

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY  
FIFTY-FIFTH PARLIAMENT  
FIRST SESSION**

**Thursday, 2 March 2006**

**(Extract from book 2)**

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

**By authority of the Victorian Government Printer**



## **The Governor**

JOHN LANDY, AC, MBE

## **The Lieutenant-Governor**

Lady SOUTHEY, AC

## **The ministry**

Premier and Minister for Multicultural Affairs .....	The Hon. S. P. Bracks, MP
Deputy Premier, Minister for Environment, Minister for Water and Minister for Victorian Communities.....	The Hon. J. W. Thwaites, MP
Minister for Finance, Minister for Major Projects and Minister for WorkCover and the TAC .....	The Hon. J. Lenders, MLC
Minister for Education Services and Minister for Employment and Youth Affairs .....	The Hon. J. M. Allan, MP
Minister for Transport .....	The Hon. P. Batchelor, MP
Minister for Local Government and Minister for Housing.....	The Hon. C. C. Broad, MLC
Treasurer, Minister for Innovation and Minister for State and Regional Development .....	The Hon. J. M. Brumby, MP
Minister for Agriculture.....	The Hon. R. G. Cameron, MP
Minister for the Arts and Minister for Women's Affairs.....	The Hon. M. E. Delahunty, MP
Minister for Community Services and Minister for Children.....	The Hon. S. M. Garbutt, MP
Minister for Manufacturing and Export, Minister for Financial Services and Minister for Small Business .....	The Hon. A. Haermeyer, MP
Minister for Police and Emergency Services and Minister for Corrections .....	The Hon. T. J. Holding, MP
Attorney-General, Minister for Industrial Relations and Minister for Planning .....	The Hon. R. J. Hulls, MP
Minister for Aged Care and Minister for Aboriginal Affairs .....	The Hon. Gavin Jennings, MLC
Minister for Education and Training .....	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation and Minister for Commonwealth Games.....	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Racing, Minister for Tourism and Minister assisting the Premier on Multicultural Affairs.....	The Hon. J. Pandazopoulos, MP
Minister for Health .....	The Hon. B. J. Pike, MP
Minister for Energy Industries and Minister for Resources .....	The Hon. T. C. Theophanous, MLC
Minister for Consumer Affairs and Minister for Information and Communication Technology.....	The Hon. M. R. Thomson, MLC
Cabinet Secretary .....	Mr R. W. Wynne, MP

## Legislative Assembly committees

**Privileges Committee** — Mr Cooper, Mr Herbert, Mr Honeywood, Ms Lindell, Mr Lupton, Mr Maughan, Mr Nardella, Mr Perton and Mr Stensholt.

**Standing Orders Committee** — The Speaker, Ms Campbell, Mr Dixon, Mr Helper, Mr Loney, Mr Plowman 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*): Mr Baillieu, Ms Buchanan, Mr Dixon, Mr Nardella and Mr Smith. (*Council*): Ms Argondizzo 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

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**

**FIFTY-FIFTH PARLIAMENT — FIRST SESSION**

**Speaker:** The Hon. JUDY MADDIGAN

**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

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

The Hon. S. P. BRACKS

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

The Hon. J. W. THWAITES

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

Mr R. K. B. DOYLE

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

The Hon. P. N. HONEYWOOD

**Leader of The Nationals:**

Mr P. J. RYAN

**Deputy Leader of The Nationals:**

Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Asher, Ms Louise	Brighton	LP	Lim, Mr Hong	Clayton	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Barker, Ms Ann Patricia	Oakleigh	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Batchelor, Mr Peter	Thomastown	ALP	Lockwood, Mr Peter John	Bayswater	ALP
Beard, Ms Dympna Anne	Kilsyth	ALP	Loney, Mr Peter James	Lara	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Lupton, Mr Anthony Gerard	Prahran	ALP
Bracks, Mr Stephen Phillip	Williamstown	ALP	McIntosh, Mr Andrew John	Kew	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McTaggart, Ms Heather	Evelyn	ALP
Buchanan, Ms Rosalyn	Hastings	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maughan, Mr Noel John	Rodney	Nats
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
Delahunty, Mr Hugh Francis	Lowan	Nats	Munt, Ms Janice Ruth	Mordialloc	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Dixon, Mr Martin Francis	Nepean	LP	Nardella, Mr Donato Antonio	Melton	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Doyle, Mr Robert Keith Bennett	Malvern	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Eckstein, Ms Anne Lore	Ferntree Gully	ALP	Perera, Mr Jude	Cranbourne	ALP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Perton, Mr Victor John	Doncaster	LP
Gillett, Ms Mary Jane	Tarneit	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Plowman, Mr Antony Fulton	Benambra	LP
Haermeyer, Mr André	Kororoit	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
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
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
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



# CONTENTS

## THURSDAY, 2 MARCH 2006

### BUSINESS OF THE HOUSE

<i>Notices of motion: removal</i> .....	469
<i>Adjournment</i> .....	472

### PETITIONS

<i>Education: home-schooling</i> .....	469
<i>Monash: Yarram Crescent land</i> .....	469
<i>Schools: literacy</i> .....	469
<i>Police: schools program</i> .....	470
<i>Greenvale secondary school: site</i> .....	470
<i>Schools: public education</i> .....	470
<i>Retirement villages: residents rights</i> .....	470
<i>Boating: safety regulations</i> .....	470
<i>Rail: level crossings</i> .....	471

### ABORIGINAL AFFAIRS VICTORIA

<i>Indigenous affairs report 2004–05</i> .....	471
--	-----

### EDUCATION AND TRAINING COMMITTEE

<i>Promotion of mathematics and science education</i> .....	471
---	-----

### PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

<i>Victorian Auditor-General's Office: performance audit</i> .....	471
<i>Meetings</i> .....	479

### DOCUMENTS .....471

### STATUTE LAW (FURTHER REVISION) BILL

<i>Scrutiny of Acts and Regulations Committee</i> .....	472
---	-----

### MEMBERS STATEMENTS

<i>Ocean Grove Primary School: presentations</i> .....	472
<i>Commonwealth Games: community participation</i> .....	472
<i>Peninsula Community Legal Centre: Cranbourne office</i> .....	472
<i>Repeat Products</i> .....	473
<i>Road safety: Lowan electorate</i> .....	473
<i>William Leslie Williams</i> .....	473
<i>Government architect</i> .....	473
<i>Trail bikes: registration</i> .....	474
<i>Youth: Boronia forum</i> .....	474
<i>Gas: East Gippsland supply</i> .....	475
<i>Schools: South Barwon electorate</i> .....	475
<i>Unions: foreign workers</i> .....	475
<i>Women's Action Alliance: unpaid work campaign</i> .....	475
<i>Neighbourhood centres: rural and regional Victoria</i> .....	476
<i>Egypt: bus tragedy</i> .....	476
<i>Horsham hospital: computerised tomography scanner</i> .....	476
<i>Strathewen Primary School: upgrade</i> .....	477
<i>Donvale Primary School: funding</i> .....	477
<i>Craigieburn and Roxburgh Park Little Athletics: Karak visit</i> .....	478
<i>Ballarat: Eight-Hour Day anniversary</i> .....	478
<i>Schools: Macedon electorate</i> .....	478

### INFRINGEMENTS BILL

<i>Second reading</i> .....	488, 511
<i>Remaining stages</i> .....	515

### QUESTIONS WITHOUT NOTICE

<i>Police: database security</i> .....	504
<i>Commonwealth Games: infrastructure</i> .....	504
<i>Commonwealth Games: anthem</i> .....	506
<i>Commonwealth Games: public transport</i> .....	506
<i>Police: Commonwealth Games</i> .....	507
<i>Commonwealth Games: tourism</i> .....	508
<i>Commonwealth Games: financial reporting</i> .....	509
<i>Commonwealth Games: cultural events</i> .....	509
<i>Ministers: performance</i> .....	510
<i>Goods and services tax: distribution</i> .....	510

### ADJOURNMENT

<i>Planning: Main Ridge development</i> .....	515
<i>Wellington Secondary College: redevelopment</i> .....	515
<i>Community houses: rural and regional Victoria</i> .....	516
<i>Automotive smash repairers: insurer payments</i> .....	516
<i>Brushy Creek, Croydon North: flooding</i> .....	517
<i>Child care: Yan Yean electorate</i> .....	517
<i>Snowy River: environmental flows</i> .....	518
<i>Hills Community Gardens Committee</i> .....	518
<i>Inner East Community Health: Kew Junction site</i> .....	519
<i>Sewerage: Mount Macedon</i> .....	519
<i>Responses</i> .....	520



**Thursday, 2 March 2006**

**The SPEAKER (Hon. Judy Maddigan) took the chair at 9.33 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 109 to 114, 214 to 218, and 353 to 356 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:****Education: home-schooling**

To the Legislative Assembly of Victoria:

The petition of Victorians who support home-schooling points out to the house extensive research in America, Canada, England and Australia has revealed that home education works both academically and socially and produces 'literate students with minimal government interference at a fraction of the cost of any government program'. Home-educated children enter conventional schools, go on to university, enter the work force and become responsible citizens. The government has provided no evidence to show that regulation would have any beneficial effect. Moreover, the powers granted to the Victorian Registration and Qualifications Authority under the terms of the exposure draft of the Education and Training Reform Bill in regard to home education are unlimited and would allow unfair and ineffective regulations to be imposed on Victorian parents to the detriment of their children.

