional benefit they got in this budget and that they need to put some money aside for occupational health and safety training and the provision of safety equipment on the job for workers at all times.

With those comments, I wish the bill a speedy passage through the house. I believe other members want to speak on the bill.

Ms GARBUTT (Minister for Community Services) — I would like to thank the members who have spoken on this bill. They are the member for Kew, the Leader of The Nationals, the members for Burwood, Mornington and Bellarine, the Deputy Leader of the Opposition, and the members for Mount Waverley, South-West Coast and Keilor. I thank members for their support for this important bill and wish it a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

STATE TAXATION (REDUCTIONS AND CONCESSIONS) BILL

Council's amendment

Returned from Council with message relating to amendment.

Dr Napthine — Acting Speaker, I wonder if the minister at the table, the Minister for Community Services, could explain the amendment to the house so that when we consider it later this day we can understand what it is about.

The ACTING SPEAKER (Mr Languiller) — Order! At this point the house is considering when it will be taken into consideration. An explanation will be given at that time.

Ordered to be considered later this day.

LAND (FURTHER MISCELLANEOUS) BILL

Second reading

Debate resumed from 14 June; motion of Mr HULLS (Minister for Planning).

Mr CARLI (Brunswick) — This bill makes very small amendments to the principal act. The amendments are the sort that come up every so often regarding the revocation of public lands for various reasons.

I will focus on the revocation of a part of McDonald Reserve in Coburg. It is an issue that I have been dealing with for a number of years. It is no longer in my electorate after the last redistribution, but it is a very important part of a redevelopment to Pentridge Estate. What used to be the major Pentridge Prison has now been redeveloped as residential land. A new road, Pentridge Boulevard, has been built by the developers. It will join up with Drummond Street which enters Bell Street.

The bill takes away part of the Crown land that is on McDonald Reserve to allow for a widening of Drummond Street. That will allow Pentridge Boulevard to become a link between Sydney Road north of Bell Street and Bell Street. Currently that link has to be made through a rather awkward manoeuvre through Elm Grove and Urquhart Street. If you are coming south on Sydney Road from North Coburg, you have to turn into Urquhart Street to get to Bell Street, while if you are coming up Bell Street and want to get to Sydney Road, you have to turn into Elm Grove since there are no left or right turns on Sydney Road.

Pentridge Boulevard is a new road. Widening Drummond Street will allow for a new thoroughfare. It will open up and give frontage to Coburg high school, which will reopen next year. It will also provide great access to Pentridge Estate. It is a very important piece of road infrastructure which also enhances the use of land. The consequence of taking away that small strip of land to widen Drummond Street is that we will lose a tennis court.

Peter Brown, the chief executive officer of the Moreland City Council, has been very successful in bringing together all the parties — the developers, the tennis club and the community. To ensure that tennis continues to have a future in East Coburg they have come to an agreement to rebuild the East Coburg Tennis Club courts closer to the new Coburg secondary college. That will mean that it will be available for the secondary students and as a new facility for the Pentridge estate. It will also be a great sporting facility for that area.

The East Coburg Tennis Club is a great club, but the facilities are certainly tired, and a new facility was clearly demanded. The widening of the road has created that opportunity, and everyone is very satisfied with that as a solution. So a new club will get built within the estate and close to the secondary college. We will also have a widening of Drummond Street, which, I must say, is a very small street, so it will connect up with Pentridge Boulevard. As I said, that will be an enhancement of the local infrastructure.

I want to commend all of the people involved in getting this solution. These things demand an enormous amount of local consultation and discussion and bringing players together. There has been some disagreement about some of the traffic management issues in the area, such as the width of Pentridge Boulevard, but all of that has ultimately been worked through. The council is very satisfied, and I must commend the councillors for the work they have put into this.

It will be a great road, which, as I said, fulfils a number of really important functions, particularly providing a road frontage for the new Coburg secondary college. As people would know, it used to be the Moreland Secondary College, but it was closed. It will be reopened next year as a senior campus, and it will certainly benefit from this road development. It will also benefit from the new tennis courts that will be constructed as a result. It has been a win-win situation. It demonstrates enormous goodwill and a very strong belief and commitment to consultation by the Moreland council.

I commend the council, the developers, the East Coburg Tennis Club and all the community members who really made this win-win situation possible.

Mr CRUTCHFIELD (South Barwon) — I rise to speak very briefly on the Land (Further Miscellaneous) Bill. As the member for Shepparton articulated very well yesterday, one of the matters in this particular bill is pertinent to my electorate of South Barwon. It is good news, in fact. Like the previous member, I have been working for a number of years on this issue to get an east-west route across the breakwater and down Breakwater Road. The works have commenced. I have been told by VicRoads that they are about six weeks away. I would certainly like to thank the businesses there which have been temporarily disrupted, particularly Belmont Timber. Access to the timber yard

and hardware store has at the very least been quite difficult, I suggest. I thank Alex Popescu, a patron of Geelong Football Club, who owns Belmont Timber, for his patience.

We are certainly close to finishing the works there, and I will be happy to open that particular road. The roadworks that are about to be finished required some land to be annexed from the Crown land reservation. It does not impact on the sporting groups that operate there, such as the South Barwon Cricket Club, the Marshall Cricket Club and the little league. It is the first stage of an improved east-west link for the people of South Barwon and also the people of Bellarine. A number of residents have approached me about the problem of the breakwater lights, given that normally it floods at least once or twice a year — although not in recent years, because we have not had enough rain. This is the first stage of that particular project; the second stage is in train as we speak.

The second stage will be a bridge over the Barwon River. In my view it should connect with Fellmongers Road, but there has been a degree of contention over that. This is a geographically isolated area and people in my patch want that bridge completed as soon as possible. I am very pleased that this bill is going to be passed today and has unanimous support. The businesses, residents and sporting groups in that area will be very pleased when we open the new traffic lights at the intersection of Breakwater and Barwon Heads roads in six weeks time.

Ms GARBUTT (Minister for Community Services) — I thank the members who have spoken on this bill. This is a familiar sort of bill to me, as bills like it came through quite regularly when I was the relevant minister. In this case it has had support. I wish it a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL

Second reading

Debate resumed from 14 June; motion of Mr HULLS (Minister for Industrial Relations).

Ms MORAND (Mount Waverley) — I want to make only a brief contribution to the debate on this long service leave legislation. This bill would not be necessary if it were not for the federal government's WorkChoices legislation. This bill is needed to protect the existing entitlements of employees, particularly nurses and other health care workers. It is needed because nurses and other health care workers have better long service leave entitlements than the minimum standards being introduced under the new federal WorkChoices legislation.

The bill will require employers to advise their staff if a workplace agreement reduces their long service leave entitlements. Because the federal laws will afford those working in businesses with less than 100 employees no protection at all under unfair dismissal laws, we need to take this action to ensure that employers cannot dismiss their employees to avoid paying them their long service leave entitlements. The bill provides a general prohibition on employers dismissing or in any other way taking action to avoid providing employers with their long service leave entitlements.

The WorkChoices legislation is causing a great deal of concern, which is both reflected in what is occurring today and relates to what could potentially occur in the future in workplaces under that new federal law. The new law will particularly adversely affect workers in low-skilled occupations and workers in casual and part-time employment. Women will be particularly vulnerable in this new industrial relations environment. People who are employed under casual and part-time conditions are in a very poor bargaining position with their employers, and the federal law will make it extremely difficult for them in their workplaces.

Can members imagine a situation where they were employed on a casual basis, working from week to week without knowing whether they were going to have their job next week or how many shifts they were going to have next week? In that sort of environment and vulnerable position in the workplace, how would employees be able to bargain with their boss about occupational health and safety, their rate of pay or any other entitlements?

I refer to an opinion piece published in Monday's *Age* written by an associate professor of law at Melbourne University, Beth Gaze, in which she articulates her concern regarding the impact of the new federal industrial relations law, particularly as it relates to women. Professor Gaze points out in her article that women constitute a large proportion of low-income workers in Australia, that they are employed disproportionately in industries such as the retail and

clerical industries and that many work in part-time and casual employment, making them particularly vulnerable, as I have just outlined.

Professor Gaze refers to the Spotlight case, which has generated a lot of interest and provides an example of the sorts of problems that the new federal industrial relations law allows for. Part-time worker Annette Harris was offered a workplace agreement by retail store Spotlight which replaced her penalty and overtime benefits with a pay rise of just 2 cents an hour. This woman had worked at a Spotlight store in Queensland for two years and on return from unpaid leave was offered a new agreement which would have meant a loss of around $90 a week in penalty rates.

The *Age* reported that, when Prime Minister John Howard was asked about the 57-year-old's plight, his response was that some pain was necessary to create jobs. That is why this government is challenging the constitutionality of the federal laws in the High Court. That is also why we have established the workplace rights advocate, why we need this legislation and why we need to protect Victorians from the adverse impacts of industrial relations laws. I commend the bill to the house.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 14 June; motion of Mr PANDAZOPOULOS (Minister for Gaming).

Mr LIM (Clayton) — It gives me tremendous pleasure to be speaking in favour of this particular bill. I take a very great interest in the subject of gambling because of the community I represent in this house and their historically challenging relationship with gambling and because gambling, in one form or another, has been such an integral part of fundraising for the many voluntary organisations with which I am associated. Indeed in my maiden speech to this house I paid tribute to the many non-profit community organisations that do such great work in my electorate. These organisations survive mainly on funds that they raise from lucky envelopes, bingo nights, raffles and the like.

Honourable members may also recall that in 1996 I commissioned a parliamentary intern to study the effects of gambling on Victoria's Asian communities, and the Liberal Premier Jeff Kennett attacked me head-on in this chamber for my pains. Gambling — and I am very glad to see that this word has been restored by this government, supplanting the mealy-mouthed and confusing word 'gaming' — can be a great curse on a society or it can be harnessed like any powerful force or energy to do good things in the community.

The purpose of this bill is to further enhance the regulations that keep gambling controlled and a force for good rather than for evil in this state. These regulations are rather like control rods in a nuclear power plant. They moderate the reaction, keeping it from getting out of control. Just as the engineer in such a power station has to keep a close eye on the reactor to keep it under control, so this government is keeping the powerful force of gambling under strict and vigilant control. The government should be commended for that.

As the minister said in his second-reading speech, gambling regulation is, by its very nature, complex. There are new technological, technical and social challenges constantly emerging in this complex set of behaviours that we call gambling, and we must be ready to meet these challenges with appropriate legislation. This bill is a critical part of the Bracks government's policy platform for gambling, which will establish a new regulatory framework for public lotteries licences. The bill also simplifies the so-called confidentiality regime contained in the Gambling Regulation Act 2003 and makes it clear that the regime is intended to cover information held by the minister or the commission and those acting on their behalf.

In line with what I said earlier about a constant need to adjust the gambling control rods, the bill redefines those relatively innocent pastimes of footy tipping and soccer pools to provide an alternative method of determining how prizes in such lotteries should be distributed if insufficient matches are played for the distribution of prizes to occur in the usual way. It also amends the Gambling Regulation Act to allow for the issuing of electronic tickets, which are an essential in a world where now almost everything is done by computer instead of on paper. Importantly, the bill inserts a new section which makes it an offence for anyone to knowingly sell a lottery ticket to a minor. A minor is defined as a person under the age of 18 years.

The major focus of this bill, however, is to facilitate the major changes that are taking place in the conduct of public lotteries in Victoria. Late last year this

government announced that the public lotteries licensing process had entered its final phase and that a short list of registrants invited to formally apply for public lotteries licences had been drawn up. The government expects to announce the final outcome of the current public lotteries licensing process very soon.

The current licence held by Tattersall's expires on 30 June 2007, ending that company's exclusive licence to run lotteries in this state. In some ways this represents a sad moment, since Tattersall's is the world's oldest private lottery operator and the expression 'a ticket in Tatts' is almost part of the folklore of Australia. However, the government has indicated that short-listed registrants have been invited to apply for a single exclusive licence from July 2007 or for one of two licences covering specific segments of the lottery market in Victoria. So we may well have Tattersall's back in business in this state in the latter half of 2007.

Arising from the new public lotteries licensing process, this bill introduces further enhancements to the regulatory framework for such lotteries. Among other things, the bill requires that a public lottery licensee be responsible for every aspect of the conduct of a lottery, including those lotteries that are conducted by the licensee's delegate. It also gives the minister the power to require that, as part of the licensing process, a public lottery licensee must enter into an ancillary agreement. If an operator's licence is suspended or cancelled as a result of disciplinary action, the bill allows the minister to appoint a temporary licensee to ensure continuity in the delivery of lotteries.

The bill builds more flexibility into lottery licences in order that they may keep pace with the rapidly evolving gambling technology, systems and products. In keeping with the Bracks government's commitment to openness and transparency in government, the bill requires that any public lotteries licence and any ancillary agreement shall be public documents. It puts in place appropriate transitional arrangements for new licence recipients to ensure that their licences shall be fully effective on 1 July 2007.

The bill also makes a consequential amendment, to repeal section 28 of the Tobacco (Amendment) Act 2005. This a very worthwhile bill that will ensure that gambling in this state is conducted in a controlled way that will benefit the entire community. I commend the bill to the house.

Mr COOPER (Mornington) — It has been said on past occasions that there are three areas of government administration that always get people excited. When I first came in here, they were described as birds, booze and betting. We are dealing with the last of those. It always engenders a lot of interest from members when we talk about legislation governing the gambling industry. In this case, of course, we are talking about a part of the gambling industry which does not include poker machines. But it does include lottery licences, keno, bingo, football and soccer tipping and other such games, and it is important for people to look at the bill to ensure that we do not make mistakes, because mistakes do get made.