The petitioners therefore request that the Legislative Assembly of Victoria orders the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education in line with the existing requirements of the Education Act of 1958 and Community Services Act of 1970 that parents provide 'regular and efficient instruction' without reference to a statutory authority. This provides for the parents' rights to determine the manner of their children's education and for the state's responsibility to ensure all children are educated.

**By Mr CAMERON (Bendigo West) (140 signatures)**  
**Mr PERTON (Doncaster) (16 signatures)**  
**Ms MARSHALL (Forest Hill) (4 signatures)**  
**Mr INGRAM (Gippsland East) (3 signatures)**  
**Mr DIXON (Nepean) (3 signatures)**  
**Ms CAMPBELL (Pascoe Vale) (15 signatures)**  
**Ms GREEN (Yan Yean) (31 signatures)**

**Education: home-schooling**

To the Legislative Assembly of Victoria:

The petition of Victorians who support home-schooling points out to the house extensive research in America, Canada, England and Australia has revealed that home education works both academically and socially and produces 'literate students with minimal government interference at a fraction of the cost of any government program'. Home-educated children enter conventional schools, go on to university, enter the work force and become responsible citizens. The government has provided no evidence to show that regulation would have any beneficial effect. Moreover, the powers granted to the Victorian Registration and Qualifications Authority under the terms of the exposure draft of the Education and Training Reform Bill in regard to home education are unlimited and would allow unfair and ineffective regulations to be imposed on Victorian parents to the detriment of their children.

The petitioners therefore request that the Legislative Assembly of Victoria orders the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education in line with the existing Education Act's requirement that parents provide 'regular and efficient instruction' without reference to a statutory authority. This provides for the parents' rights to determine the manner of their children's education and for the state's responsibility to ensure all children are educated.

**By Mr HOWARD (Ballarat East) (24 signatures)**  
**Mr CLARK (Box Hill) (36 signatures)**

**Monash: Yarram Crescent land**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the sale of council-owned land by Monash City Council located at 13–25 Yarram Crescent, Clayton (Monash council reference: SAL:PROP246, parcel A).

The petitioners request that the Legislative Assembly of Victoria intervene through the use of any or all of its powers to halt the sale of the aforementioned land.

The undersigned further request that Monash council be instructed to develop the land into a public open space for the enjoyment and use of the residents, ratepayers and visitors to Clayton.

**By Mr LIM (Clayton) (484 signatures)**

**Schools: literacy**

To the Legislative Assembly of Victoria:

The petition of Victorian parents, students and teachers concerned about the decline in Victorian literacy standards.

The petitioners draw to the attention of the house the Bracks government proposal to lower the VCE English standard requiring students to read only one book in their final year of school.

We request that the Legislative Assembly of Victoria require the Bracks government to reverse this proposal.

**By Mr PERTON (Doncaster) (26 signatures)**

**Police: schools program**

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned about the abolition of the police schools involvement program (PSIP) draws to the attention of the house that the Bracks Labor government has blatantly ignored the safety of children in its move to abolish PSIP. The government has disregarded research and expert advice by Monash University which showed the program to be extremely effective.

The petitioners therefore request that the Legislative Assembly of Victoria support the reinstatement of the police schools involvement program to build a secure environment for the children of Victoria.

**By Mr PERTON (Doncaster) (85 signatures)**

**Greenvale secondary school: site**

To the Legislative Assembly of Victoria:

The petition of the families of Greenvale and surrounding suburbs draws to the attention of the house the growing population in the Greenvale and Meadow Heights area, the lack of quality state secondary schools in the area and the government's appalling proposed action to sell land on the corner of Barrymore Road and Glencairn Drive in Greenvale reserved for a secondary school.

The petitioners therefore request that the Legislative Assembly of Victoria force the Bracks government to reverse its position and establish a Greenvale high school.

**By Mr PERTON (Doncaster) (484 signatures)**

**Schools: public education**

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws [to the] attention of the house that under the Bracks Labor government review of education and training legislation the future of public education enjoyed by the overwhelming majority of Victorians since 1872 is gravely threatened because it fails to define public education and require commitment to the public system from its employees. It will place parental choice before educational choices of children. It also fails to give primacy to public education and will place the registration of our state schools under the same body as the private systems. Petitioners named below desire to promote and defend the free, secular and universal public system of education in Victoria and prevent its integration into the private system in this state.

The petitioners therefore request that the Legislative Assembly ensure that any new education and training legislation dealing with our public (state) education system:

1. Be separate and distinct from any dealing with private schools.

2. Define public education as free, secular and universal; public in purpose; outcome; ownership; accountability; and accessible to all children whatever their colour, class, creed, ethnicity and geographical location.
3. Gives primacy to public education in any and all areas and furthermore provides.
4. Separate legislation for registration of private schools together with proper, transparent, publicly accessible accountability for expenditure of all taxpayers money.

**By Mr PERTON (Doncaster) (456 signatures)**

**Retirement villages: residents rights**

To the Honourable Speaker of the house and members of the house assembled in Parliament:

The petition of the undersigned citizens of Victoria draws to the attention of the house the continuing distress of many retirement village residents due to problems with the implementation of the retirement villages legislation.

We believe that the Parliament's decision, following the review of the act, provided reasonable exit provisions for new residents. These provisions have not yet been proclaimed. Further, we believe that existing residents do not have appropriate protection or avenues of redress where they have entered into complex and unfair contracts.

The petitioners call on the house to ensure that the Victorian government:

1. takes immediate action to proclaim all the amendments to the Retirement Villages Act adopted by the Parliament in 2005;
2. requires retirement village contracts to specify and protect residents rights;
3. regulates for contracts to be in a form that can be understood by residents, prospective residents and their legal or financial advisors;
4. provides accessible and affordable avenues of redress for residents with current contracts that include unfair provisions.

**By Ms MARSHALL (Forest Hill) (15 signatures)**

**Mr WELLS (Scoresby) (154 signatures)**

**Boating: safety regulations**

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house our total opposition to the regulations for the compulsory wearing of life jackets or PFDs. The petitioners therefore request that the Legislative Assembly of Victoria rejects these regulations as a matter of urgency.

**By Mr INGRAM (Gippsland East) (665 signatures)**

**Rail: level crossings**

To the Legislative Assembly of Victoria:

The petition of we the residents of the state of Victoria draws to the attention of the house, that despite all previous and current policies covering level crossings education campaigns, despite all level crossing safety upgrades and level crossing safety law enforcement, that the amount of death, injury, destruction of public and private property and all associated trauma and costs to the community has not abated.

The petitioners therefore request that the Legislative Assembly of Victoria enshrine in law that all level crossings on all active rail lines within the state of Victoria be grade separated.

**By Mr MULDER (Polwarth) (3761 signatures)**

**Tabled.**

**Ordered that petition presented by honourable member for Yan Yean be considered next day on motion of Ms GREEN (Yan Yean).**

**Ordered that petition presented by honourable member for Scoresby be considered next day on motion of Mr WELLS (Scoresby).**

**Ordered that petition presented by honourable member for Clayton be considered next day on motion of Mr LIM (Clayton).**

**Ordered that petition presented by honourable member for Ballarat East be considered next day on motion of Mr HOWARD (Ballarat East).**

**Ordered that petitions presented by honourable member for Gippsland East be considered next day on motion of Mr INGRAM (Gippsland East).**

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

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

**Ordered that petition presented by honourable member for Pascoe Vale be considered next day on motion of Ms CAMPBELL (Pascoe Vale).**

**ABORIGINAL AFFAIRS VICTORIA****Indigenous affairs report 2004–05**

**Mr THWAITES (Minister for Environment), by leave, presented report.**

**Tabled.**

**EDUCATION AND TRAINING  
COMMITTEE****Promotion of mathematics and science  
education**

**Mr HERBERT (Eltham) presented report, together with appendices and minutes of evidence.**

**Tabled.**

**Ordered that report and appendices be printed.**

**PUBLIC ACCOUNTS AND ESTIMATES  
COMMITTEE****Victorian Auditor-General's Office:  
performance audit**

**Ms CAMPBELL (Pascoe Vale) presented report on review of performance audit of Victorian Auditor-General's Office.**

**Tabled.**

**Ordered to be printed.**

**DOCUMENTS**

**Tabled by Clerk:**

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2005

*Mental Health Act 1986* — Report of the Community Visitors for the year 2004–05

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2005

*Parliamentary Committees Act 2003* — Response of the Treasurer on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's report on the review of the Auditor-General's report on Parliamentary Control and Management of Appropriations

Statutory Rules under the following Acts:

*Corrections Act 1986* — SR No 14

*Drugs, Poisons and Controlled Substances Act 1981* — SR No 16

*Fisheries Act 1995* — SR No 12

*Liquor Control Reform Act 1998* — SR No 13

*State Superannuation Act 1988* — SR No 15

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rule Nos 12, 13.

## STATUTE LAW (FURTHER REVISION) BILL

### Scrutiny of Acts and Regulations Committee

**Mr BRACKS** (Premier) — By leave, I move:

That the provisions contained in the Statute Law (Further Revision) Bill be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.

**Motion agreed to.**

## BUSINESS OF THE HOUSE

### Adjournment

**Mr CAMERON** (Minister for Agriculture) — I desire to move:

That the house, at its rising, adjourn until Tuesday, 28 March 2006.

This will afford a three-week break during which the Commonwealth Games will be held.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Ocean Grove Primary School: presentations

**Ms NEVILLE** (Bellarine) — Two weeks ago I was pleased and privileged to be invited to formally acknowledge and present badges to the new student leaders at Ocean Grove Primary School. These students have been elected by their peers to represent the other students in the school within both the primary school community and the broader community.

The school captains for this year will be Lucy Drayton and Joss McClelland. The following students were elected to the junior school council: Kristian Meaney-Liu, James Peers, Laura Ellis, Kate McGough, Madeline Goodger, Luke Smyth, Tom Membrey, Sally Hughes, Luke Bastiaan, Jane Fendyk, Tim Coffey. The following were elected to represent the various houses: Bass, Maddie Stevens and Matheson Grills; Flinders, Ashleigh Cooke and Ryan Binder; Sturt, Emma Allen and Jake Armstrong; Mitchell, Millie Leahy and Jak Evans. The following were vice house captains: Bass, Shelby Hackett and Tom Fleming; Finders, Nina Hamilton Grundy and Matthew Gibbs; Sturt, Bianca

Myers and Tony Ingram; Mitchell, Freya Croft and Todd Rodgers.

The students are elected to the junior school council from grades 3 and beyond. The school has a strong commitment to ensuring students develop leadership skills and have an opportunity to build a better and stronger school community. They have all taken up the responsibility with vigour and enthusiasm. They are a credit to one of our great schools on the Bellarine Peninsula, the Ocean Grove Primary School.

### Commonwealth Games: community participation

**Mr HONEYWOOD** (Warrandyte) — Two weeks from yesterday elite athletes from many nations across the globe will gather together here in Melbourne for the Commonwealth Games. If we ignore for a moment the media hype and the Bracks government's attempt to gain reflected glory, the Commonwealth Games are more than just another sporting event and should remind us, as Australians, of three things.

First, we are all the beneficiaries of our history and of those who have gone before us. Many of the institutions we take for granted — the Westminster system of democracy, our impartial system of justice and even our organised sporting bodies — came to us from fair-minded people who had a sentimental regard for their mother country but were willing to adapt these institutions to reflect our nation's robust evolving character.

Second, in a world suffering from acts of terrorism and religious conflict, we should all be reminded that through events such as the Commonwealth Games people from all races, creeds and religions can join together in peaceful activities from which we hope greater understandings will grow.

And third, to our young people the Commonwealth Games are a reminder at this important time in their personal development that in democratic, wealthy nations such as ours every individual is encouraged to achieve his or her potential — whether that is in sporting, academic or cultural pursuits — and as a nation we are all the better for this.

### Peninsula Community Legal Centre: Cranbourne office

**Mr PERERA** (Cranbourne) — I would like to welcome the staff and volunteers from the Peninsula Community Legal Centre to Cranbourne. Recently, with the Attorney-General, I had the pleasure of

attending the official opening of the Peninsula Community Legal Centre's office in Cranbourne.

This is another one of the many Bracks Labor government initiatives in supporting and delivering for the needs of residents in Cranbourne and surrounding areas.

### Repeat Products

**Mr PERERA** — I also had the pleasure in representing the Minister for Small Business in the opening of Repeat Products' new \$1 million sales and marketing office in Carrum Downs. My parliamentary colleague the member for Carrum was also present.

Repeat Products has pioneered a plastic recycling technology involving heating and extrusion. The company manufactures more than 50 products that can replace timber in outdoor settings. I congratulate Mark Jacobsen and his team, and wish them all the very best with their business endeavours.

### Road safety: Lowan electorate

**Mr DELAHUNTY** (Lowan) — This government stands condemned for its efforts on road safety in the Lowan electorate.

Last week, as I travelled on the Henty Highway from Horsham to Hamilton, I observed eight dead kangaroos or wallabies. That highlights there had been eight vehicular accidents on the highway, and the only people who are happy with that are the panel beaters! I am informed that under the new Road Management Act, it could be nearly a month before VicRoads has to remove the dead animals.

With these numerous accidents I call on the Bracks government to take action on roadside vegetation clearing. Many concerns have been raised with me about vegetation getting closer to our roads, not only causing a traffic hazard but also limiting the movement of machinery and fire trucks. Vegetation growing on road verges is causing visibility problems with wandering wildlife and livestock. It is a matter of public safety to have appropriate cleared roadsides. Even the government-controlled Road Safety Committee recommended an increase to the minimum clear zone distance for high-speed and high-volume roads, in line with international best practice. When the choice is between the preservation of vegetation on the roadside and reducing the risk to human life, the latter must always prevail.

Most country roads are 100 or 110 kilometre-an-hour zones and many roadside clear zone distances are not

adequate, thereby causing traffic hazards. Drivers on metropolitan roads do not have to — and nor would they — tolerate such conditions. I remind the government: Victoria is bigger than Melbourne; and I call on it to take action to provide safe roads in rural and regional Victoria.

### William Leslie Williams

**Mr HOWARD** (Ballarat East) — Today I wish to recognise the life of William Leslie Williams, better known as Bill Williams, who died on 4 February this year.

Bill was a long-time member of the Creswick branch of the Australian Labor Party, and in fact was a life member of the ALP. You would have to say that Bill was a true believer. He was someone whom I had come to know and appreciate over the last 10 years as a very cheerful and supportive man who was very committed to his Labor principles.

But Bill was known not only for his role in the Labor Party; he was known also for his Scottish background, which saw him become a very active piper in the community. He became a life member of the University of Ballarat Pipe Band and he was very keen to share his piping enthusiasm and skills with young people who were attracted to the pipes. He was a piping tutor at Ballarat and Clarendon College and later became honorary piper of HMAS *Stuart*. I enjoyed Bill's piping, particularly on the occasion when he came to my place to play at a picnic in my gardens.

His interests did not stop there. He was a freemason and had been actively involved in freemasonry for 50 years; he was Worshipful Master at the Creswick Havillah Lodge in 1999. In his earlier days he loved sport, particularly rowing and baseball, and he also loved to read. He was a family man, a grandfather and even a great-grandfather and, in his later days, a great companion to Margaret.

He has left all of those who knew him with some very happy memories. He was loved and respected by all. Bill Williams, rest in peace.

### Government architect

**Mr BAILLIEU** (Hawthorn) — The appointment in December of John Denton, an internationally celebrated but very Victorian architect, as government architect has been warmly welcomed.

John is a much-respected Melbourne architect. The firm of Denton Corker Marshall has made a huge contribution to civic architecture across the world, and

in Melbourne alone its work includes the original city square, the exhibition centre and the CityLink gateway. The Institute of Architects has campaigned for a government architect, and the creation of such a position was Liberal policy at the last election. I wish John well.

However, it is now clear that the position is not what it could have been. It should have been one with authority, independence, tenure and resources. It should have enabled the selected architect to speak out without fear or favour as a guardian of a long-term vision of Melbourne. It should have been keenly contested. Instead, it has emerged that the position is part time — just two days a week; it is short term — just two years; it does not carry any authority or independence and consists in reality of a job in the Premier's office. It is only lightly resourced and enjoys little research capacity.

John Denton himself had advised the selection committee on the position, but in the absence of a recommended candidate he was persuaded to accept the job. To broker that deal, a second architect, Shelley Penn, has been appointed to assist. I am sure John has done so in good faith and that he will exercise these responsibilities in an exemplary manner, but in an insight into the reality that shrouds the position, *Age* journalist Royce Millar recorded on 17 December 2005:

Mr Denton would not talk about his appointment yesterday because the government had not authorised him to do so.