On reading this legislation I must say I was quite surprised. I made a note to say, 'Here is a smelly bucket of fish'. That is a good way to describe this bill, because it moves completely away from the promises that the Labor Party made in 1999 prior to coming to government. When the Labor Party was in opposition it talked very grandly about separating itself from decisions and having independent people making decisions and not having political interference or political decision making, so that it could say, when it came into government, that it had clean hands and was divorced from the detail of the industry. So whenever I see legislation coming into this place with regard to gaming or gambling, I drag out that policy statement which I printed off in late 1999, and compare it with the legislation that is before us.

This bill really breaks every boundary and promise that the government made in 1999. There have been no statements or news releases by the government since that time to say it had changed its mind and wanted to go down a different track. It has simply walked away from its promises and decided that it will take charge. When you look at this bill you see that it gives the minister power to override the gaming commission with regard to the granting of lottery licences. It forces the proposed licensee to enter into ancillary agreements before the minister — I repeat, before the minister — issues the licence. There is an instance of not separating yourself from the decision! It is the minister who will be making that decision. The bill allows the minister to cancel a licence and appoint a temporary licensee with terms and conditions that the minister considers appropriate. The minister is involved, with a hands-on approach to the issue.

The bill further allows the minister to appoint a new licence-holder to run a lottery. If that is not a dangerous situation I would like to know what is. Particularly in relation to the renewal of licences to run lotteries in Victoria, the present minister is right in it up to his elbows with regard to who is going to get the licence to run lotteries in this state.

Mr Smith interjected.

Mr COOPER — The member for Bass has just interjected something which I will not put on the record but with which I agree.

The ACTING SPEAKER (Mr Seitz) — Order! Interjections are disorderly!

Mr COOPER — It goes on, Acting Speaker. The confidentiality provisions in the bill say that a regulated person does not have to produce in court a document or any protected information during a case unless the minister allows that disclosure. Does that not set your mind racing, Acting Speaker? It looks to me as if it does. It looks to me as though even you are very concerned about that.

The ACTING SPEAKER (Mr Seitz) — Order! The member knows he must not involve the Chair in the debate.

Mr COOPER — The bill also gives the minister the right to disclose statistical information on a specific gaming venue if he considers it in the public interest. And there appear to be some problems with whistleblowers and third-party disclosures on whistleblowers, which will come as a bit of a shock to a lot of people in the community as well. When you run through this bill you find over and over again that responsibility and decision making have been transferred from independent people who are at arm's length from the government directly into the hands of the minister. I do not believe that is a good thing for this state, or for its gambling industry either.

I must say that I was deeply shocked when I read that the minister can prevent information being produced in a court because he can declare it confidential and protected and remove it from scrutiny in any cases that may be brought before a court. I question that strongly, because we are now talking about the separation of powers. We are talking about the ability of courts to operate without political interference and without the scrutiny of people who are elected to this place. The situation we have here is quite clear: the government cannot worm its way out of this. The confidentiality provisions in the bill say that a regulated person does not have to produce in court a document or any protected information during a case unless the minister allows that disclosure. The government has established a dangerous precedent, and it is one that should not be allowed to go through without protest.

I say to this house that my protest will include voting against this legislation on that ground alone, but there are other aspects of this bill, which were spelt out very well by the honourable member for Bass last night during his response on behalf of the opposition, that lead us to believe that it has significant flaws — and those flaws should be a worry to anyone who believes in the separation of powers and the ability of the courts in this country to deal with cases without interference. There are also aspects, which the honourable member for Bass spelt out very clearly, that encourage and condone a minister who is not separate from direct involvement becoming heavily involved in day-to-day decision making in the gambling industry.

This is a dangerous piece of legislation that needs further consideration by the government. Putting it into operation will create a situation that could encourage significant corruption. I am not saying that the present minister or the present government will be corrupted by this, but it will create an environment in which someone could well be corrupted and we could end up with major problems in this state. I do not think that is something this house would want to see occur. This legislation has major flaws, and it is dangerous in terms of what it seeks to do. That is why I will be voting against it.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until later this day.

STATE TAXATION (REDUCTIONS AND CONCESSIONS) BILL

Council's amendment

Message from Council relating to following amendment considered:

> Clause 5, page 5, line 1, omit "pensioner" and insert "first home owner".

Ms ALLAN (Minister for Education Services) — I move:

> That the amendment be agreed to.

I will be very brief, as this is just a small administrative change. Obviously this is an important piece of legislation that brings into place a number of initiatives and measures announced by the Treasurer in the very well-received 2006–07 state budget, and I commend this amendment to the house.

Mr KOTSIRAS (Bulleen) — The opposition has no problem with this amendment, but I have to say that this is sloppy legislation. It is typical of this government that it cannot get it right the first time. Even after you

tell government members it is wrong, they do not believe you. It was not until The Nationals in the upper house convinced this government that there was an error in this legislation that the government decided to bring in an amendment. It really is a shame that in bill after bill this government cannot get it right. It is even more disturbing that when we tell government members there are errors in the bill that they do not do much about it.

I have to say that opposition members have no problem with the amendment — it supports it — but it is a pity that the amendment was not given to the shadow Treasurer, because he is attending the Public Accounts and Estimates Committee and is unable to be in the chamber. The Liberal Party will not be opposing the amendment.

Mr WALSH (Swan Hill) — Again, I would like to put on the record that this amendment has come to this house through the diligent work of the Honourable Bill Baxter, the father of the upper house and a member who has been in that place for a long time.

Mr Dixon interjected.

Mr WALSH — No, Mr Baxter is quite proud of that fact. He is someone who puts in the hard yards in the job that he does representing country Victoria in the upper house. He scrupulously goes through every bill he has in his portfolio area, and in this one he picked up a drafting mistake and drew it to the attention of the government when the bill got to the upper house. I put on record this house's thankyou to Mr Baxter for picking up this drafting error and for making sure we have the legislation worded correctly. These things do happen, and it is probably a pity it was not picked up by someone else. Fortunately Bill's diligent work picked that up.

Motion agreed to.

HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL

Second reading

Debate resumed from 14 June; motion of Ms PIKE (Minister for Health).

Ms MORAND (Mount Waverley) — I appreciate the opportunity to make a contribution to the debate on the Health Legislation (Infertility Treatment and Medical Treatment) Bill, and I thank the Government Whip for allowing me a small amount of time to make a contribution.

The bill amends two acts that contain two of the most controversial issues that the community and members of Parliament face from time to time in debates — infertility treatment, and medical treatment and withdrawal of medical treatment. First of all I want to make some brief comments about the Infertility Treatment Act. Although the bill makes only minor changes to the act they are very important because the provision of infertility treatment must be regulated very closely. It is very important that the Infertility Treatment Authority upholds the high standards in licensing, no matter where a clinic is located. Currently licences are issued to a public hospital, a private hospital or a day-procedure clinic, and the clinics themselves exist as separate legal entities to the hospitals in which they are located. Because clinics conduct the treatment and are responsible for compliance with conditions of licence, this amendment will allow the service that provides the treatment to be issued with the licence rather than the hospital.

As I have said, it is important that the Infertility Treatment Authority upholds the high standards in licensing, no matter where the clinic is located. The interests of the child born as a result of infertility treatment remains the most important principle of the Infertility Treatment Act itself. Incredible outcomes can be achieved through this science, and the enormous joy at the birth of a child, especially after years of trying to conceive, cannot be underestimated. Parental desire is a very strong emotion, and the debate about access to infertility treatment goes to issues of relationships, equality and parenting.

I would like the Infertility Treatment Authority to look at the outcomes of infertility treatment, not just the clinical outcomes. In its annual report the ITA always details things such as the number of cycles, the sort of clinical procedures that take place that result in pregnancies, and so forth. I would also like the ITA to evaluate the outcome of those cycles — outcomes of the child born as a result of the treatments — and evaluate them against the first principle of the act, which is the welfare of the child born. I greatly respect the chair of the ITA, Jock Findlay, and the other members of the authority. I worked with Jock and the previous chief executive officer, Helen Szoke, on a number of complex legislative issues when I worked for a previous health minister. I trust the authority will continue to carry out its function to the highest standard.

Briefly on the Medical Treatment Act, decisions about who can authorise the withdrawal of treatment are extremely important, and I agree with some of the comments made by the member for Mornington when he said we should be clear that withdrawal of treatment is not euthanasia. I also agree with him that we do not want to see some of the tragic cases that have occurred in the United States of America where there are prolonged court cases going on for several years in some cases to determine the outcome of who should be allowed to withdraw treatment.

I believe that the quality of your death should not be a factor of the quality of the beliefs and practices of your treating doctor. As do other members, I see people in my office who want to debate the issue of euthanasia, but they often also have very little experience of looking after people who are dying and the ramifications for the withdrawal of treatment. I would like to see further reform of the Medical Treatment Act to give the individual greater authority over decisions concerning the end of their lives. I am pleased that the Leader of the Opposition has indicated he supports voluntary euthanasia, or at least supports the debate about voluntary euthanasia. Hopefully the next Parliament will have a further opportunity to debate these issues, but I will leave that debate for another day. I commend the current bill before the house and wish it a speedy passage.

Mrs POWELL (Shepparton) — I am pleased to speak on the Health Legislation (Infertility Treatment and Medical Treatment) Bill and to say that The Nationals will also not be opposing this bill.

The bill makes amendments to two acts: the Infertility Treatment Act 1995 and the Medical Treatment Act 1988. Clause 3 amends section 93 of the Infertility Treatment Act 1995 and deals with licence applications, and that is the clause we are dealing with today. The new provision extends the list of entities that may make an application to the Infertility Treatment Authority for a licence to undertake activities that are regulated by the act for those organisations that carry out infertility treatment procedures. The licensed centres amendment includes the proprietor, being a body corporate of a clinic that is within a public hospital, a private hospital or a day procedure centre, or a clinic that accesses the clinical services of a public hospital, denominational hospital, private hospital or day procedure centre under a service agreement.

The ITA was established in 1996 primarily to regulate but also to license those hospitals that give in-vitro fertilisation (IVF) treatments. They are the providers of assisted reproductive treatments. There are a number of hospitals around the state, including some in country Victoria so it is important for the community to have confidence in the security of those areas and the security that those hospitals are licensed appropriately. I know that under the act there are a number of conditions they must comply with in order to be licensed.

There needs to be confidence in the systems. I understand people are counselled before they attend for IVF treatment because it is a fairly traumatic experience. I have been very fortunate. I have two children of my own, and I had them naturally. But I have a number of friends who have adopted children, and also friends who have used IVF treatment. It is not used lightly because it is fairly traumatic and can be costly both in time and in stress levels.

I understand the success rate is not brilliant. The member for Caulfield in her presentation said the success rate was only about 20 per cent. Some women who access the in-vitro fertilisation program go back time and time again. Some are lucky enough to have one pregnancy and they go back to try to have a brother or sister for that child. Sometimes there are multiple births, which can cause a lot of joy to some families but also some stress to other families. It is important that women and families who access IVF are counselled and know that they are able to manage the treatment and its consequences. There needs to be ongoing counselling for them.

The Infertility Treatment Authority plays a very important role. It is an independent statutory body. Even though it is not staffed to a high degree, it plays a vital role and provides an annual report to this place, so we are able to see the work it has done over the year.

Many more women are using IVF treatment now as a means of starting a family. There are a number of reasons for that. Some women wait longer to have children; they are pursuing careers and do not want to terminate their careers to start a family. When they decide to start a family they are much older and it is not as easy as they were once hoping. This causes them to look for alternative means of having children such as IVF or adoption. There are fewer babies available for adoption in Australia so the adoption system is not open to all people.

The Infertility Treatment Authority in its annual report 2005 quoted as its guiding principles:

> the welfare and interests of any person born or to be born as a result of a treatment procedure are paramount;
>
> human life should be preserved and protected;

> the interests of the family should be considered;
>
> infertile couples should be assisted in fulfilling their desire to have children.

The last is one of the most important parts.

If people are not able to access IVF treatment and they choose to adopt, it is much harder now because there are fewer Australian children being offered for adoption and there are more intercountry babies. Even that is much harder now to access. The Office of Children produced some fairly compelling statistics:

> Since 1928 when the first legislation for adoption was introduced, approximately 64 000 people have been adopted in Victoria. Only 10 infant adoptions took place in 2003–04, and this reflects a range of changes in society over the past 30 years. The following statistics illustrate the dramatic decline in local infant adoptions in recent years and the increase in adoptions from overseas.

Further:

> The decrease in the number of adoptions since 1996 has been the result of a number of interrelated factors including:
>
> > increasingly tolerant community attitudes towards ex-nuptial births and single parenthood
> >
> > improved contraception
> >
> > the widespread availability of pregnancy terminations.
>
> The introduction of government benefits for single parents in 1972 is the most significant identifiable factor in this pattern.

That is an important point to remember; a lot of young mums receive assistance now so they are able to keep their children and they do not choose to put their children up for adoption.

Regarding adoptions in Australia in 2003–04, there were 73 local placement adoptions, there were 59 known child adoptions, which means adoptions by relatives, and there were 370 intercountry adoptions, which brings the total for that year to 502. Local adoptions continued the general trend of the last 30 years and declined in numbers by 31 per cent, from 106 in 1990–2000 to 73 in 2003–04. Although the number is decreasing, many characteristics of local adoptions have remained unchanged throughout the last few decades. The statistics show that the majority of children adopted continue to be under one year of age.

If I can talk briefly on clause 4, which amends the Medical Treatment Act 1988, this deals with the refusal of medical treatment. If a medical practitioner is asked to sign to verify a guardianship order and has doubts about any issue, whether it be the competence of the patient or whether the agent or guardian is competent to act in good faith in refusing medical treatment on behalf of the patient, this is a really sensitive issue, and we need to make sure there is confidence in the person making the decision to stop the treatment for somebody who is incompetent. That person could be somebody who is unconscious or somebody who has a mental disability.

The bill clarifies that only guardians appointed by VCAT have the power to refuse medical treatment decisions on behalf of the incompetent person. Again we need to make sure that the interests of the person are best served and the decision is made for the right reason. There is a lot of soul-searching when people choose to end medical treatment. In regard to my husband's mother, we had to make a decision to turn off her lifesaving equipment, and it is a very traumatic decision. I can only imagine what somebody would go through who had to do that with a person that is not competent. Obviously my husband's mother was unconscious and we made that decision to remove the lifesaving treatment. That was done with a lot of soul-searching. We waited until the family got there, and once the equipment was turned off it did not take long for her life to end. So it is something you take very seriously and you do a lot of soul-searching within a family. As I said, The Nationals do not oppose this bill, and we wish it a speedy passage.

Dr SYKES (Benalla) — It gives me pleasure to speak very briefly on the Health Legislation (Infertility Treatment and Medical Treatment) Bill, which has two components, as mentioned by previous speakers. One is the provision for the licensing of infertility clinics to operate in their own right rather than needing to operate under the licence of hospitals, and the second is some refinement of the schedules, the approval forms for the refusal of treatment.

This subject is of great interest to me, given my background in veterinary science, where over the last 15 years I have been involved in embryo transfer and to a lesser extent the technique of in-vitro fertilisation (IVF). In essence a number of issues arise. First of all there are technical considerations, then you have quality assurance issues, regulatory issues and ethical considerations. Based on the experience of working with livestock, it is clear that the success rate in the project depends to a very high degree on the competence of the operator involved in the embryo transfer and in-vitro fertilisation, but there is also a lot of attention required to the management and wellbeing of the parent or the embryo donor. I can assure you that even when you put every possible best known step and best practice in place the success rates can be quite variable and extremely frustrating. That is in an animal

situation, so clearly in a human situation those variations in success rates can be even greater.

One of the issues that concerns me in relation to the human side of in-vitro fertilisation is that it is my understanding that, in seeking to achieve higher success rates, they implant quite a large number of embryos into an individual and this results at times in multiple pregnancies involving not just twins but triplets and quads at times. I think that issue needs to be under constant review because in the pursuit of a higher success rate you can impose another stressful burden on the mother-to-be.

The issue of licensing establishments that are not necessarily hospitals is particularly important. Again from my experience in the veterinary world, it has often been the case that the skills and expertise in in-vitro fertilisation develop outside the hospitals per se, and that does not mean they are of a lesser standard. In fact Professor Alan Trounson, who spent many productive years at Monash, started his work in cattle. Clearly that centre is well qualified to be licensed in its own right. So in enabling that, this piece of legislation makes one heck of a lot of sense.

The second component of the bill deals with the other end of the life cycle — that is, modifications of forms in relation to giving consent for refusal of medical treatment. This opens up another much broader debate, but I have the view that it is not life per se that is sacrosanct but the quality of life. As a veterinarian I often make decisions based on quality of life and bringing to an end an animal's life if the animal is suffering and cannot continue to have a good life. I have also been involved in making that decision in relation to my father's own wellbeing. We had agreed that when it got to a certain stage it was inappropriate for heroics to be undertaken, and when he had a stroke I made the point to the medicos: 'No heroics, thank you. My dad is happy to go out. He has had a good run'. Fortunately he went out quickly and in the care of some wonderful people at Korumburra hospital.

I see the commonsense in this legislation to ensure that people who are involved in making decisions about withholding medical services can be informed, and when a person is unable to make a decision in their own right, the authority is passed on to people who are informed. Those comments given, The Nationals have no opposition to this bill.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL

Second reading

Debate resumed from 13 June 2006; motion of Mr HULLS (Attorney-General); and Mr McINTOSH's amendment:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the views of all Victorians on the proposed charter are determined by referendum'.

Ms DUNCAN (Macedon) — I am really pleased to continue my contribution on the Charter of Human Rights and Responsibilities Bill 2006. It was interesting to listen to the other contributions to this debate. I believe this is a commonsense law. It is not necessarily rocket science, and I do not think it is particularly controversial either. It will simplify our laws. Probably the most basic thing is that it will bring together in the one place important human rights. A lot of people assume that our rights are protected, but when you look at it you see that many are not, and this charter will ensure that this government and future governments take into account basic rights when making any decisions or introducing any laws.

To that extent this bill is not dissimilar to the sort of family impact statement that Senator Fielding was seeking in the federal Parliament — that is, to have a charter that ensured that all regulations had regard for, in that instance, any impact they might have on families. I believe this charter is not dissimilar to the extent that it ensures that governments and public servants, when devising future regulations, must have regard for people's human rights.

A lot has been said by Liberal members against this bill. They have continually referred to the United States Bill of Rights, trying to suggest that this will be very similar. I do not know whether they deliberately do that or they truly misunderstand the bill, but to persistently compare it with the US-style bill of rights is completely misleading.

On a number of key points this charter is very different. The key point is that it does not give courts the power to strike down laws. It does not allow someone to initiate court proceedings purely because their rights have been breached. It does not create any absolute rights. All rights must be balanced against each other and may be limited, provided the limitation is reasonable. It focuses on good government and getting it right in the first place rather than leaving the protection of rights to the courts.

Another point the opposition made is that it could create unforeseen circumstances. I think it cited examples that have occurred in other countries. In this country, because it is governed by an act of Parliament, any unforeseen outcomes could be remedied simply by further acts of Parliament. It does not usurp the power of the Parliament; it does not give courts power over the Parliament; Parliament remains the supreme decision-making body. It is simply a charter and it is something for us to have regard to in all future legislation, regulation or works of the public service.

In regard to some of the contributions made by previous speakers, the member for Doncaster, who abstained from debating this bill because he did not believe it went far enough, made the comment that he regretted the parties could not get together to reach a consensus on this issue. But having listened to the debate and contributions from the members of the opposition, it would be difficult to know where you could possibly begin to try to reach that consensus.

Rather than the member for Doncaster suggesting that both the major parties should get together to reach consensus, I would suggest that perhaps members of the Liberal Party need to get together to reach consensus because their views are obviously hugely divergent, to the point where, as I said, on the one hand the member for Doncaster abstained from the charter, believing it did not go far enough, but on the other hand the initial response of the shadow Attorney-General to the proposed charter was that the legislation did not go far enough. He said it 'was absurd as it was not enforceable by the courts and could be changed or ignored if it suited the government's political imperative'. Since the introduction of the charter he has changed his position and now considers it is dangerous. So we go from not going far enough to now being dangerous.

I believe there is a great amount of misunderstanding about this charter. It is simply bringing together rights and ensuring that future governments have regard for those rights. I commend the bill to the house.

Mr DIXON (Nepean) — The debate on the Charter of Human Rights and Responsibilities Bill has been a good and interesting one, because the members who have contributed to the debate so far have expressed their own personal opinions in some cases and the opinions of their parties in other cases. There has been a huge range of views expressed on this. I know that in the shadow cabinet and in the Liberal Party's own party room there has been discussion on a huge range of thoughts and ideas on this bill, but there has also been discussion on the wider concepts of rights and responsibilities, the role of the Parliament, the role of the courts in our society and the role of bills. We have also looked at various models of similar sorts of charters across Australia and internationally, and at the history of this as well. It has been a very interesting debate that has gone to the core of some of our personal and political beliefs. I think it is good for this place to have this sort of debate.

What has come out of the debate is that there is a huge range of opinion on this — not only on the bill, but about what is a right? What rights are totally inalienable and cannot be changed? What rights change? What rights are fashionable? How have rights changed? What rights are different in Victoria than they are in New South Wales? Are there national rights that are different from state rights? Are there international rights that are different from Australian or Victorian rights? Because of the wide-ranging debate, there has been a huge variation in opinion on just what is a right. This is the basis of this debate. It is the basis of this bill. Therefore, if we are a microcosm of the communities we represent in this place, that means that our communities have a whole degree of definitions of what a right is.

Putting these rights in a bill or a charter and saying, 'These are your rights. They are set in stone', is very presumptuous of us. We cannot do that, and I cannot see the practical implications of having these sorts of bills. Members opposite have said this will make our jobs here better and more efficient and that it will give us better government, but I have yet to hear an argument as to why that is so. How will it work, how will the process be better and what are some of the practical examples of better government and the better protection of the citizens of this state that it will provide? I do not think that argument has been made in this place so far.

I firmly believe, for some of the reasons I have already spoken about, that if you define a right in the end you limit it, because rights change and they are not set in stone. I will develop that argument further in my contribution. I would like to share with the house and comment on a few of the quotes that I came across in my research on this bill. In the *Age* earlier this year Alan Anderson said:

> The naïve belief that a bill of rights can eliminate abuses of human rights by administrative or legislative errors does not bear scrutiny. Even citizens of the former Soviet Union enjoyed the benefits of an extensive bill of rights, which must have been a comforting thought on cold Siberian nights in the Gulag.

That is fairly colourful and probably at the extreme end of the comments I read, but the argument is that Soviet

Russia had a bill of rights, but its government did not defend the rights of ordinary citizens. It defended the rights of those in charge, but anyone who disagreed with the government had no rights. The bill of rights was just an enigma: it was something that was there and something that was bragged about, but it was never actually used.

In the *Herald Sun* of 21 February Peter Faris, QC, was reported as saying:

> The rights of Australians are already fully protected by law. Our democratic system works very well, even though its application may be sometimes unfair.

I would agree. We have a fantastic system of democracy in this country, and state governments and national governments of all persuasions have brought to our citizens a high degree of individual rights that people of different ages would see as basic rights. Since Federation and since the Parliament of this state first sat 150 years ago I would argue that what citizens have thought of as their basic rights have been protected by the commonwealth Parliament and by the laws we have actually made in this place.

If that were not the case, and if we were really upsetting the citizens of Victoria by not being aware and mindful of their rights in the legislation that goes through this place, we would have people marching up and down Spring Street, trying to come into this place and bring down the government and the Parliament itself. That has just not happened. If people get very upset with the government, they change the government. That is the essence of our democracy, and it is something that needs to be protected. I do not see how this charter will do that.

In the *Daily Telegraph* of 28 March, Piers Akerman wrote:

> Almost every dictatorial and authoritarian nation in the world boasts of a bill of rights, because such codes can easily be thwarted.

I referred to the example in Soviet Russia to show that a charter can be and is just words. The real protection of people's rights are the Parliament, a fair and just political system and a fair and just legal system.

There may be a few basic rights that most people in this state probably agree on, but there are rights that come and go as cultures change, as populations change and as the outside influences that affect our state wane or get stronger. All that affects what people think are very important rights. Some rights that people say are very important now will be irrelevant in 30 years time. Rights that were around a couple of years ago are now irrelevant to our day and age too, so rights are not set in concrete. The basic legislative power of this state has to reside here in this Parliament. It is not the job of the judiciary to interpret; it is the job of this place to exercise legislative power. Any lessening or watering down of what this place is about is dangerous. We should not be changing the essence of democracy in this Parliament in any way, shape or form.

The Liberal Party has moved a reasoned amendment to provide that this should go before the people. This is not something about which I have had thousands of people coming to me and saying, 'Mr Dixon, we in the electorate of Nepean should have a charter of rights'. People are not calling for that; it is being imposed on them. If we want to test whether people want this, let us test it at a referendum where people would get both sides of the argument and could make an informed choice. It would be pretty hard to balance both sides of the argument in a shortened form that people would understand, but I think we need to do that to test whether everyone is so keen. As I said, this is not an issue in my electorate. The only people that write to me are those who are opposed to it. No-one has asked me for it in the 10 years that I have been a member of Parliament.

To conclude, I would say this place provides the best protection of the rights of the people. The processes in this place — the lead-up to bills, the debates and what follows — are the best protection of people's rights. Rights are not set in concrete. Rights change over the years. We could have a debate and try to agree on what our basic rights are now, but if we came back in 10 years and had another debate on our rights, I would argue that a lot of those rights would have changed. I have been in this place for 10 years, and our perception of what our rights were in 1996 would be very different from our perception of what our rights are now. I can see no need for this legislation. I support the reasoned amendment.

Ms BUCHANAN (Hastings) — The Charter of Human Rights and Responsibilities Bill marks a watershed in Australian legislative history. I am proud to stand here today and speak briefly in support of the bill and the circulated government amendments on behalf of the constituents of the Hastings electorate.

At the outset I commend the Attorney-General and his team, the members of the Human Rights Consultation Committee — Professor George Williams, former Liberal Attorney-General Haddon Storey, Andrew Gaze and Rhonda Galbally — and the many hundreds of constituents in the Hastings electorate whom I have spoken with about the bill. The pathway leading up to

the bill was paved with an extensive and engaging comprehensive and inclusive process. I believe the preamble to the committee's report sums up the majority sentiment of Victorians on this vital issue for any civilised society. It states:

> After six month's of listening to Victorians of all ages and backgrounds across the state, it is clear that a substantial majority of the people we heard from want their human rights to be better protected by the law. While Victorians do not want radical change, they do support reform that will strengthen their democracy and Victoria's system of government. In this area, they see Victoria playing a leading role among the Australian states.
>
> Many people want to see their human rights better protected to shield themselves and their families from the potential misuse of government power. For even more people, however, the desire for change reflects their aspiration to live in a society that continues to strive for the values they hold dear, such as equality, justice and a 'fair go' for all.
>
> The idea of a community based upon a culture of values and human rights is one that we heard again and again during our consultations. Victorians sought not just a new law, but something that could help build a society in which government, Parliament, the courts and the people themselves have an understanding of and respect for our basic rights and responsibilities.