Hopefully that is not a sign of things to come.

### **Trail bikes: registration**

**Mr NARDELLA** (Melton) — I raise the issue of the need for all trail motorcycles to be registered once they are used outside private property and to have registration plates clearly visible. I have had situations in both Melton and Bacchus Marsh, and within these shires, where many motorcycles being used in parks and public land are a nuisance and are very disruptive to local residents.

Victoria Police do a great job in tackling these problems, but we need to have these trail bikes registered so they can be followed up if and when they are doing the wrong thing. I have had a case brought to my attention in Melton where a trail bike and rider threatened a married couple and then rode onto their front garden, damaging plants and further physically threatening the home owners. Because there was no registration plate — either road registration or trail bike registration — no details could be recorded and the

police were not able to prosecute this dangerous, violent and threatening illegal trail bike activity.

I ask the government to follow this matter up so that registration identification plates are compulsory and for appropriate penalties to apply to ensure that they are complied with. It is imperative, especially in those interface areas that many MPs represent where there are these nuisances, that the police are able to pick them up, that people are able to report them and that appropriate action can be taken.

### **Youth: Boronia forum**

**Ms ECKSTEIN** (Ferntree Gully) — On 17 February, together with the member for Bayswater, I held a youth forum at the Boronia Progress Hall in my electorate. The Minister for Employment and Youth Affairs was in attendance and met with about 50 to 60 young people from a range of schools and community groups in the area.

The purpose of the event was to enable local young people to contribute their views and have an input into the government's refreshed policy for youth aged 12 to 25 years. This was a unique opportunity for local young people to have a say on issues that directly affect them and to have an input into the way their state government shapes policy for their benefit.

It was a wonderful opportunity to hear these young people share their concerns and ideas about the future of our communities and to outline areas where they felt the government could change things for the better. Everyone was given a chance to speak and detailed notes were taken, which Minister Allan took away with her and which will be taken into account when the refreshed youth policy is put together.

I was very impressed with the maturity of all the young people who attended. They discussed the issues with great skill and offered thoughtful and insightful suggestions. These young people will one day be our community leaders and play their part in a wider Australian community and the world. Minister Allan was also impressed and shared this sentiment with me after the event.

I personally feel very proud and certain that these young people will become confident, responsible and involved members and future leaders of our community. They are a credit to their families and our local schools and it was an honour to hear their thoughts and ideas. I appreciated Minister Allan's attendance at the forum — —

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

### **Gas: East Gippsland supply**

**Mr INGRAM** (Gippsland East) — I rise today to speak about bottled gas. With winter approaching, over the past few weeks a number of constituents have contacted my office about the high cost of bottled gas with an increase in the price to almost \$100 per 45-kilogram bottle, which places many country constituents in deep financial hardship. In 2001 the Essential Services Commission had a detailed look at the bottled gas industry and made a range of recommendations which address the issues of prices and predatory behaviour in the industry. The government has not delivered on that inquiry, and with winter approaching it is essential that those people who rely totally on bottled gas can get reasonably priced gas for their heating and cooking needs.

Reticulation is one solution. I welcome the reticulation of gas to Bairnsdale and Paynesville, which is already occurring. But a number of people and areas will never get reticulated natural gas. A whole range of towns such as Lakes Entrance and Orbost should have natural gas reticulated to them. In the meantime it is essential that those consumers have access to reasonably priced bottled gas, as that is the only heating and cooking source they have.

### **Schools: South Barwon electorate**

**Mr CRUTCHFIELD** (South Barwon) — As many members have already mentioned in this place, it is school captain season again, and I have been doing my regular school visits. I would like to focus on three schools in my electorate and their captains. At Grovedale West Primary School, newly elected school captains Jacob Dale and Brianna Smith and school vice-captains Joshua Angus and Eryn Chivers helped with the Friday school assembly and assisted me in a presentation of a Commonwealth Games flag to that school.

At Roslyn Primary School, principal Peter Robertson introduced me to the school's new leaders in captains Kahani Matiani and Josh Barnes and vice-captains Jess Tomkins and Cody Zinn. Finally, at Grovedale Primary School, principal Vicki Rennick announced the new school captains. From memory, only one boy and seven girls bravely put up their names to be a school captain. As in many other schools, those people had to make verbal presentations to their classmates, and then the school students voted for the people they thought would best represent them. Grovedale primary elected two

girls, Tara Trevaskis and Nikki Hambrook. I was very pleased to be able to present them with their badges and congratulate them on their achievements.

Congratulations to all the school leaders in South Barwon. May you have a rewarding and enjoyable year.

### **Unions: foreign workers**

**Mr McINTOSH** (Kew) — I am very disturbed by recent reports in the *Australian* that two large, powerful and wealthy unions, the Australian Manufacturing Workers Union (AMWU) and the Australian Workers Union (AWU), are conspiring to fleece foreign workers of their wages and pump those embezzled wages into union-controlled slush funds. It is widely recognised that Australia is facing a skills shortage and that Australian businesses are having to turn to foreign workers to obtain labour in order to get a job done. What is incredible and highlights the unbelievable hypocrisy of the Australian Council of Trade Unions, the AMWU and the AWU is that they are actually contemplating a scam by which to steal 50 per cent of foreign workers' wages, based upon the premise that foreign workers should somehow be grateful for being given the opportunity to come to a high-paid workers paradise such as Australia.

The head of the AWU, Bill Shorten, was quoted as saying on the issue that foreign workers paid less than their Australian counterparts may cause 'resentment'. Resentment is probably just not strong enough. It is just plain wrong. It is wrong in principle, it is wrong in law and it is wrong for workers. It just goes to show that what Paul Keating should have said was: never stand between a trade union leader, a principle and a bucketload of money! It is a pity that Mr Shorten, who is about to enter federal Parliament, does not understand the difference between right and wrong.

### **Women's Action Alliance: unpaid work campaign**

**Ms CAMPBELL** (Pascoe Vale) — I commend the Women's Action Alliance on its successful campaign to include a question about unpaid work on the 2006 census form. Unpaid work, be it caring for family or friends or voluntary work, is a part of life for most Australians, and in particular for women in their role as full-time mothers. Work outside the home is beginning to be recognised, and the International Year of Volunteers in 2001 was a wonderful opportunity for this state and for communities around the world to recognise unpaid work as a valuable contribution to society and the economy.

I note that the *WAA News* of July 2005 heralded the success of their campaign under the heading 'Unpaid work should count', and as part of the campaign orange stickers were attached to many forms during the last census. The campaign was also recognised in an article which appeared in last Sunday's *Age*.

I congratulate Karin Abrams, Joan Adamson, Kay Annesley, Jane Beard, Bernadette Bloxham, Diane Boland, Julie Collins, Nancy Cotter, Marianne Crowe, Iris Felstead, Jenny Grainger, Joanne Le Sueur, Maureen McCarthy, Jane Munro, Margaret Muller, Flo Parnaby, Julie Potter, Mary Ryan, Isabel Schofield, Pauline Smit, Aileen Sullivan, Noelle Sullivan, Moira Ward and many other great women. So many of them acknowledge the support that their husbands, families and friends have also contributed to their campaign for the recognition of unpaid work in the census.

### **Neighbourhood centres: rural and regional Victoria**

**Dr SYKES** (Benalla) — This morning as I ran along the banks of the Yarra past the 37 sculptured fish I became angry as I thought of the hundreds of thousands of dollars of taxpayers money being spent on these party decorations for the Commonwealth Games. I became angry because I thought of the neighbourhood centres in northern Victoria which are crying out for funding for coordinators salaries and basic projects. I refer to neighbourhood centres such as Waminda House in Benalla. Violet Town, Bonnie Doon, Murchison, Myrtleford and Mount Beauty are hurting because of funding shortfalls.

In particular the Mount Beauty situation is a disgrace. After numerous letters and meetings over the last 12 months the Bracks government now accepts that Mount Beauty has missed out because of its wrong interpretation of the figures produced by the Australian Bureau of Statistics. But what is the Bracks government doing? Nothing. Rather than simply correcting the problem, the government is doing nothing, saying that fixing the figures is someone else's problem. Not only are members of the Bracks government fools, they are callous fools. While they gorge themselves during the good times at taxpayers expense they neglect country people, particularly the socially and financially disadvantaged.

I challenge the Bracks government to immediately provide the Mount Beauty neighbourhood centre with the funding to which it is entitled and to provide the \$84 million requested for neighbourhood centres throughout Victoria. After all, it is less than one day's state government income.