The report sets down some 35 recommendations regarding civil and political rights. After further consultation and feedback the content and intent of those recommendations were incorporated into the bill. The overriding intent of the bill is to create a new dialogue on human rights between community and government to ensure that both rights and responsibilities will be taken into account at the earliest stages of government decision making to help prevent human rights problems emerging in the first place. These key aspects that have been incorporated in the bill have been adapted from the models in place in the UK, Canada, New Zealand and the Australian Capital Territory.

This focus on political and civil rights is a good and fair foundation upon which further community discussion can take place for the potential inclusion of other aspects such as those of an economic, cultural and social nature. At this stage I would like to quote the words of the chief executive officer of the Victorian Council of Social Service, Cath Smith, on the charter. She said:

> Why does a voice like VCOSS, usually concerned with social and economic disadvantage, get involved with human rights? How will a charter on civil and political rights end poverty and inequality in Victoria?
>
> It won't — in itself.
>
> But for people who can't afford lawyers, who aren't sure what they can expect from large and powerful institutions like government, and for those who are left out of political processes, this charter will help build a culture of accountability by all public service providers, and provide a sense of dignity for service users and Victorian people in general.
>
> …
>
> VCOSS congratulates the government on the human rights charter and we look forward to working with government to assist in its implementation.

This bill represents the first legislated charter for an Australian state. It is a powerfully symbolic and educative tool for current and future generations, both for those born in this country and those arriving on our shores. I acknowledge some of the correspondence and representations I have received on this bill, and certainly support the Attorney-General's circulated amendments. It is also worth noting that the overwhelming majority of interactions I have had with people on the streets of the Hastings electorate and by mail are in favour of this bill.

There was no better example of what Victorians feel about this legislation than the public forum on the bill recently hosted by the Mornington Peninsula Shire Council and the local planning committee comprising residents from across the region. It has as its patrons the Honourable John Button, former Prime Minister Malcolm Fraser, Mornington Peninsula Shire Council mayor, Brian Stahl, Simon McKeon and Professor Judith Brett, to name but a few. Professor Storey from the Human Rights Consultation Committee gave a clear, concise and logical summary of the recommendations of the committee.

Nearly 300 people wildly applauded Malcolm Fraser for his passionate voicing of the concerns held by many who believed that this charter was of enormous importance for the whole nation. There was also a commonly held view that while Victoria is always leading the way when it comes to issues of this nature, we should be asking why this is not being initiated by our national government. It is a government that is making Australia the only Western country without a bill of rights. We are a country where many now feel that spin and misinformation for political gain has become the norm, rather than the protection of the fundamental rights of individual, ordinary Australians.

I have listened to members of the opposition state that dangerous convicted criminals will exploit this bill. They specifically referred to clauses 12 and 26. Unfortunately those who spoke chose to ignore one of the basic tenets of this bill, and that is that it does not restrict the legislative basis under which the Adult

Parole Board makes orders on convicted offenders. I suggest that talking this way is wedge politics through fear. It is not to be condoned in any way, shape or form. I suggest to members of the opposition that perhaps they have too much salt in their diets. Too much salt in anybody's diet can be very unhealthy for them. I suggest they take those salt shakers off their tables and throw them out of the window before it is too late.

I am proud to be a member of the Labor Party in this house today and support this bill which is so fundamental, as the Attorney-General so eloquently put it, to 'those rights and values that belong to all of us by virtue of our shared humanity'. I commend this bill to the house and I wish it a speedy passage.

Mr COOPER (Mornington) — I refer to a comment made in January this year by Bob Carr, the former Labor Premier of New South Wales, when he said that we should not forget that Russia had a bill of rights under Stalin, and that America had a bill of rights for 170 years before black Americans even got the right to vote. That comment really sums it all up — for me anyway — but if it does not, there is also the fact that people like an ex-minister in the Keating Labor government, Gary Johns**,** also opposes a bill of rights.

The opposition to this kind of proposal is certainly not restricted to members of the Liberal Party and The Nationals. There are sensible people in the Labor Party who are opposed to a bill of rights, and the regret we should all have is that the sensible people in the Labor Party are not members of this Parliament. Somehow or other there has been a brainstorm in the Labor caucus here in Victoria, and as a result we now have a piece of legislation which will diminish rights rather than improve them. As we all know, once you write down a right you actually diminish that right. I want to quote from an article in the *Age* in January — —

Ms Allan interjected.

Mr COOPER — Listen, girlie, you just sit down and listen and you might learn something.

Honourable members interjecting.

Mr COOPER — On 4 January 2006 Alan Anderson, who is a Melbourne lawyer, had an article in the *Age*. The article says:

> Yet even the most uncontroversial rights, such as freedom of speech, are the subject of heated debate, as no right is unqualified. In Victoria, the very government that is now manoeuvring to introduce a bill of rights enacted the Racial and Religious Tolerance Act 2001, which curtails that most basic right in an unprecedented manner.

That is the nub of the whole thing. Once you start defining rights then you start to remove those rights and other people's rights. Rights are something that grow and that is why our rights being protected under the common law gives us greater protection than trying to define those rights in this piece of legislation.

I will move on to another matter in the bill — the issue of double jeopardy. The committee that recommended this piece of legislation to the government — which the government has accepted — accepted the issue of double jeopardy absolutely without question. There was no debate, no putting one side of the case or the other in the committee's report. It simply allowed the issue of double jeopardy to go through to the keeper as if it did not need to be debated.

Yet elsewhere in the world and elsewhere in Australia we have seen the issue of double jeopardy receiving significant attention. It has received attention from the New South Wales and Queensland governments, and I understand it is receiving attention from the Standing Committees of Attorneys-General. Yet in this state we have the unquestioning acceptance that the rule of double jeopardy is sacrosanct; somehow it should not be questioned.

But the reality is advances in detection are being ignored. When there is completely new and convincing evidence that an error has been made with regard to an acquittal, those people — having been acquitted once — cannot be tried again. I will not go into particular instances in Victoria because it would be unfair for me to name people, but I am sure members in this house will be able to recall some well-known cases — one in particular — from recent years when new and compelling evidence has been brought forward but the person involved has been protected from further prosecution.

Those who espouse the rule of double jeopardy will tell us that the sky will literally fall in if we do anything about the rule of double jeopardy, if we change it. Yet in the United Kingdom the Blair government about three years ago instituted changes to legislation to change the rule of double jeopardy so that when new, compelling evidence is brought forward, on appeal by the director of public prosecutions to the Court of Appeal, a new trial can be ordered. If the Court of Appeal believes that there is new and compelling evidence, then it can order a new trial to occur.

I refer to what Judge Alan Wilkie, QC, the United Kingdom law commissioner responsible for criminal law, said in March 2001. He said these new recommendations — to change the rules relating to

double jeopardy — recognised the need to enhance public confidence in the criminal justice system by enabling manifestly questionable acquittals in serious cases to be called into question. The Blair Labor government accepted that call by the United Kingdom law commissioner. It has changed the law, and the sky has not fallen in.

As most people would recognise, it would be a rare for a Court of Appeal to order a new trial. But surely in the interests of justice — for the victims as well as the rest of the community — a new trial should be ordered when there is new and compelling evidence brought forward.

But here we have in this bill a laying down, once again, that the law on the rules of double jeopardy will be made sacrosanct and will be maintained.

I refer to a letter of 10 May this year to Mr Brian O'Donnell, president of the Victims of Crime Advocacy League, signed by Allison Will, assistant director, criminal law, of the Department of Justice. Mr O'Donnell had written to the Attorney-General and the Minister for Police and Emergency Services in March 2006, and in response Ms Will said:

> The Standing Committee of Attorneys-General … is considering proposals for reform to the double jeopardy rule … with a view to balancing the —

she says 'rational', but it should be 'rationale' —

> of the old rule against community concern about the rule.

There is an acknowledgment that there is community concern — and of course there is significant community concern. Further, the letter states:

> The government will give further consideration to … reforms made in the United Kingdom and the proposed reforms in New South Wales …

Here is the government dragging its coat behind other administrations, with the admitted knowledge that there is considerable community concern, with the knowledge that the government in the United Kingdom did this some three years ago and a sky-falling-in scenario has not developed there, and with the knowledge that the New South Wales government has circulated a draft bill — and it has been out for quite some time — on amending the rule of double jeopardy in regard to serious crimes.

I would advocate that in this state we should look at certainly the crime of murder — and perhaps other serious crimes — being subject to changes with the double jeopardy rule. If we are to be serious about giving justice to victims and providing a situation of fairness and justice to the rest of the community, the upholding of the rule of double jeopardy is a nonsense and is grossly unfair. That is why I am raising this issue now.

I am surprised and staggered that the government would have included the double jeopardy rule in its bill. No doubt some people on the other side of this house will want to attack me over this, but in attacking me and my views they will also be attacking the Labor government in New South Wales, the Beattie government in Queensland and the Blair government in the United Kingdom. It will be another instance of, 'This is the only government in step and everybody else is out of step'. Yet instances have shown that it can be done without damaging the credibility of the law. This bill has so many flaws and problems. It does not deserve to get the support of this house, and it will certainly not be getting my support.

Ms BEARD (Kilsyth) — It is a great privilege to join the debate on the Charter of Human Rights and Responsibilities Bill and to follow the shameful contribution by the member for Mornington, who is happy to accept the rights of being in this place but none of the responsibilities and respect that members are due.

With this landmark legislation Victoria will become the first state in Australia to introduce a charter of human rights, with other states showing interest in following. Victoria is again leading the nation. A Victorian charter of human rights will strengthen and support Victoria's democratic system. The charter of human rights and responsibilities follows the recommendation of an independent panel, which was chaired by Professor George Williams and included Andrew Gaze, Rhonda Galbally and a former Victorian Attorney-General, Haddon Storey, QC. The panel spent seven months travelling across Victoria and received submissions showing overwhelming support — in fact, more than 90 per cent — for human rights to be better protected by law.

Some important rights, such as freedom of speech and religion and freedom from forced work and degrading treatment, have no clear legal protection. By enshrining our human rights in legislation we can ensure that future governments continue to value the rights of all Victorians. New South Wales, Tasmania and Western Australia have all expressed interest in having their own charters of human rights. Australia is the only Western democracy without any clear human rights protection — a sad indictment of the federal government.

This bill is based on successful human rights laws in the United Kingdom and New Zealand. The charter will mean that these rights must be taken into account when the government makes important decisions. The charter will provide better protection of human rights for all Victorians.

It will also support the strategies identified in *A Fairer Victoria*, including fairer access to services, improved access to justice, creating new opportunities for people with a disability and building new partnerships with indigenous Victorians. It will remove gaps in the protection of human rights and strengthen democracy by ensuring that key human rights are protected. It will articulate in one document the civil and political rights and responsibilities that are currently scattered haphazardly across the statute books and common law.

The bill ensures that Parliament has the final say on important matters of policy, not the courts. We have heard much about that from opposition members who obviously have not read the bill. If legislation is consistent with human rights, the courts cannot invalidate that legislation — the Parliament will always have the final say. I commend the bill to the house.

Mr INGRAM (Gippsland East) — I rise to speak on the Charter of Human Rights and Responsibilities Bill. I must say I do so with disappointment. I vigorously oppose the bill and will support the Liberal Party's reasoned amendment.

There is a long history of charters of human rights. You would think from what members on the government side have said that this is them leading Australia, that they are showing leadership. There is an old saying by a former US President: 'How do you know when you are no longer a leader? When you look over your shoulder and there is no-one there'. With this one there is no-one standing behind any of the Labor Party members in Victoria. I have not had a queue of people streaming into my office and saying we should implement a bill of rights. No-one has come into my office and said we should be doing this.

Interestingly, at a school constitutional convention in Orbost this year the East Gippsland cluster debated this subject. After debating the matter all day and going through the issues there was a vote and one of the students supported a charter of rights. Most of them said if we should have one it should be done at the commonwealth level, not the state level. It should be a commonwealth issue.

Let us look at it. I hope honourable members of the government look at the parliamentary library research paper on this subject because it goes into the history of a bill of rights. This was debated in the constitutional debates in 1890 and our leading fathers at the time said they did not want to go down that path. However, it was not put away. In 1944 and 1988 amendments to the Australian constitution were voted on at referendums and both were defeated. The people had a choice. The 1944 referendum concerned freedom of speech, freedom of expression, religious freedom, freedom from want and freedom from fear of armed aggression. These are things we in this place would all agree on but the people of Australia said no. A number of questions were put forward in the 1988 referendum. One of the proposals was to guarantee basic freedoms, such as freedom of religion and the right to a jury trial, by extending the operation of existing guarantees in the constitution. It was defeated. That is fine. We had a referendum in 1967 on whether to provide Aboriginal people with the right to vote. That was passed, so we do not necessarily knock down all referendums.

In 1973 the then federal Attorney-General, Lionel Murphy, introduced a Human Rights Bill into the federal Parliament. This bill sought to implement the International Covenant on Civil and Political Rights, including the freedom of expression, freedom of movement, the right to marry and found a family, and individual privacy. The bill was strongly opposed and lapsed with the prorogation of the Parliament in 1974. In 1985 the Australian Human Rights Bill was passed by the House of Representatives but failed to go through the Senate. It was withdrawn in 1986. The Queensland Parliament considered adopting a bill of rights in 1998, but a parliamentary committee said it was not the best way to go. The Cain government introduced the Constitutional (Declaration of Rights and Freedoms) Bill in 1988, and it was withdrawn in 1989. That is some of the history of this. This is not something brand new. We have been debating this forever.

This is basically the Bracks government's thought police bringing in something to say, 'This is what you need to do'. The government says this is a historic day for Victoria, but I have not heard people saying we ought to do this. The government says the bill will strengthen and support our democratic system. I think it will just add another layer of overpaid, unrepresentative bureaucracy to what is already choking the state.

When you ask country people what they think about the bill, they say the only people who they fear will abuse their rights are governments. It is governments that are trespassing on individual rights and freedoms. Country people are sick of governments failing to deal with telemarketers, imposing oppressive gun laws, stopping

grandparents giving pocket money to their grandchildren for doing small jobs around the farm, restricting the collection of firewood, locking them out of their favourite national parks and imposing unfair taxes, local government reforms, privatisation and the compulsory wearing of life jackets — the list goes on and on. Country people are largely law abiding. The state government appears to be playing politics with rights and freedoms that are fundamental to our political system. Our system does not need this.

Most of our legal and political system comes from the Magna Carta. We have a strong history of rights and freedoms. You only have to look at what Australia has done to see this. We have led in pushing for international declarations and treaties on freedom and human rights — and we should be doing that; that is our role. But passing this bill would not guarantee such rights and freedoms. Looking at the list of countries that have bills of rights, I see it is not really flash. Some of the worst violations of basic human rights come from countries with bills of rights. It is not about implementing the bill; it is about having a democratic system — having a society, a legal system and a political system that breathes and values the rights and freedoms this government wants to bring in through legislation. In my view this is a feelgood exercise to appease a minority and an attempt to embarrass the federal government into introducing similar legislation. I hope John Howard, the Prime Minister, resists that, because I do not think there is a clamour for it.

I support the comments of other members who are opposed to the bill. One of the rights in the bill is for people to live wherever they like in the state. Most people have this right. I will have public housing tenants come to my office saying, 'I demand that I am provided with public housing on the canals at Paynesville because I want to live there and I have the right to live wherever in the state I want'. We have these rights and freedoms.

My Independent colleague, the honourable member for Mildura, would like me to point out to the house an article from yesterday's *Herald Sun*. I quote from the small piece:

> The Queensland government will appeal against a decision to grant compensation to a prisoner because he was not given meat prepared in the Muslim way.
>
> The child-sex offender, who cannot be named for legal reasons, was awarded $2000 by the Anti-Discrimination Tribunal after complaining he was not provided with fresh halal meat for most of his prison sentence.

This is an example of what we have now. If things like this are implemented, it will give to the courts the power that should be held by this place. The courts will look at decisions and say, 'This is not in keeping with the charter of human rights', and they will make recommendations for Parliament to consider certain things. We will come back here and say, 'This is really good!'. I am very disappointed. As I said, I am going to vote against this legislation; I have made that point strongly, so I do not wish the bill a speedy passage.

Mr DELAHUNTY (Lowan) — I rise on behalf of the Lowan electorate to speak on the Charter of Human Rights and Responsibilities Bill. Like other members who are opposing this bill, I cannot see one reason why I should support this legislation. Like the member for Gippsland East and many others in this house who are game enough to say it, I have not had anyone knocking on the door of my office or contacting me by mail or in any other way asking me to support this charter of human rights. Therefore I will be strongly opposing it when the vote comes at 6.30 p.m.

People I have spoken to have said this bill is unnecessary. It is very divisive, and it will create more red tape and higher costs through court cases and appeals. Most people are saying to me that this is social engineering by the Attorney-General. We expected this; it was started in 1999. We expected the Attorney-General to bring this sort of social engineering red-tape into the Parliament.

Most people I speak to say, 'We already have human rights with equal opportunity laws, antidiscrimination laws and the like', but people also say to me, 'Why haven't we got laws on responsibilities?' — responsibilities like getting out of bed in the morning, looking for a job and those types of things; being responsible to the community they live in. I congratulate the federal government on its program of assistance to people who are unemployed to encourage them to get back into the work force.

I believe this is going to cause enormous duplication. We have the Equal Opportunity Commission for people to object to things, we have antidiscrimination laws, and we have courts that adjudicate on the laws we make in Parliament. I believe it will create significant confusion in the community. There will be expectations that will not be able to be met, particularly by the majority of people in this state. If the government were so sure that this has the overwhelming support of the community, why are we not having a referendum?

Mr Ingram — Comment on the fact that there is only one government member — —

Mr DELAHUNTY — It has been brought to my attention by the member for Gippsland East that there is only one Labor member in the chamber, apart from you, Deputy Speaker, listening to this debate. If they are supporting it so strongly, why are they not in here lobbying and putting up points of view that we can listen to?

I believe the bill will create significant confusion. I do not believe the courts will be able to handle all of this. The wider community will find this very disturbing. I go back to the point I raised a couple of minutes ago: if the government is so sure that this is overwhelmingly supported by the community, why are we not putting it to a referendum at the end of the year, which is not that far away, at election time on 25 November?

We know why, because we have gone into this, and there have been a lot of comments made, particularly by the member for Mornington; I congratulate him on the speech he made on the bill today. The primary objectives of this bill are already in the Victorian political and legal systems. The Victorian statutes and common law have served us well in this state. As the member for Gippsland East said, there have been many attempts to bring this in, and it has been knocked over in the Parliament or, more importantly, by referenda.

It is interesting to note from the bill and looking through the second-reading speech that it singles out Aboriginal people. This provides scope for further division within the community. We are trying to bring the community together, and putting those words into the second-reading speech creates further division within our community. I love that song *We Are One*. It is one of those things for which we should have a model to make sure that we bring things together, because the second-reading speech creates further division. No doubt the Aboriginal people have many challenges, whether it be in health, in education or in employment, but we should do more work on a tripartisan basis to assist them in those areas.

I will talk about the work they do in sport. I congratulate Kevin Sheedy on his involvement with the Aboriginal people. Many years ago he brought forward people like Michael Long, who is a fantastic ambassador, as he did with the former captain of the Port Adelaide football team who just retired after playing 300 games — —

Dr Napthine interjected.

Mr DELAHUNTY — Yes, Gavin Wanganeen. They are fantastic ambassadors for the Aboriginal community. We can look also at the stars of today, like Nathan Lovett-Murray, playing for Essendon, and also Aaron Davey, playing for Melbourne.

Dr Napthine interjected.

Mr DELAHUNTY — I am told by the member for South-West Coast that Nathan Lovett-Murray comes from Heywood. That is just outside my electorate — —

Dr Napthine — Adam Goodes comes from your area.

Mr DELAHUNTY — Adam Goodes is another.

The DEPUTY SPEAKER — Order! Could we continue this debate in the normal fashion, rather than as a conversation in the chamber!

Mr DELAHUNTY — The reality is that this is a divisive bill. We can talk about these ambassadors for the Aboriginal community — and I have to mention the Swans player Adam Goodes, who started his football career in Horsham — because they have a lot to be proud of.

There are other people in our community who are disadvantaged. There are people who are homeless, people who are victims of crime and people with disabilities and other health problems. The reality is that we work through all those situations with the laws we have in place today.

I will mention another group I really want to congratulate, because I think theirs is a model we should be looking at. If we really want to do something for our communities this type of legislation is not the way to go about it. Wimmera Uniting Care this year celebrates 25 years of service. It has grown from an organisation with a handful of dedicated staff to one of about 260 staff with 200 volunteers and carers. There are great stories in a book I will be launching tomorrow in Horsham about some of the compassionate things this group has done looking after the disadvantaged within our community.

This bill is pandering to the minority groups. Some of them will be rubbing their hands with glee, particularly Victorian prisoners. I bet you that in a very short period of time we will have complaints about the conditions in the jails, about the inhumane treatment prisoners are getting and about harassment and so on. Prisoners are the ones who will be using this type of legislation, even though they have taken away the rights of many people, which is why they are in jail.

This is more rhetoric from this government. At no time have I seen any responsibility thrown back onto the

community, something which really should be done by this bill. As I said, no-one in my community has asked me to support this bill, and I think it will lead to widespread confusion within the community, within the courts and particularly within government departments. If it is so well supported by the community, why are we not having a referendum on the charter on 25 November?

I will conclude with those few remarks, because there are others who want to speak and our debate on this bill has been curtailed by our having 10 bills to debate in this Parliament this week. I think that is a crying shame. If there are any human rights, we should be complaining about that. With those few words, I strongly oppose the legislation.

Dr NAPTHINE (South-West Coast) — It is with much disappointment that I rise to speak on this Charter of Human Rights and Responsibilities Bill. I am disappointed because of the hypocrisy of the government. Here we are, debating a bill which is supposedly addressing fundamental rights, one of which is freedom of speech, yet this government in less than half an hour is going to use the guillotine and its majority to deny members of Parliament the freedom to speak on it. If the government were committed to the right of freedom of speech — and to the other rights it purports to be committed to in this bill — the very least it could do would be to extend the sitting so that all members who wish to do so can speak on this bill. However, we know that this bill is not about rights and responsibilities. This is purely and utterly about politics. The Labor Party is trying to appeal to its bourgeois mates, to the Fabian Society and to the latte sippers, rather than trying to genuinely represent the interests of all Victorians.

When considering any new legislation, one should ask two questions. What is the problem we as a Parliament are seeking to solve, and is this the most effective way of solving the problem? I have read the second-reading speech and listened with great interest to many speeches on this bill. Many of the speeches from this side of the house have been outstanding — some of the best I have heard in my 18 years in Parliament. I have listened to speeches from government MPs as well; yet I still have not heard from government MPs or from the Attorney-General one case or example which clearly identifies a circumstance where a Victorian's rights would have been protected if this legislation had been in place. We have had not one example given to us. We have not heard a case from the Attorney-General or his fellow MPs showing how Victorians today are suffering, disadvantaged or being hurt because of the lack of this charter of rights.

Indeed in his second-reading speech the Attorney-General says:

> Australia has a proud record of respect and acknowledgment of human rights.

The Attorney-General says we already have a good set of rights in this state. When you look at the current protection of rights in Australia, you see that there are many. They are based on the Australian constitution, a democratic system of government, a strong civil society, a free and independent press, common law, an independent judiciary, together with a number of statutes at federal and state levels that provide, for example, equal opportunity legislation. In addition they are backed up by international conventions and covenants.

I refer to the *Current Issues Brief* on the Charter of Human Rights and Responsibilities Bill, an excellent publication provided by the parliamentary library. It quotes former commonwealth Attorney-General, Daryl Williams:

> We have responsible government. We have a robust parliamentary democracy. We have an elected Senate that is a check on executive power and protector of individual rights. We have a federal system, which provides another check on executive power and protection for rights. We have strong antidiscrimination laws. We have the common law. We have our own unique written constitution, which provides both express and implied protection of rights. And we have a passionately free press. These are ample protection for human rights. There is simply no need for a bill of rights.

Alan Anderson in the *Age* of 4 January this year said:

> The naive belief that a bill of rights can eliminate abuses of human rights caused by administrative or legislative errors does not bear scrutiny. Even citizens of the former Soviet Union enjoyed the benefit of an extensive bill of rights, which must have been a comforting thought on cold Siberian nights in the Gulag.

Like other members, my office door is open, my phone lines are open, my email and fax are open, and I have had no representations calling for a charter of human rights or a bill of rights in this state. Clearly people are satisfied with their current protections. This has been put to the test, as other members have said, within the Australian context, when Australians were asked whether they wanted greater codification of their so-called rights. There have been two constitutional referendums on these very issues. In 1944 Australians were asked whether they wanted codification of freedom of speech and expression, religious freedom and freedom from want. Fifty-five per cent said no; the referendum failed. In 1988 again there was a raft of provisions to try to enshrine rights in the constitution and, again, it was heavily defeated.

We have a situation where Australians time and again have said they are happy with the way that their rights are structured and supplied now. They do not want new laws and a new codification of rights because they have a real fear that once you codify those rights you actually take away people's rights. If the rights of the people are not flexible and responsible to changing conditions in society, those rights become out of date, irrelevant and can become a millstone around the neck of individuals who want their freedom. Also, Australians know that sometimes, when we try to do the right thing in codifying rights, we actually damage people's rights. I think that is very important.

I refer to another quote from the parliamentary library research paper. It is a quote from former New South Wales Premier Bob Carr in 2001. I think it is one of the most cogent comments on this whole issue.

> I object because a bill of rights transfers decisions on major policy issues from the legislature to the judiciary. It is not possible to draft a bill of rights that gives clear-cut answers to every case. The right to freedom of speech will conflict with the right to equality (e.g., vilification) and the right to equality will conflict with the right to freely exercise one's religion (e.g., the right to exclude females from the priesthood). Most conflicts will be more subtle and difficult to determine. A bill of rights can only be interpreted by the courts by balancing rights and interests … These are issues that should be decided by an elected Parliament, not by judges, who are not directly accountable to the people.

We really do have a situation where there is no clamour for these rights. There are real risks that by codifying rights you are putting rights at risk.

In the bill of rights itself there are a number of concerns, and I just want to raise a couple. I am concerned about the preamble where it makes it very clear that people should be treated equally, which I absolutely agree with and applaud. But in that same preamble it says:

> … human rights have a special importance for the Aboriginal people …

So everybody should be treated equally, but there ought to be special treatment for Aboriginal people. The Aboriginal people in my electorate feel that that is patronising. It is unfair. What they want is to be treated equally like all other Victorians. They do not want patronising treatment by a city-based government that thinks that it knows better. When you look at part 1 you see it states that this a charter of human rights and responsibilities. I have looked through the bill and I cannot find any mention of responsibilities. It seems that that was an add-on.

Let me reflect on why the bill is before the house. I quote from Costas Douzinas, who, in a book entitled *The End of Human Rights — Critical Legal Thought at the Turn of the Century*, says about people who prepare bills of rights that they are:

> … triumphalist column writers, bored diplomats and rich international lawyers … whose experience of human rights violations is confined to being served a bad bottle of wine.

That is what we have here. We have the North Fitzroy, Williamstown and Albert Park latte sippers, who think they are doing the right thing to look after their mates and their interests. They are not really looking after the interests of ordinary Victorians. This is a response from a do-nothing Labor government — an underachieving Attorney-General seeking to ingratiate himself with his Fabian Labor mates and the bourgeois latte sippers.