### **Egypt: bus tragedy**

**Ms MUNT** (Mordialloc) — In January this year I visited Egypt on a private tour with a number of my parliamentary colleagues. Our tour had two groups: a police group and our group of members of Parliament. To our great distress the police group met with tragedy when they were involved in a bus accident. Sergeant George Panayiotis and Senior Constable Kristi Olsen were among the five Victorians killed. Friends and family of some members were injured, along with Sergeant David Jessup, Senior Constable Peter Eames, Senior Constable Deborah Quinert, Commander Ashley Dickinson and retired member Bob Snell. Also killed were Peter Eames's brother-in-law, Mark Ritchie, and his nephew, Mark's 14-year-old son, Drew, Melbourne cosmetic surgeon Dr Warwick Lorne Greville, and Brisbane businessman Luciano Prenner. A group of MPs visited the injured in a Cairo hospital. We heard moving accounts of the bravery and support provided to victims of the bus accident on the site of the accident on the road to Alexandria and later at the hospital.

I would like to put on record our great thanks and their thanks to one of my local policewomen, Senior Constable Deborah Quinert. Those involved say that she was a tower of strength, help and compassion, some going so far as to use the term 'an angel'. My condolences go to the friends and families of those who lost their lives, and send my best wishes for recovery to those injured in that tragic accident.

### **Horsham hospital: computerised tomography scanner**

**Mrs SHARDEY** (Caulfield) — The Bracks government's major projects web site was updated on Tuesday night to remove the evidence of Minister Pike's deception over funding for a computerised tomography (CT) scanner at Horsham hospital. On Tuesday the Bracks government's Building a World Class Victoria web site featured the following story under the header 'Building One Victoria in the Grampians region'. It read:

The Victorian government's \$450 000 investment in a major piece of equipment — a new four-slice CT ... scanner means quick diagnosis and treatment near home for patients such as Mr Hemphill.

Overnight that story was replaced with a story entitled 'Life of learning for students'. Despite refusing to admit the government's false and misleading claim in the Parliament on Tuesday, when she tried to pass off \$300 000 in funding for 'the new capital facility so the upgraded four-slice scanner could be accommodated'

as being the same as actually paying for the \$450 000 scanner, Bronwyn Pike has now destroyed the evidence.

It was arrogance in the extreme for the Bracks government to think it could get away with incorrectly claiming that it had paid for the scanner when in fact it was paid for by Symbion Health. Bronwyn Pike did not have the decency to admit to Parliament that the Bracks government's claims were false and misleading. The removal of the story from the government's web site shows that the Bracks government is trying to cover its tracks and that the minister does not stand by the claim. Bronwyn Pike should now tell Victorians, especially Wimmera residents, how much taxpayers' money she wasted on the false and misleading one-page advertisement — —

**Ms Green** — On a point of order, Acting Speaker, it is the custom of this house that members are not to be referred to by their first names. You, Acting Speaker, should discipline the member for Caulfield for referring to the Minister for Health by her first name on at least three occasions. Also, when a member was on her feet to take a point of order, the member for Caulfield rudely continued. She should remember when she takes a point of order in the future that others may not treat her with respect.

**The ACTING SPEAKER (Mr Smith)** — Order! I thank the member for Yan Yean for that advice. I am sure the member for Caulfield will note what has been said. In the future, and when she is not in full flight during a speech, she will hear when a point of order is being raised.

### **Strathewen Primary School: upgrade**

**Mr HARDMAN (Seymour)** — I rise to congratulate the members of the Strathewen community for the wonderful work they have done on their school recently. Strathewen is a very small rural community located north of Melbourne, but it has active community support. I recently visited Strathewen Primary School with the Minister for Education and Training. I requested that the minister visit the school because I thought it would be wonderful for her to see the fantastic work the school is doing. The school has won several awards in recent years. Most significantly it won the state garden awards in its category. This is no mean feat as many other schools in my electorate do a great job with their gardens. To win that award was great.

This time I especially wanted the minister to see what the school has achieved with the \$250 000 school

improvement grant it received last year. The school council president, Gary Bartlett, and the principal, Margaret Hirth, have worked with a very supportive community made up of parents, grandparents, past parents and friends. They have moved a mod 5 portable onto the site and made it attractive by including entrances and teaching and learning areas. The building works have also included the most sustainable fittings the school could afford and designs in order to keep the future costs down and continue the great work of teaching their children about environmentally friendly practices.

As well, the school has looked at how they can include the community and provide meeting rooms and places for a playgroup et cetera for young families in the area. I congratulate the Strathewen community for the fantastic work it has done and its resourcefulness. I wish it all the best for the future.

### **Donvale Primary School: funding**

**Mr PERTON (Doncaster)** — I would like to join other members and raise education issues. Last week I was at Donvale Primary School to give badges to their school captains and junior school council. Donvale Primary School is in urgent need not only of maintenance funding but of a capital upgrade. I hope that the government's slush fund which it has claimed from the sale of the Snowy Hydro project will be used in Liberal Party electorates as well as the government's electorates.

The parents of Donvale Primary School have raised and spent between \$80 000 and \$100 000 of their own money in recent years to fund desperately needed facilities. They have ensured the 275 students at this school now have airconditioning and new carpets in their classrooms.

This school has not had a capital upgrade for the last 20 years. It needs money for serious drainage issues. When it rains, the drains block and the yards become mini swimming pools. New pathways and better toilet facilities are also needed. Only through the efforts of the 200 school families has Donvale primary maintained the standards it enjoys. Instead of being able to fundraise for extras, much of the money this school has raised has gone into providing fairly basic improvements — and the department has sat back and played down the need for more money.

Donvale Primary School's fine principal, Garry Briggs, tells me that parents have provided him with brilliant support by their fundraising efforts, but it should not be their role to provide such facilities and maintenance. It

is squarely the duty of the government to do so, but it is failing in that regard.

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

### **Craigieburn and Roxburgh Park Little Athletics: Karak visit**

**Ms BEATTIE (Yuroke)** — On Saturday morning Karak, our Commonwealth Games mascot, visited the Craigieburn and Roxburgh Park Little Athletics club. What a wonderful day we all had! Our young athletes gave their very best in all their events. In between they queued up to have their photos taken with Karak. With there being so much concern about obesity in our young people, I was heartened to see so many children venturing out on Saturday morning. It was also clearly evident that the success of Little Athletics is based on the support and efforts offered by the parents. Whilst the children gave their all on the sporting field, the parents too were giving up their time to work as timekeepers, event coordinators, safety officers and barbecue chefs, as well as being loyal supporters.

This was one of those opportunities that as a member of Parliament you are privileged to be part of, where you bear witness to community spirit and success at the grassroots level. Everyone there was involved and making a real effect to ensure that these kids are regularly getting the opportunity to play a sport, stay fit, develop skills, challenge themselves as individuals and enjoy being part of a team effort.

I would particularly like to thank Regina Knight and Fran Dalziel for their help in bringing Karak to visit. I know this was a very special day for me and also for the kids and parents of Craigieburn and Roxburgh Park as we experienced our own piece of the Melbourne 2006 Commonwealth Games.

### **Ballarat: Eight-Hour Day anniversary**

**Ms OVERINGTON (Ballarat West)** — Last Friday night I attended the Ballarat Trades and Labour Council annual dinner to celebrate Labour Day and also to acknowledge and celebrate the 150th anniversary of the Eight-Hour Day. On 21 April 1856 stonemasons and building workers marched through the city of Melbourne. They gathered supporters on the way, marching to Parliament to demand regulated working hours with no loss of pay. The demand was granted, and today the 8-hour working day stands as a symbol of the democratic rights of workers.

On Monday I attended the launch of a touring exhibition detailing the history of the Eight-Hour Day at the Ballarat Trades Hall. I want to acknowledge and thank Graeme Shearer, secretary of the Ballarat Trades and Labour Council, for his work in organising Friday night's dinner and the launch and for his ongoing passion and support for the workers of Ballarat.

Contrast the passion for what I have just spoken about to WorkChoices. What a word! WorkChoices? No choice! I want to say to the workers of Australia that they should remember how we obtained the 8-hour day and take the fight up to the federal government.

**The ACTING SPEAKER (Mr Smith)** — Order!  
The member for Macedon has 1 minute.

### **Schools: Macedon electorate**

**Ms DUNCAN (Macedon)** — I wish to refer to the opposition, which is so intent on bagging this government for investing in education. We know that it was never a priority for it in government, and it is certainly not a priority for it now.

I would like to highlight a couple of the investments in schools in the Macedon electorate. The number of modernisations in Sunbury alone include those at Killara Primary School, \$1.27 million; Sunbury Heights Primary School, \$1.2 million; Sunbury Macedon Special School, \$1.34 million; and Sunbury Secondary College, \$3.3 million on upgrades to technology, music and drama. We are also investing \$50 million in the classroom replacement program, which is the largest infrastructure project in the state's history. Sunbury Secondary College and Goonawarra Primary School have already benefited from the first stage of this project. Over \$300 million has been spent on maintenance in schools since 1999. In Sunbury schools alone over \$2.2 million has been spent on addressing maintenance needs.

We know that state schools are great schools, and we know that this government will continue to invest in education unashamedly. The opposition can moan, carp and carry on about this government's investments in education. We are proud to have education as our no. 1 priority, and we will continue to do so.

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### Meetings

**Mr BATCHELOR** (Minister for Transport) — I move:

That the house grants leave to permit the Public Accounts and Estimates Committee to meet and take evidence for the purposes of the 2006–07 budget estimates inquiry when the house is actually sitting.

I move this motion because of the need for the Public Accounts and Estimates Committee to continue the good work it does in making sure that the budget and estimates process has sufficient opportunity to give scrutiny to the budget, and to this year's budget in particular.

In this instance the government is taking into account the timetable of the sittings of the house, the impact of the Commonwealth Games, the fact that the budget is being presented later this year and that the budget must be passed by the end of the financial year — and the government intends to do that. A number of factors are occurring simultaneously that make it hard for the Public Accounts and Estimates Committee to do its work. The government appreciates the work of that committee. It thinks governments should be accountable and should act in a transparent way. Accordingly we are responding to requests from the Public Accounts and Estimates Committee to allow it to hold hearings whilst the house is sitting.

As members would know, it is not the normal course of events for a committee of the Parliament to hold sessions whilst the house is sitting but on this occasion there is no other effective way to allow the Public Accounts and Estimates Committee to do a proper job of scrutinising the budget for the Parliament and the people of Victoria, given the broader circumstances. This year with the Commonwealth Games being held in Melbourne there is a longer sitting break of the Parliament. It has also meant that the presentation of the budget will be delayed. In recent times it has been held at the beginning of May; now it will be held at the end of May. We also have the requirement for the budget to be passed by the end of the financial year.

Accordingly, Parliament has been scheduled to sit during much of that period. That leaves very few non-parliamentary sitting days for the Public Accounts and Estimates Committee to undertake examinations of the estimates process. One of those non-parliamentary sitting days is used by government on a Monday for cabinet purposes so that restricts even further the

number of days available for the Public Accounts and Estimates Committee to undertake its work. It would be impossible for it to give effective scrutiny to the budget process if we stuck to the traditional arrangements.

In its forward planning the Public Accounts and Estimates Committee considered this matter. I would remind members that it is an all-party parliamentary committee, with representatives from the government, the Liberal party and The Nationals. The Public Accounts and Estimates Committee (PAEC) has sought leave and dispensation on this occasion to fulfil its task. That is what this motion would enable it to do. We are responding to a request from the all-party parliamentary committee to give that committee leave on this occasion to do its work while the house continues to sit.

The alternative would be to not grant that permission. It would mean that the PAEC would have to do its work after the budget has been finished. This government — in stark contrast to previous governments — has tried to accommodate the wishes of the PAEC to do its work in a timely way. We are agreeing through the sponsorship of this motion that it ought to be given a maximum opportunity to carry out its work. We are not afraid of our budget being put under scrutiny. The Treasurer is here today, and he has a tradition of delivering very good budgets. We look forward to another good budget being delivered this year. We are prepared, as we have on past occasions, for full scrutiny to be undertaken.

Having parliamentary sittings at the same time as the parliamentary Public Accounts and Estimates Committee carries out its investigations will place some strain on government departments and ministers in particular. Ministers generally would have preferred to have a separation of time between Parliament and committee hearings, as has traditionally been the case. But when we received such a request we took it into account; and on balance and to protect the issues of accountability and transparency, we are sponsoring this motion.

I can advise the house that in anticipation of this request going through — a request that was generated by the committee itself — the Public Accounts and Estimates Committee has been scheduling dates and arrangements are being made. I have accepted and have communicated to the committee that we will make available the time it has suggested, and I understand that other ministers are doing the same. Ministers are going out of their way to respond to the needs of the Public Accounts and Estimates Committee. This motion is straightforward. It is designed to respond to an initiative that has come from an all-parliamentary committee on which all three parties are represented. It

is designed to take account of transparency and accountability, and it continues the tradition of this government of making itself and its budget processes available for full scrutiny.

**Mr CLARK** (Box Hill) — The opposition supports this motion on the basis that it is the lesser of two evils. As the Leader of the House has indicated, the timing of the delivery of the budget and the sittings of the houses leave the Parliament and the Public Accounts and Estimates Committee in a dreadful dilemma: there is simply an inadequate number of non-sitting days available between the time of delivery of the budget and the time at which the autumn sittings conclude for the bulk or even a substantial number of PAEC hearings to take place. So the committee and the Parliament are faced with the dreadful choice between agreeing to having PAEC hearings while the houses are sitting or not having key ministers of the government available for scrutiny prior to the budget passing this house.

As far as I am aware, it is unprecedented for estimates hearings to take place while the house is sitting. I had the honour of being a member of the Economic and Budget Review Committee from 1988 to 1992, and as best my memory serves we did not hold estimates hearings during sitting times. I do not believe the committee held hearings during sittings from 1992 to when I returned to the committee a few years ago. There are very good reasons why that is the case. We know of course that some committees such as the Privileges Committee hold hearings during sitting times, but not PAEC estimates. That is because it will put enormous strain on both ministers and members of the committee — and indirectly on the secretariat of the committee, which has to prepare and take part in hearings during very compressed sitting weeks. That is likely to undermine the calibre of the hearings and the evidence that is given.

It is going to give ministers a ready-made excuse to say that they do not have the information to hand because they have been preoccupied with matters in the house. For all of those reasons, the scrutiny and accountability of the government is going to be drastically reduced. This motion should certainly not be taken as a precedent for the future. It should be taken as a measure that is agreed upon by this house with great reluctance, responding to the situation it has been put in.

The question that has to be addressed, which the Leader of the House did not address in his speech that otherwise pretty accurately set out the facts, is why it is that we are in this dilemma. How is it that we have come to have so few non-sitting days between the

delivery of the budget and the end of the autumn sittings? When you stand back from it, it is probably a monumental bungle. The only other explanation is that it has been deliberately engineered by the government.

However, when one has to make the judgment between bungling and conspiracy in this case, I think the evidence comes down on the side of bungling. I even have a sneaking suspicion that I and this house should have some sympathy for the Leader of the House — and that is not something I say very often. I suspect that the real villain of the piece is not the Leader of the House but the Treasurer, because it is the Treasurer, for reasons which are yet totally unexplained, who has decided that he cannot get his act together to deliver the budget at the ordinary time in early May but instead is going to deliver it on 30 May.

**Mr Brumby** interjected.

**Mr CLARK** — Now the Treasurer is showing his usual abysmal ignorance of history, going back to the days of Rob Jolly and Tom Roper, and the early days of the Kennett government. Then we had a bizarre situation where we had to debate two financial bills each year — that is, the interim appropriation in the autumn session and the budget in the spring session. The Kennett government made the very sensible reform of bringing the budget forward to the autumn session so that the annual budget for the state could be debated ahead of the commencement of the financial year.

**Mr Brumby** interjected.

**Mr CLARK** — The Treasurer says by interjection, ‘That’s a good idea’. So it is. It is typical of the Treasurer and his arrogance that he has forgotten the small matter of accountability. When he decided it would suit his convenience to put the budget back to 30 May it looks as though he did not really focus his mind on what that meant for the estimate hearings and accountability. That is certainly fully characteristic of the Treasurer.

As I was saying, he has still failed to give to the house — perhaps he will during the course of the debate — a logical and reasonable explanation why he has pushed the budget back to 30 May. The excuse he has given so far is the Commonwealth Games. For the life of me I cannot see why his occasional attendance at Commonwealth Games events, albeit that it may be justified, should provide sufficient reason for delaying the introduction of the budget until 30 May. I am assuming the expenditure review committee hearings are currently continuing and ministers are going through the usual anguish of having their budgets

considered and decided upon. The wheels of government should be turning in the normal manner, which admittedly is a creaking and grinding turning of wheels in the case of the present government. There is no good reason why the budget should not be introduced until 30 May.

If I had to guess what has gone on in government I suspect that after the Leader of the House set his sitting dates, the Treasurer has come up with his bright idea that we might as well take a few extra weeks to put the budget together and deliver it on 30 May, putting enormous pressure on the Leader of the House who has to confront this issue of what to do about the PAEC estimates hearings, leading him to accept with all the concerns he expressed the recommendation of the PAEC that I was pleased to support in all the circumstances that leave be given for hearings to take place when the house is sitting.