This bill adds nothing to the existing legal framework that protects all Victorians — and, indeed, Australians. That framework has been developed over centuries through a process of careful consideration by the Parliament and the judiciary in their separate roles. It is a framework that has served us well. Rather, the bill creates a complex parallel system without recourse to damages for breach. It will result in an illusory, feel-good act that the government places no trust in — otherwise it would not have bothered to include in clause 31 powers that allow Parliament to override it.

This so-called charter of rights will only provide a forum for the mad, the bad and the litigious to create havoc and legal mayhem. It certainly will not protect the rights of ordinary Victorians.

Mr BAILLIEU (Leader of the Opposition) — I rise to make a comment on the Charter of Human Rights and Responsibilities Bill 2006 as well. As members have said, there is nothing more fundamental to our society than the human rights which provide our citizens with the freedoms and rights which allow a peaceful and democratic society to function well. This country and this state have a very proud record on human rights. We should not shy away from that. This country is at the forefront of protecting human rights and this state has a proud history in advocating for human rights. It is a record that stands up internationally and one that I think most Australians recognise is part of the heritage for all of us. It is something that we should protect. Human rights have long been protected in Victoria by an active and rigorous Westminster democratic system, an independent judiciary and a free and compelling media. Above all, the application of the common law has protected rights in this state.

This is a bill for a charter of rights and responsibilities. As the member for South-West Coast has just pointed out and reminded the house, it seems that the responsibilities have been tagged on, because they are not actually set out in the bill. Many countries do have a bill or charter of rights. They do so with varied success and varied application. Some have a bill of rights, but no-one would suggest that human rights are protected in those states. A bill does not protect human rights. A document is not a shield. Anyone who thinks so is kidding themselves. An active and involved community, with the checks and balances of a judicial system, a Parliament and the application of common law, is what ultimately protects human rights.

Other speakers before me have queried the need for this bill. I join them in asking that question. I do not have people knocking at my door, begging us to introduce a bill of rights. I cannot identify community groups asking for a bill of rights. I do not detect a community up in arms for the lack of a bill of rights in this state. I certainly do not detect a wave of people demanding that each and every state in Australia have a separate bill of rights. If we were to have a bill of rights, surely it would be a nationally based system. To think that a state would have its own bill of rights and people could cross a border and have different human rights is extraordinary.

This bill has been introduced without community support, effectively without community consultation and with a very narrow attendance by those who considered the circulated draft bill. Who in the community knows about this bill?

Ms Buchanan — Lots do, thank you very much. Five million!

Mr BAILLIEU — 'Lots do', said the member for Hastings.

Dr Napthine — Put it to a referendum.

Mr BAILLIEU — Indeed, as the member for South-West Coast said, if lots do, let us put it to a referendum, because I contend there are very few people who know that this bill is before the Parliament — and I think the government likes it that way. Who supports this bill? Where is the community support for this bill? It is not there.

Ms Buchanan interjected.

Mr BAILLIEU — Now the member for Hastings is admitting that the community does not know. The member for Hasting is actually conceding the point that the community is unaware and has not been consulted.

Ms Buchanan interjected.

Mr BAILLIEU — Who in the community is committed to this bill? Hardly anyone.

Mr Dixon — The usual suspects.

Mr BAILLIEU — As the member for Nepean says, the usual suspects. Where is the community debate? Where is the media support for this? As other members have said, where is the clamour? This has been pushed through in the darkness of this Parliament. It is fundamental law. No-one would argue that a bill of rights is not fundamental law.

Mr Ingram interjected.

Mr BAILLIEU — It is arguably not the Magna Carta. The Magna Carta has been referred to, but that is probably an insult to the Magna Carta — but it is nevertheless a fundamental law.

Mr Ingram — I was not comparing it to the Magna Carta.

The DEPUTY SPEAKER — Order! I have made the comment earlier in this debate that we should proceed in the normal fashion, not by the interchange of conversations within the chamber.

Mr BAILLIEU — I am simply affording the member for Gippsland East his parliamentary rights of interjection and response.

The DEPUTY SPEAKER — Order! The member for Gippsland East exercised his parliamentary rights earlier by speaking on the bill. He does not get supplementary rights. I ask the Leader of the Opposition to proceed on the bill.

Mr BAILLIEU — Deputy Speaker, I would not wish you to curtail his rights in any way and if he seeks to interject, then I seek to respond. By all means pull me up, but I am enjoying the exchange.

The amusing thing about this process is that the government is seeking to amend this bill. It has introduced an amendment on the fly, with no public consultation whatsoever. To think that a bill of rights could have a last-minute amendment which no-one knows about is an extraordinary indictment of the process.

Is a bill of rights possible in this state? Perhaps it is, but I have to say that someone commented to me on this issue recently. They said, 'Frankly, I would not support a bill of rights that a government introduced, by definition, because the government would be

introducing something which was self-serving' — and I have to say, having read the bill, that that is what we are getting.

This bill is more than likely going to be a burden on and a cost to our community, and it will tie up our legal system with court cases. Everything in this bill is contestable, and I believe it is likely to undermine the independence of the parliamentary system. It is interesting that it seeks to define rights, but the reality is that when we define rights we necessarily limit them. The rights that have been defined in part 2 of the bill are in themselves contentious, and I will not go through the many 'rights' listed there. Others have referred to clause 8 and its precedent subclauses. Clause 8(3) says:

> (3) Every person is equal before the law —

but in subclause (4) that very proposition is undermined by a provision which allows discrimination.

Clause 9 refers to the right to life, and says:

> Every person has the right to life and has the right not to be arbitrarily deprived of life.

That means that in one form or another there must be a right to deliberately deprive somebody of life, and I am curious as to the circumstances in which that might arise.

Clause 16 refers to 'Peaceful assembly and freedom of association'; however, it chooses to recognise trade unions but not the right not to join trade unions. The freedom of expression provisions in clause 15 are likely to limit freedom of expression. As the member for Kew has so carefully explained, the cultural rights provisions of clause 19 and the property rights provisions of clause 20 are likely to be at odds with the federal constitution.

We are concerned about the definitions in this bill. The responsibilities, as expressed in the title, are not there. It is open to Victorians to conclude that the government started off with a charter of human rights and then said, 'We are going to have to tick the box on responsibilities', but left out the clauses regarding responsibilities, because there are effectively none.

Is there a need for this? It has not been identified. Is it possible? Maybe, but who should decide in the end whether we should have a bill of rights? It is our contention that the people should decide; it is that fundamental. Could there be a more fundamental piece of legislation than one dealing with a bill of rights? It is interesting that the government has provided in the Constitution Act the opportunity for a referendum. We ask ourselves in what circumstances there would be a referendum in this state. Surely a bill of rights is the very thing that a referendum might consider. The opportunity exists, and it staggers me that the government would resist such a call. As fundamental law, a charter of human rights and responsibilities should go to the people; it should go to a referendum.

The opposition has moved a reasoned amendment to put this proposition to the people. The opportunity exists at the end of the year. The opportunity exists for the government to test its will on this exercise and to test the support of the people. In doing so we would expose this bill and this charter to the scrutiny of the people, a scrutiny which they have not been able to exercise to this date. We think the government has got this wrong. We think a referendum is the way to go.

Mr LANGDON (Ivanhoe) — I wish to make a brief contribution to the debate on the Charter of Human Rights and Responsibilities Bill. It is with great pleasure that I support this bill and the work of the Attorney-General in bringing this bill before the house. I am aware that many people within my electorate and the general community wholeheartedly support the Attorney-General in his efforts, and I concur with him.

I have had only one letter of objection to the entire bill. I have spoken to the gentleman who wrote to me to ask if I could read parts of his letter into my debate. He said yes, but he did not want his name mentioned, which is fair enough; it is his right.

The letter states:

> Thank you very much for your letter dated 23 May commenting on my letter to the Attorney-General —

responding to the Attorney-General —

> concerning the charter of human rights and responsibilities.
>
> In my letter, I acknowledged that the government had gone to great lengths to seek public comment when drafting the bill. Your letter makes this point with greater force, and I again acknowledge that. However —

and this is the part of the letter the opposition might like —

> I think you have to agree that this fell short of a public referendum, with voters informed on all arguments, pro and con, at the time of voting.
>
> But that is water under the bridge now. The die is cast.
>
> Thank you also for sending me a copy of Rob Hulls's second-reading speech. I read it with interest but also with difficulty. Before long, my head was reeling! The speech reflects huge effort by the minister and all others involved to cover every contingency which might arise in the application of the legislation, and credit to all of them for that. But the

> result is so complicated that I forecast a stream of administrative and legal difficulties, and for what benefit? I read the minister's claims for the benefits the Victorian citizens will receive, and I do not question his sincerity, but I suspect that this is a bunch of high-sounding phrases without substance in practice. Is it possible to cite actual cases from the past, where our citizens suffered difficulties or disadvantage, for the want of such a charter? Are the true benefits worth the difficulties and frustrations which will ensue?

He then that goes on to say that he does not want to become a vexatious correspondent on this matter. This is a person who is against the charter but who acknowledged the great lengths to which this government has gone to communicate with the community and to dot the i's and cross the t's. You cannot please everyone.

This is a charter of human rights that I know the government and the Attorney-General have gone to great lengths to establish. After my time in Parliament I will feel proud that as the state member for Ivanhoe I was a member of a government that brought in a charter of human rights. I am well aware that other people want to speak, so I will conclude by saying that I support this bill and wish it a speedy passage.

Mr PLOWMAN (Benambra) — With the best intentions in the world there is no way that governments can legislate for morality. Equally, with the best of intentions there is no way that we can legislate to ensure that people's rights can be protected, and there is no way that legislation can be enacted to cater for our community's responsibility for those who are isolated, disadvantaged or vulnerable. The sad outcome of this legislation is that at best nothing will happen but that at worst it will be divisive and lead to totally unintended outcomes such as those that have occurred with the racial and religious tolerance legislation.

A further example was highlighted in an article by Charles Francis, AM, QC, RFD, who wrote:

> Freedom of speech has been enshrined in the charter of rights and freedoms as part of the Canadian Constitution since 1982. Ezra Levant felt confident that he was within the law in February 2006 when his Canadian magazine the *Western Standard* published the Danish cartoons of the prophet Mohammad, which have provoked so much controversy in Muslim nations during recent times.
>
> But his confidence may have been misplaced.
>
> …
>
> Ezra Levant has estimated legal and other expenses for his defence at $75 000. He will not be reimbursed, even if the complaint is dismissed.
>
> …
>
> The answer to this $75 000 question will be decided by an unelected judge or human rights commissioner who is not accountable to the people of Canada. So enshrining rights such as free speech in a charter is no guarantee that any right will be protected.

To suggest that the bill of rights will overcome prejudice and human abuse is to deny history. After all, Nazi Germany had a bill of rights prior to and during the Second World War, as did the Soviet Union under Joseph Stalin.

Charles Francis further wrote:

> Today some of the worst abuses of rights occur in Rwanda, China and the Sudan. Yet these countries all have glossy bills of rights. China does not hesitate to abort millions of women each year against their wishes, and in Tibet many thousands of women have been seized, held down and sterilised. In the Sudan hundreds of thousands of Christians have been murdered and many thousands of women and children have been kidnapped and taken into slavery. A robust democracy and a free press (both of which we have) —

in Australia —

> provide a much better protection for human rights than any document of rights.

It would seem that the charter of rights has been designed by this government not to ensure equality of rights for all people but to provide increased rights to some individuals and to minority groups. Peter Faris, a distinguished QC, has suggested that:

> Section 18(2) of the proposed draft legislation would give 'indigenous' persons 'cultural' rights which could entitle them to invade the existing property rights of other Victorians.

These are the sorts of things we should be protecting people against, not enshrining in legislation provisions allowing them to happen. Clearly if this is to be put before the people it must be put by way of referendum. It is the only clear way by which we can give the people of Victoria the right to say whether the bill of rights should be enacted by this Parliament and whether they will be affected by it.

In a significant article in the Melbourne *Herald Sun* Peter Faris was reported as claiming that:

> … if Victorians were allowed a referendum on the proposed charter of rights and responsibilities, the majority would oppose it. 'One right that Victorians will not have is the right to vote on the bill of rights', he said. 'You will have it, whether you want it or not'.

Clearly the aim of this government is to deny the people of Victoria the right to vote on this by way of a referendum.

We have the opportunity to have a referendum concurrent with the next state election. Clearly that is the time when it should be done. The article continues:

> Peter Faris went on to say that the effect of the proposed charter of rights on Victorian laws would be revolutionary. All existing state legislation and the common law would be interpreted by the courts — —

Business interrupted pursuant to standing orders.

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has arrived and I am required to put the following questions — —

Mr Smith — On a point of order, Deputy Speaker — —

The DEPUTY SPEAKER — Order! A point of order cannot be taken at this time.

Mr Smith interjected.

The DEPUTY SPEAKER — Order! The standing orders do not allow a point of order to be taken at this time.

The minister has moved that the Charter of Human Rights and Responsibilities Bill be now read a second time. To this motion the honourable member for Kew has moved:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the views of all Victorians on the proposed charter are determined by referendum'.

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

Ayes, 49

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Brumby, Mr
Buchanan, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Green, Ms
Hardman, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hulls, Mr
Jenkins, Mr
Kosky, Ms
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lupton, Mr
McTaggart, Ms
Marshall, Ms
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Perera, Mr
Pike, Ms
Robinson, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Noes, 24

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr
Mulder, Mr
Napthine, Dr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr
Wells, Mr

Amendment defeated.

The DEPUTY SPEAKER — Order! The question is:

> That this bill be now read a second time.

House divided on question:

Ayes, 49

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Brumby, Mr
Buchanan, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Green, Ms
Hardman, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hulls, Mr
Jenkins, Mr
Kosky, Ms
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lupton, Mr
McTaggart, Ms
Marshall, Ms
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Perera, Mr
Pike, Ms
Robinson, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Noes, 24

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Ingram, Mr
Jasper, Mr
Mulder, Mr
Napthine, Dr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr

Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Question agreed to.

Read second time.

The DEPUTY SPEAKER — Order! The question is:

That government amendments 1 to 6 inclusive be agreed to and that this bill be now read a third time.

House divided on question:

Ayes, 49

Allan, Ms	Langdon, Mr
Andrews, Mr	Languiller, Mr
Barker, Ms	Leighton, Mr
Batchelor, Mr	Lim, Mr
Beard, Ms	Lindell, Ms
Beattie, Ms	Lupton, Mr
Brumby, Mr	McTaggart, Ms
Buchanan, Ms	Marshall, Ms
Cameron, Mr	Maxfield, Mr
Campbell, Ms	Merlino, Mr
Carli, Mr	Mildenhall, Mr
Crutchfield, Mr	Morand, Ms
D'Ambrosio, Ms	Munt, Ms
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Eckstein, Ms	Perera, Mr
Garbutt, Ms	Pike, Ms
Green, Ms	Robinson, Mr
Hardman, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hulls, Mr	Wilson, Mr
Jenkins, Mr	Wynne, Mr
Kosky, Ms	

Noes, 24

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Plowman, Mr
Cooper, Mr	Powell, Mrs
Delahunty, Mr	Ryan, Mr
Dixon, Mr	Savage, Mr
Doyle, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Question agreed to.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 3, page 5, line 4, omit "natural person" and insert "human being".

2. Clause 4, page 6, line 8, omit "legal and natural" and insert "a human being and a legal person".

3. Clause 4, page 6, line 22, omit "sub-section (4)" and insert "sub-sections (4) and (5)".

4. Clause 4, page 8, after line 22 insert —

   "( ) For the purposes of sub-section (1)(c), the fact that an entity is publicly funded to perform a function does not necessarily mean that it is exercising that function on behalf of the State or a public authority.".

5. Clause 38, line 3, omit "sub-section (2)" and insert "this section".

6. Clause 38, after line 18 insert —

   '( ) Sub-section (1) does not require a public authority to act in a way, or make a decision, that has the effect of impeding or preventing a religious body (including itself in the case of a public authority that is a religious body) from acting in conformity with the religious doctrines, beliefs or principles in accordance with which the religious body operates.

   ( ) In this section "**religious body**" means —

   (a) a body established for a religious purpose; or

   (b) an entity that establishes, or directs, controls or administers, an educational or other charitable entity that is intended to be, and is, conducted in accordance with religious doctrines, beliefs or principles.'.

Remaining stages

Passed remaining stages.

ELECTORAL AND PARLIAMENTARY COMMITTEES LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 14 June; motion of Mr CAMERON (Minister for Agriculture).

The DEPUTY SPEAKER — Order! The question is:

That this bill be now read a second time and a third time.

Question agreed to.

Read second time.

Remaining stages

Passed remaining stages.

LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Minister for Industrial Relations).

The DEPUTY SPEAKER — Order! The question is:

That this bill be now read a second time and a third time.

House divided on question:

Ayes, 68

Allan, Ms	Langdon, Mr
Andrews, Mr	Languiller, Mr
Asher, Ms	Leighton, Mr
Baillieu, Mr	Lim, Mr
Barker, Ms	Lindell, Ms
Batchelor, Mr	Lupton, Mr
Beard, Ms	McIntosh, Mr
Beattie, Ms	McTaggart, Ms
Brumby, Mr	Marshall, Ms
Buchanan, Ms	Maxfield, Mr
Cameron, Mr	Merlino, Mr
Campbell, Ms	Mildenhall, Mr
Carli, Mr	Morand, Ms
Clark, Mr	Mulder, Mr
Cooper, Mr	Munt, Ms
Crutchfield, Mr	Napthine, Dr
D'Ambrosio, Ms	Nardella, Mr
Dixon, Mr	Neville, Ms
Donnellan, Mr	Perera, Mr
Doyle, Mr	Perton, Mr
Duncan, Ms	Pike, Ms
Eckstein, Ms	Plowman, Mr
Garbutt, Ms	Robinson, Mr
Green, Ms	Savage, Mr
Hardman, Mr	Seitz, Mr
Herbert, Mr	Shardey, Mrs
Holding, Mr	Smith, Mr
Honeywood, Mr	Stensholt, Mr
Howard, Mr	Thompson, Mr
Hulls, Mr	Thwaites, Mr
Ingram, Mr	Trezise, Mr
Jenkins, Mr	Wells, Mr
Kosky, Ms	Wilson, Mr
Kotsiras, Mr	Wynne, Mr

Noes, 7

Delahunty, Mr	Ryan, Mr
Jasper, Mr	Sykes, Dr
Maughan, Mr	Walsh, Mr
Powell, Mrs	

Question agreed to.

Read second time.

Remaining stages

Passed remaining stages.

GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from earlier this day; motion of Mr PANDAZOPOULOS (Minister for Gaming).

The DEPUTY SPEAKER — Order! The question is:

That this bill be now read a second time and a third time.

House divided on question:

Ayes, 49

Allan, Ms	Langdon, Mr
Andrews, Mr	Languiller, Mr
Barker, Ms	Leighton, Mr
Batchelor, Mr	Lim, Mr
Beard, Ms	Lindell, Ms
Beattie, Ms	Lupton, Mr
Brumby, Mr	McTaggart, Ms
Buchanan, Ms	Marshall, Ms
Cameron, Mr	Maxfield, Mr
Campbell, Ms	Merlino, Mr
Carli, Mr	Mildenhall, Mr
Crutchfield, Mr	Morand, Ms
D'Ambrosio, Ms	Munt, Ms
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Eckstein, Ms	Perera, Mr
Garbutt, Ms	Pike, Ms
Green, Ms	Robinson, Mr
Hardman, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hulls, Mr	Wilson, Mr
Jenkins, Mr	Wynne, Mr
Kosky, Ms	

Noes, 26

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Question agreed to.

Read second time.

Remaining stages

Passed remaining stages.

HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Ms PIKE (Minister for Health).

The DEPUTY SPEAKER — Order! The question is:

That this bill be now read a second time and a third time.

Question agreed to.

Read second time.

Remaining stages

Passed remaining stages.

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

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Minister for Community Services: staff

Mrs SHARDEY (Caulfield) — This issue I raise is for the Premier. I ask the Premier to establish an independent inquiry to investigate the outrageous sacking of ministerial staff in the office of the Minister for Children and the Minister for Community Services by the chief of staff, Stephen Cusworth. This issue was revealed yesterday in the Public Accounts and Estimates Committee hearing.

The committee heard that a ministerial staff member of some 16 years standing who happened to be three and a half months pregnant at the time was dismissed because she refused to improperly sack another public servant who had done nothing wrong apart from, it is claimed, being married to a Liberal Party member. These sackings occurred in February of this year. Claims that these sackings were part of an office restructure do not ring true as the position of one of the sacked women is currently being held by someone else as a temporary officer, and there was no proper process followed in relation to any restructure in that office.

When Minister Garbutt was questioned on the issue she refused to answer on the grounds that ministerial staff are employed by the Department of Premier and Cabinet, implying that it is the Premier's responsibility. The Premier should be aware that the claim is that Minister Garbutt had advised the previous chief of staff, James O'Brien, that she wanted him to get rid of Mrs Love, citing the fact that Mrs Love's husband was involved in legal proceedings against the government and was believed to be a member of the Liberal Party. Mrs Love's superior, who has now also been sacked, claimed in a statutory declaration that there was no evidence of Mrs Love's leaking information or any impropriety and that she was satisfied with her performance as an administrative assistant. This is a very serious matter, worthy of the Premier's calling for and establishing an independent inquiry to clear it up once and for all.

Scienceworks Museum: signage

Mr ROBINSON (Mitcham) — I raise an issue for the attention of the Minister for the Arts that concerns the signage at Scienceworks Museum. I am seeking from the minister her department's consideration of improving the signage for visitors accessing Scienceworks, particularly by rail.

As members would be aware, Scienceworks, located at Spotswood, has developed into a truly great Victorian icon. As someone whose children have very much enjoyed exhibits and who has attended regularly, I appreciate the role the museum plays and the value it delivers to Victorians, especially Victorian children, with its remarkable interactive displays. The Nitty Gritty Super City display is a particular favourite of the Robinson family, along with the lightning exhibition. Those members who have not had the opportunity to go to Scienceworks really ought to do themselves and their families a favour and visit it at some stage.

I understand some 200 000 people a year visit Scienceworks, and with the higher cost of petrol visitors will increasingly be accessing it by public transport. Some time ago a constituent raised with me their concern that, although Scienceworks is marked at Spotswood station, the necessary journey on foot, which I understand is along Hudsons Road and Booker Street, is not so clearly marked. This is an industrial

area and for people taking children along those roads and footpaths past factories it can be a little bit intimidating. It seems to me that it would be a smart thing for the minister's department to consider ways in which signage could be improved to make that journey from Spotswood railway station to Scienceworks — it is only a 10-minute walk — more attractive and a little less intimidating.

Scienceworks will continue, I am sure, to be a great icon in this state. The way it is maintained and the appeal the regularly changed displays have for young people are a credit to Museums Victoria, and I hope the minister can arrange for the signage to be improved to make access to it even easier for Victorian families.

Police: Murchison station

Mrs POWELL (Shepparton) — I would like to raise for the Minister for Police and Emergency Services an issue about the current closure of the Murchison police station. While the police station is in the member for Benalla's electorate, it is staffed by police from the Shepparton police station. The member for Benalla has raised this issue with me a number of times because the Murchison station has closed a number of times. The action I seek is for the government to provide extra police officers to service the Shepparton district so that this does not happen again.

The Murchison police station is a one-man police station and it closed on Friday, 9 June. It will be closed for two weeks while Senior Constable Ricky Keast takes two weeks leave, which is his entitlement. There are not enough police in the Shepparton district to staff the Murchison police station in his absence, so it will remain closed. One extra police officer has been provided to Tatura police station to cover Murchison for the two weeks Senior Constable Keast is away and the Murchison station is closed. Tatura station is about 20 kilometres away. Tatura police station is also undermanned, and police officers from the Shepparton police station are being used to substitute at other stations in the area. The secretary of the Police Association, Mr Paul Mullett, has advised that Shepparton is understaffed by about 20 police officers.

I have been raising this issue of understaffing for years in this place, and the Minister for Police and Emergency Services at the last time one of the police stations was closed said he had been advised that the region was appropriately staffed with police numbers.

I wrote to the minister again and asked him to review the police numbers after the Tatura police station was closed for one weekend due to the lack of numbers and inability to replace the officers. His response was that he was seeking further advice on the matter from the Department of Justice. That was over six months ago, and I still have not received any advice.

The Murchison police station was closed for three weeks in December last year, and I am told that Murchison is one of the busiest one-man stations in Victoria. The Murchison community was so concerned while the station was closed last year that Jan Dunlop from the Murchison action group initiated a petition containing 143 signatures, which I presented to Parliament. A new police station to be built in Murchison will be big enough to accommodate at least two officers. So there is an understanding that the area does need to have extra police officers.

The Murchison community has every right to be angry with the closure again of its police station. Police officers are entitled to take leave without feeling guilty that they are leaving their community unprotected. I have asked the minister many times for the government to increase the police numbers, but he is not doing so. I call on the government to again provide the appropriate police personnel to service the Shepparton district.

Cleanaway: Tullamarine landfill site

Ms BEATTIE (Yuroke) — I wish to raise a matter for the urgent attention of the Minister for Environment. I ask the minister to facilitate a meeting between himself or his nominees with representatives of the Terminate Tulla Toxic Dump Action Group. This group has been formed in response to two applications by Cleanaway to effectively allow more dumping of prescribed waste at the Cleanaway landfill in Western Avenue, Tullamarine, which would extend the life of the facility for many years.

A 20B conference was held earlier this year and the Environment Protection Authority (EPA) asked Cleanaway for more information. This information as yet has not been forthcoming and members of the Terminate Tulla Toxic Dump Action Group are also concerned that Cleanaway is in breach of its licence and has dumped many more tonnes of waste than its previous licence allowed. Now both the EPA and Cleanaway seem to be saying to both the public and the City of Hume that although the licence specifies a number of tonnes, the real issue is the contours of the land. As I have stated in this house in the past, Cleanaway should tell the public what is happening on this site that was supposed to be closed years ago — actually, in 2001. Perhaps part of the veil of secrecy lies in the fact that this operation is for sale.

Residents also want a comprehensive health study done by the Department of Human Services. There is anecdotal evidence to suggest that there are higher incidences of serious illness in the geographic area around the landfill. This requires more fulsome investigation, and it is for the above reasons that I ask the minister or his nominees to meet with the Terminate Tulla Toxic Dump Action Group so that these issues can be canvassed.

The group is having a rally this weekend at 10.00 a.m. on the corner of Western and Global avenues, Tullamarine, and I urge people to come along. I will be speaking at that rally along with local activists who are interested in this issue, including Harry van Moorst, who is well known to people in this house as a concerned environmentalist. The Terminate Tulla Toxic Dump Action Group is a fantastic group. I urge it to keep going. The short-term objective is to defeat the two applications currently before the EPA, but the long-term objective is to get this site closed as it should have been closed back in 2001 as promised to the community.