As I said at the outset, the committee, this house and the government as a whole should not have been put under this pressure. It weakens the already farcical nature of the committee's estimates hearings. I am a proud supporter of the work of the PAEC, but I have to say the conduct of estimates hearings is not the committee at its finest, given the constant difficulty of extracting any reasonable amount of information out of ministers, with the continual filibustering and the incomplete and misleading answers the committee gets from them.

The estimates hearings process will be even less satisfactory this year for all the reasons that have been discussed. Nonetheless, having being placed between a rock and a hard place by the government — and I suspect in particular because of what the Treasurer has done — I believe the best way forward is for the committee to be given leave to sit and hold hearings while the house is sitting. For that reason, the opposition supports the motion.

**Mr RYAN** (Leader of The Nationals) — The Nationals oppose this motion, will vote against it and will call for a division in relation to it. A very basic element of this whole discussion needs to be put on the table for a start — that is, the notion of the separation of powers and the notion that the executive government does not have the capacity to run this Parliament on the basis of what the executive government thinks it needs. There is, I am pleased to say, in this nation and state as I understand it a division between the role of the executive government and the way the Parliament functions.

We are debating something here today which is a first for this place. We have not seen this before. It is important therefore that Parliament takes a stand on this. Let us look at the basics that found the necessity for the motion to be moved in the first place. The legislative basis for this discussion appears in the provisions of the Parliamentary Committees Act.

Under the provisions of that act there are set out in part 2 references to a number of joint investigative committees. Section 14 refers to the Public Accounts and Estimates Committee. That section sets out the important role that the PAEC has in this place. It is an important and critical role in the way in which this Parliament and state functions. This is the opportunity in name at least for a committee of the Parliament of the whole to talk to ministers and put issues to ministers regarding the matters that are within their area of responsibility across their respective ministerial roles.

Therefore, it is important that the PAEC has the capacity to do its job. Historically that has been the way in this place, and we are intending that it should continue. Let no-one for a moment diminish the importance and the role of the PAEC in the functions it has to discharge, those functions being in accordance with the legislation. I note that the government has acknowledged the importance of the process, as has the Liberal Party — and so too, I am sure, do the Independents. Everybody has common ground on that point.

The next section that is of relevance is section 25 of the Parliamentary Committees Act. It recites the issues surrounding the question of sittings and it states that:

- (1) Subject to sub-sections (2) and (3), a Joint Investigatory Committee may sit and transact business —
  - (a) at times (including times when either House of the Parliament is not actually sitting) —

I emphasise that —

- (b) in places in Victoria or elsewhere —
 

that are convenient for the proper and speedy dispatch of business.
- (2) If a House of the Parliament is actually sitting, a Joint Investigatory Committee must not sit —
  - (a) except by leave of the House; and
  - (b) in any place, other than a place that is within the Parliamentary precincts.

Subsection (3) does not matter for the purpose of this discussion.

The point is that the structure of this provision is such that these joint investigatory committees must not sit as a first law unless it is that the house is not sitting. They cannot sit jointly. The house is not to be placed in the position where a joint investigatory committee is sitting simultaneously. That is a very proper and appropriate thing to happen. I will return to that point in a moment.

What the Leader of the House seeks to do on behalf of the government is to exercise the provisions set out in section 25(2) to seek leave of the house to enable the PAEC to sit while the house is sitting. I am pleased to see that at least this is a remnant of some sort of democratic process that applies in this place, that simply because of the statute the government is required to come and seek the leave of the house. If it did not have to do that, we would not be having this debate, and the government would bang it through as is its wont. The government has to seek the leave for which provision is made in that section, albeit that such provision is made after the statement of the first principle — that is, that joint investigatory committees and the Parliament should not sit jointly unless leave is sought.

The third point is this: why to this day is this happening? We have heard the rhetoric about problems over the Commonwealth Games and that there are not enough non-sitting days available. To this day the government has not given a fulsome explanation to the Parliament, apart from its rhetoric, as to why it now insists upon doing what it is doing.

It behoves the Treasurer to put in an appearance during the course of the debate and explain why it is so. This is coming back to the first principle of which I speak. The problem if we do this is that it is a first chip in the wall. It is an instance where we are going to have this exemption apply. We will have the highly unsatisfactory situation of the Parliament, while it is sitting, having one of its joint investigatory committees — arguably one of its most important — sitting at the same time.

What does that say in terms of the principle? What does that say about the priority which this place and the operations of this Parliament should properly enjoy and is entitled to have in the way this state functions? What does this say about executive government and how it views the role of these committees as opposed to the role of this Parliament, which ought to be the place in which the priority of the operation of the system of governance that we have in this state functions?

It is this place and this chamber which should carry that priority. It is not an issue of the convenience of the

government of the day, for reasons which, as I said, to this moment remain unexplained. This is not something to be done on the whim of the government. The government has said, 'The committee has written to us and asked'. I say to the government that if it is going to exercise its role properly, it should say to the committee that other arrangements — however they happen — have to be put in place.

We should bear in mind that this is a problem of the government's making. The government ultimately has control of the way in which this Parliament functions. It is this government's foolhardiness that has placed us in the invidious position we now find ourselves in. However, I still say in the context of the comparison of the issues that are in play here that this chamber should remain supreme, and it should not be faced with the fact of these committees sitting while Parliament is functioning.

Do you mind the arrogance of the government? We have had the Leader of the House stand up here and tell us that apparently some sort of list of days has been circulated. Apparently his office has been notified about arrangements which are going to take place. One would think that as a matter of basic, common courtesy the lead speaker for the government would tell Parliament what the government is proposing by way of that schedule. How can the Leader of the House stand here and tell the Parliament that he has received notification of the prospective days for sittings — and he is obviously working it into the schedule to make ministers available and doing all those sorts of things — yet Parliament, which is, or should be, the supreme entity in all this, does not yet know what these arrangements are supposed to be?

**Ms Campbell** interjected.

**Mr RYAN** — It is said to me across the chamber by the chair of the committee that ultimately these are matters for the government.

**Ms Campbell** — They are not. I said, 'Send your members to the committee so you know what is going on'.

**The ACTING SPEAKER (Mr Smith)** — Order! Comments will be addressed through the Chair.

**Mr RYAN** — I should not and I will not respond to interjections. Suffice it to say this: it is not the role of any member of any joint investigatory committee to go along to that committee and have some sort of internal discussion about the way in which these days and dates are supposed to be organised. All this information, through the Speaker, should be put to Parliament if we

are serious about the place of Parliament in the way the state functions.

The trouble here is that the government has made a marriage of its functions as government and the executive of the state on the one hand, and the operations of Parliament when in fact they are separate — believe it or not. Of course I accept that the government has the numbers, that in the end the government is able to get its way, as it will in relation to the motion before the house — of course it will; but it does not diminish the fact that the government has to have first responsibility to the operations of this Parliament.

This is not the first time the government has shown a blatant disregard for the way this Parliament should properly operate. To hear the Leader of the House talk about openness, honesty and transparency is enough to make you ill. We have another aspect of a similar principle that has been taken by the government in the pursuance of this motion before the house. We within The Nationals believe it is wrong; we think it will set a bad precedent as far as the operation of Parliament is concerned. We call upon the Treasurer to come in here and explain why Parliament has been placed in this invidious position anyway, and finally I can but reiterate that we will vote against this motion.

**Ms CAMPBELL** (Pascoe Vale) — Let me put on record at the outset that we are debating this motion today at the request of the Public Accounts and Estimates Committee which wanted to have estimates hearings prior to the passing of the budget. It wanted to put in place scrutiny of the major spending portfolios before we were asked to vote on the budget. That is why we are here. The members of the Public Accounts and Estimates Committee (PAEC) were requested at the meeting where this was discussed to raise it within their parties and to explain the situation.

I would like to think that all political parties regularly attend PAEC meetings. That is what I would dearly hope.

**Mr Ryan** interjected.

**Ms CAMPBELL** — The Leader of The Nationals asks, ‘Is it a fact?’; the answer is no. This motion has been moved at the request of the PAEC, and the reason the Treasurer is not in here — in response to the interjection of the Leader of The Nationals — is because the house must make the decision. If we want estimates hearings to occur before we deliberate and vote on the budget, this is the way it can be achieved.

As chair of the PAEC I have endeavoured to ensure that as many ministers as possible have appeared before the committee before we vote on the budget. During the time I have been the chair we have been able to have representatives of a significant number of the major spending portfolios appear to give evidence prior to the vote — something of which all members of public accounts committees would be extremely proud.

It is true that the motion is before the house because the budget will be handed down on 30 May. If we wished, we could have had the estimates hearings after the budget was passed, but we thought it was important to have the opportunity to question. The way the sitting dates have been organised, this is the only way to do it.

In a funny kind of way I think we are going to enable people in this house to attend estimates hearings and learn a little about what does occur during the questioning process. I would encourage members of Parliament — presuming this motion gets through — to come along, sit in and learn a little about the advantages of a robust estimates process.