Rail: Box Hill crossing

Mr CLARK (Box Hill) — I raise for the Minister for Transport the grade separation of Middleborough Road, Box Hill, and the Lilydale and Belgrave train lines. I ask the minister to ensure the implementation of these works is properly planned and that in particular the time critical elements are completed within the allotted times. This grade separation was promised late in the 2002 election campaign. It appears to have been a last-minute decision because it was announced with little publicity and no details. For years the government provided no funding for the project other than for planning, and almost no details were made public of what was happening or not happening.

I urged the government early on to make sure this project was developed with proper consultation and the involvement of local residents in order to avoid a repeat of the debacle with the road-narrowing tram stop designs in Whitehorse Road which the government had previously inflicted on the electorate. However, the government ignored my pleas and for years could not even tell residents whether it intended the road to go under the rail line, or vice versa. What was even more extraordinary was that far from consulting residents, the government held meetings in secret with nearby public institutions and forced those institutions to give undertakings of confidentiality. Then on Tuesday, 9 May, the day of the commonwealth budget, the minister slipped out to the area and announced that the project would go ahead.

Local residents and commuters were presented with a fait accompli. They were told that the rail line would be lowered, the road slightly raised and Laburnum station rebuilt. They were also told that work would be carried out 24 hours a day, seven days a week, for six weeks from early January next year, during which period the rail line, Middleborough Road and Laburnum Street would be completely closed, with buses carrying passengers between Blackburn and Box Hill stations.

The government is now busy issuing newsletters to local residents, complete with photographs of local Labor members of Parliament. It is also holding a display evening next week, but this is all too late. Residents and commuters are not being given a genuine say; they are just being told what is going to happen and being asked to take it all on trust.

People are justifiably asking what the project means both for the future of the train service and during the construction phase. Twenty-four-hour-a-day construction may or may not be the best solution, but what about noise affecting local residents? Will they be kept awake by pile drivers, jackhammers or other equipment operating through the night, or will there be a noise curfew? Furthermore, will buses be able to cope with all of the passengers who use one of the busiest rail lines in Melbourne? Even on the proposed six-week closure timetable, the line will be closed for at least two weeks after students have returned to school and certainly well into the period when most people have returned to work after their summer holidays.

These are all matters about which citizens are justified in expecting information and assurances, and I ask the minister to provide those assurances and that information.

Australian Football League: ground redevelopment

Mr MILDENHALL (Footscray) — I raise a matter for the attention of the Minister for Sport and Recreation in the other place. I request that he make contact with the partners of the $55 million Victorian Australian Football League (AFL) facilities funding program to ensure that the funds committed are made available in a full and timely way.

Some tremendous facilities are to be redeveloped to benefit local communities as part of this scheme, not the least of which is the venue closest to my heart, the $24 million Whitten Oval redevelopment, which led to the scheme being developed and which could easily be described as its model.

Members of the Western Bulldogs Football Club have done a magnificent job in gaining support for their redevelopment, which will see a range of community services and programs offered from this well-located venue. They have already met their fundraising target through the tireless work of the Forever Foundation, and I believe that the funds to be provided by the state and federal governments have also been confirmed. But I am gravely concerned that as a result of the new club facilities program being initiated the AFL might be tempted to reallocate some of the original funding committed for the Whitten Oval to new projects at Punt Road oval, Princes Park, Moorabbin Reserve, Windy Hill, Victoria Park, Waverley Park and Arden Street.

Let me make it clear that I do want these projects to proceed. I would even like to see Victoria Park and Princes Park proceed. But none of these projects should proceed by using the $3.5 million previously promised by the AFL for the Whitten Oval redevelopment as part of an original dollar-for-dollar arrangement with the state government.

This is a tremendous redevelopment, and it ought not be held up or the confidence in it proceeding be diluted or impeded by any uncertainty regarding the AFL's allocation. I urge the Minister for Sport and Recreation in the other place to encourage the AFL to renew and confirm its commitment to the Whitten Oval in full and in conformity with the original terms of the arrangement with the state government and other funding partners.

Water: government policy

Mr PLOWMAN (Benambra) — The issue I wish to raise this evening is for the attention of the Minister for Water. I request that the minister answer on behalf of the Bracks government why he has not used any or all of the billions of dollars that have been received by way of dividends from Melbourne's water authorities to secure Melbourne's water future.

I have often said over the last few years, particularly when I was the shadow Minister for Water, that there is no problem in providing sufficient water for Melbourne but there is a major problem with the management of water right across the state. I was very happy to hear those comments echoed by the Honourable Malcolm Turnbull, the Parliamentary Secretary to the Prime Minister with special responsibility for water policy.

In the years since the Bracks government has been in power it has scooped over $1.6 billion out of the metropolitan water authorities — Melbourne Water, City West Water, South East Water and Yarra Valley Water. The government has used these water authorities as a cash cow when Melbourne has been drying out and dying as a result of water shortages and restrictions. Instead of spending these vast dividends on capital works which could have allowed Melbourne to continue to use water without fear of restrictions, this government has decided to use scare tactic advertisements to force Melburnians to use less water and thus save the government spending those funds on major water-saving projects. This government has a shocking history of overspending and cost blow-outs in its major projects. That may well be the reason why it has not started the capital works to secure Melbourne's water future.

What is scary, though, is the amount of money that has been used for political advertising, for spin, for the many glossy plans that never seem to end or be put in place and for the feasibility studies that always seem to be under way. Unfortunately much of the self-promotion has been funded from the hidden water tax that most Victorians do not know they are paying because this government will not allow water authorities to show it on their water bills. However, this still leaves unaccounted for $1.6 billion that should have been used in securing this city's water future.

A very simple point is made by Mr Turnbull: we can make as much and more water than we need. It is true. This $1.6 billion could have provided the infrastructure to effectively treat all of Melbourne's wastewater and allow it to be reused. If that was achieved, we would not have a water shortage and there would be no water restrictions for Melbourne, business would be attracted to the city because of the secure water supply, rivers and streams would have healthy flows, and Gunnamatta would no longer be the dumping ground for our wastewater.

Boggy Creek: rehabilitation

Mr PERERA (Cranbourne) — I raise a matter for the Minister for Environment, who is also the Minister for Water. I ask the minister to take action to ensure that Melbourne Water works with the Friends of Boggy Creek so that the creek is improved and properly maintained. I record my appreciation for the works undertaken by the Friends of Boggy Creek, and especially the vice-president, Heinz Reitmeier, who has worked tirelessly over a period of time.

I am pleased that the Bracks government has brought about a significant funding increase to improve river health that will include Boggy Creek. Boggy Creek includes various significant sites — for example, Little Boggy Creek Retarding Basin, Boggy Creek drainage

reserve and Tarn reserve are part of Melbourne Water's sites of biodiversity significance program. They contain vegetation which is of regional significance.

I support the Friends of Boggy Creek and their efforts to achieve two important aims for the creek. The first aim is to manage and maintain the creek area to ensure that its present values are not degraded. In this regard I welcome the increased maintenance activity on Boggy Creek in the last two years, which cost around $60 000 per year. This has included silt removal, weed spraying and the removal of blackberries and angled onion, as well as woody weed control including willows, general debris removal, grass cutting and exclusion fencing. Monthly maintenance has also been undertaken to manage weeds in the Little Boggy Creek Retarding Basin, the creek drainage reserve and Tarn reserve. The retarding basin was also de-silted in February 2006. The second aim is to improve the standard of stormwater entering Port Phillip Bay, including reducing nitrogen discharges. I urge the minister to support works to achieve both these aims.

As well as the important works now under way, I believe four further initiatives should be considered. Melbourne Water and Parks Victoria should assist with a community grant to the Friends of Boggy Creek and a green grant for the area. Melbourne Water should also examine ways to involve local schools in monitoring water quality, including funded activities under the Waterwatch Victoria program. In addition Melbourne Water should consider, and if possible implement, the views of the local community on what should be the priorities for maintenance and weed management.

Finally, I would also like to see projects to assist Boggy Creek's being considered for funding as a priority later this year under Melbourne Water's sites of biodiversity significance program. Boggy Creek's environs support many sites of officially recognised — —

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

ConnectEast: Ringwood headquarters

Mr HONEYWOOD (Warrandyte) — I raise a matter for the urgent attention of and prompt action by the Minister for Transport. I call on the minister to investigate the unfair tactics and arrogant behaviour of ConnectEast in its dealings with residents whose properties are proximate to the tollway project. In this instance I am referring particularly to the residents of Hillcrest Avenue, Ringwood. No doubt the minister is familiar with this address, as it was only last May that four houses at this location were compulsorily acquired and bulldozed to make way for the tollway.

A resident of Hillcrest Avenue, Mr John Worswick, noted in a *Herald Sun* article of 26 May 2005 that just prior to these houses being knocked down the owners were told by authorities that they had:

> … two months to make up their mind. Otherwise, they'd be sitting in the middle of a car park …

Lack of engagement with the community has been a feature of this inept Bracks government, and that has been noted on several occasions, including a clear statement in the environment effects statement for the Nowingi toxic waste dump that identified the initial investigation process as being one that completely rejected members of the local community, leaving them to feel as if they were worthless.

Here we have again, just over one year after the bulldozing of the four homes in Hillcrest Avenue, more ConnectEast and government railroading going on with the construction of ConnectEast's headquarters, a maintenance shed and a car park which can accommodate 95-plus vehicles and which has an entrance running directly off the small residential avenue — that is right, Hillcrest Avenue, again! For no reason other than the convenience of the up to 200-plus staff who will be coming in and out of this massive car park all day and late into the night, traffic lights will be installed at the end of this quiet, residential street to ease the driving experience of ConnectEast staff as they commute to work.

So far we have a community whose members have been scammed into believing they would never pay tolls on this freeway, and then they have been bullied into giving up their homes. For over a year now the residents have had to tolerate the relentless noise and non-stop activity associated with the tollway construction directly opposite their homes. In recent months they have learnt that they have been deceived by ConnectEast representatives in relation to the proposed plans for the headquarters construction and other buildings now erected right outside their front windows. A Hillcrest Avenue resident spokesman, Mr Tim Jones, noted in a local newspaper article on 13 June that the residents of Hillcrest Avenue were misled over the height of buildings on the site and were not consulted before plans were finalised. He said:

> They could have come up with a solution for every one [through consultation] but we can't now.

Another Hillcrest Avenue resident, Ms Angela Mitchell, claims that she and others living in the avenue

were assured by ConnectEast representatives that the height of the buildings would be about the height of the wire mesh fence at the front of the site, but those buildings constructed a month ago are much higher than originally stated.

Mr and Mrs Miller, an elderly couple who have resided in Hillcrest Avenue for 58 years, have been told by an independent valuer that their weatherboard home will now be worth at least $60 000 less because of the ConnectEast buildings that now block their views. The owners of that home have been devastated by the huge buildings being built opposite them, as their pleasant views of the valley are gone for good.

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

Environment: roof insulation standards

Mr LIM (Clayton) — The issue I raise is for the attention of the Minister for Environment. I ask the minister to look at ways of encouraging landlords to improve the insulation standards of rented properties. Victoria is leading the way in encouraging energy efficiency in the home.

It is now mandatory to put insulation in all new homes to comply with residential building codes. However, a great many existing homes are far from meeting modern insulation standards. There are as many as 240 000 rented households in Victoria with no or inadequate roof insulation. Improving roof insulation in such cases would result in savings of 40 per cent in the energy required to heat the home. The problem is that the landlord has nothing to gain by installing insulation and the tenant, who is paying for the wasted heat, is not in a position to install insulation.

Installing roof insulation would not only be good for the tenant but it would be good for Victoria in that it would reduce the amount of carbon dioxide produced. It would also provide an increased market for glass wool, which is largely made from recycled glass. In addition, it would improve the value of the property. All of this can be achieved at a cost of about $900 for an average rental property of 110 square metres.

I ask the minister to instruct his staff to investigate ways in which landlords can be encouraged to install roof insulation, which is the single most cost-effective measure that can be taken in the home to save energy.

Responses

Ms ALLAN (Minister for Education Services) — The member for Caulfield started the adjournment debate this evening by raising a matter for the Premier. It was regarding an issue of ministerial staff. In referring this matter to the Premier I would say that if the member for Caulfield was fair dinkum in her interest in working Victorians, she would join those of us on this side of the house in opposing the federal government's draconian industrial relations changes.

The member for Mitcham raised a matter for the Minister for the Arts regarding signage at Scienceworks, which is a very well-patronised and well-regarded Victorian institution. I am sure the minister will take up the member's concerns promptly. I will refer those matters to her for her attention.

The member for Shepparton raised a matter regarding the Murchison police station and staffing levels. She also noted in her comments that the Murchison police station is going to receive a significant upgrade. The Bracks government has made a significant investment in police over the last six and a half years. It has employed more police and has been building police stations right around the state. There are many police stations and many extra police in country Victoria but I am sure the Minister for Police and Emergency Services will respond to the member's concerns.

The members for Yuroke, Clayton, Cranbourne and Benambra raised matters for the Minister for Environment and Minister for Water on a range of different issues on behalf of their communities, which will be referred to the minister for his attention and response.

The member for Box Hill raised a matter regarding the grade separation of Middleborough Road, Box Hill, which will be referred to the Minister for Transport for his response.

The member for Footscray made representations to the Minister for Sport and Recreation in another place regarding the $55 million partnership between the Australian Football League, local government and the Bracks government, which is putting $14 million into this terrific fund. The member made some strong representations about clubs in the western suburbs, in particular the Western Bulldogs. I am sure the Minister for Sport and Recreation will respond to the member.

The member for Warrandyte raised a matter for the Minister for Transport regarding residents affected by the EastLink works, which I understand are going gangbusters. It is a great project which will transform the lives of Victorian families in that corridor. It is a great infrastructure project — another great

infrastructure project brought to you by the Bracks government.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 7.23 p.m. until Tuesday, 18 July.