**Mr Delahunty** interjected.

**Ms CAMPBELL** — The member for Lowan says he reads the transcripts. I am glad he does, but reading the transcripts is nothing by comparison with the theatre and the evidence. I say to the member for Lowan: it just cannot be represented on paper; you miss the nuances, you miss the eyebrows, you miss the — —

**The ACTING SPEAKER (Mr Smith)** — Order! I ask the member for Pascoe Vale to address the Chair.

**Ms CAMPBELL** — Yes, I will, Acting Speaker.

I will run briefly through why we want the opportunity to have, for example, the Premier — let us start at the top — appear before the committee. At the very first estimates hearing we hope we will meet with the Premier, and I hope his diary allows him to accommodate our request to be in attendance at the very first hearing.

**Mr Delahunty** interjected.

**Ms CAMPBELL** — Again the member for Lowan interjects, ‘We want to know about the Minister for Agriculture’. I suggest he comes along, because the last two times the Minister for Agriculture has appeared there has been no-one from The Nationals in attendance — absolutely zero!

**Mr Cameron** interjected.

**Ms CAMPBELL** — I stand corrected. The Minister for Agriculture remembers the wonderful experience of the last estimates hearings. I am sure the fact that The Nationals member was in attendance added to his incentive to attend!

But at the two estimates hearings before that the Minister for Agriculture was disappointed that he could not pass on all the good news. But back to the point.

**The ACTING SPEAKER (Mr Smith)** — Order! If the member would!

**Ms CAMPBELL** — I am sure you are much more interested in the general concepts, Acting Speaker. If the Premier's diary accommodates us, we intend to have him at the first hearing. We hope the Treasurer will then be in attendance on Tuesday, 6 June. That will give all the members of this house and the other place the opportunity to listen and learn from the Treasurer.

Then we will look at health, which is a portfolio of \$7.5 billion. It is really important that parliamentarians and members of the PAEC have the opportunity to hear what the Minister for Health has to say about outputs in her portfolio area. With education training and education services we are looking at \$7.18 billion in last year's appropriations. Again it is very important that all members, be they the shadow Treasurer or the representative of The Nationals — I am sure there are many questions he would like answered — have the opportunity to ask questions prior to the budget being passed. An amount of \$7.5 billion is a lot of money, and there are many outputs to investigate. With transport we are looking at \$3.4 billion. Many questions are raised about transport in this house, so why not provide the opportunity to have an estimates hearing to give the Minister for Transport the opportunity to explain his output measures?

Hopefully that covers the first point raised by the Leader of The Nationals about the division between the executive and the Parliament. It was the Parliament's committee that requested that this particular motion be put before the house.

The second point he raised relates to the Parliamentary Committees Act. He mentioned that section 25(2)(a) provides that parliamentary committees not sit while the house is sitting. That is fine, but there is also the second part of section 25(2) — that is, that committees can sit when the Parliament thinks it is really important that they do. I put it to this Parliament that it is extremely important that during the estimates process the PAEC sits while the houses sit.

The third point raised by The Leader of The Nationals was what this says about the executive. He seems to think that the members of the executive are squeamish and do not want to appear before the estimates committee. The fact is that after sending requests to them to make space in their diaries and a request to the Leader of the House to ensure that the progress of bills et cetera occurs simultaneously with the PAEC hearings, we have been accommodated. I trust that that enlightens not only the Leader of The Nationals but any other Nationals who may be under an illusion about where this request came from. It came from the Public Accounts and Estimates Committee. We members of the committee believe that the more openness and transparency provided at the estimates hearings, the better. We also think it is infinitely better to have them prior to the passing of the budget.

**Mr THOMPSON (Sandringham)** — The key words in this have just been mentioned by the chair of the Public Accounts and Estimates Committee, the member for Pascoe Vale, and they are 'openness' and 'transparency'. One of the reasons for the rule in the Parliamentary Committees Act 2003 that sittings be presumed not to take place while Parliament is sitting is to ensure the openness and transparency of the democratic process.

I am pleased to note that the Treasurer will be speaking on 6 June to the Public Accounts and Estimates Committee, because he is not in the chamber at the moment. The key question today, as we are considering this motion, is not about taking on board the evidence on 6 June but about gaining an explanation on 2 March as to why the budget is being deferred from the beginning of May until the end of May. That is the critical issue before the chamber today. It has not been explained by the manager of government business in this chamber, and it has not been explained by the chair of the Public Accounts and Estimates Committee, and the Treasurer is not in the chamber to explain why to the members of the house, who represent communities in 88 districts right across Victoria — the north, south, east and west.

Going back to the notions of openness and transparency, while the Public Accounts and Estimates Committee is making its deliberations on very important matters, the members of this place and in the other place who are on that committee will not be in their respective chambers — be it during question time or for other business of the day — to represent their electorates and play their part in the democratic process to ensure openness, transparency and accountability in government. I think this is a very serious matter.

In addition, debates on bills may be under way in the chamber at a time when members are otherwise obliged to be at a Public Accounts and Estimates Committee hearing. The member for Box Hill, who is a very good local member, has a very important role. He was one of the outstanding graduates of Melbourne University, and he has the responsibility of being the shadow Treasurer. He will not be able to represent his constituency in this chamber and contribute to debates in which he might have an interest and which relate to matters that are important to his local electorate or his spheres of responsibility over and beyond the Public Accounts and Estimates Committee work.

I also pose a question to this chamber, having been a member for over 12 years. On not one occasion have the committees to which I have contributed throughout that time — be it both the Scrutiny of Acts and Regulations Committee or the Law Reform Committee — been required to sit while the house has been sitting. There have been many public hearings that have resulted in many large reports, but hearings have been convened before Parliament has sat or during lunchtime.

**Mr Cameron** interjected.

**Mr THOMPSON** — I understand that in recent times the Drugs and Crime Prevention Committee sat while Parliament was sitting, but that was because the meeting had been pre-arranged for the Friday. As a result of the government's incompetence in managing its business program the sittings of the house were extended for an extra day, but rather than the committee cancelling its hearing and causing great inconvenience to everyone involved, it was decided it was necessary for it to sit on that day. I trust that addresses the interjection of the Minister for Agriculture.

**Mr Cameron** interjected.

**Mr THOMPSON** — The minister says the opposition is voting for it. That is very observant of him, because he has not long been in the chamber. But it is a good point that he makes, because the opposition is faced with either agreeing to this motion, which it is not happy about, or the alternative, which is far worse. The reason why was outlined very well by the member for Pascoe Vale when she said that if the committee does not sit, then there will not have been an opportunity to expose government ministers to proper scrutiny prior to the passage of important bills. She mentioned that the health budget is \$7.5 billion — and but for the committee sitting and the opposition being able to put its questions and take evidence from experts

in the field, that level of scrutiny would not otherwise be taking place.

I put the following scenario to the chamber. At the moment thousands of extra public servants are employed in Victoria across the various levels of government activity. Yet despite having an increased work force, the government has still not been able to deliver the Sandridge railway bridge on time, the Melbourne Cricket Ground redevelopment on time and on budget, the Spencer Street project on time and the fast rail project to country Victoria — —

*Honourable members interjecting.*

**Mr THOMPSON** — I appreciate the interjections — the not-so-fast rail and the f-a-r-c-e rail to country Victoria. There are a number of variations to 'fast rail'. The key point is that it is not on time and not on budget. There are also the Austin Hospital and Federation Square projects. There was the Tullamarine rail project — an attractive idea and an ALP election promise — for a fast rail link between Spencer Street and the airport. It captured the public's imagination. Just imagine being able to travel to the airport by some sort of bullet train. But that did not even get off the ground. Broadly speaking that was not on time or on budget either; it was not even delivered.

Then there was the synchrotron project and the channel deepening, which is counted by the Treasurer as important for Victoria's future but is subject to appropriate environmental considerations. Even there, there have been extensive delays and, as we are speaking, shipping companies from around the world will be making alternative arrangements to get their big boats, their post-panamax shipping, into other ports around Australia. Then we have the toxic dump which is still up in the air.

These propositions are reflective of the government's incapacity to manage its schedules and to deliver outcomes on time and on budget. The opposition will reluctantly support this motion, but the serious question still has not been answered — that is, why the Treasurer will not be able to deliver the budget on time, in accordance with the more recent practices of the house, at the beginning of May so that the Public Accounts and Estimates Committee can do its key and appropriate work in scrutinising the business of government.

**Ms GREEN** (Yan Yean) — As a member of the Public Accounts and Estimates Committee it is with pleasure that I rise to support this motion. I thank the Leader of the House for proposing the motion on the

request of the committee. I believe it is a sensible approach. The Commonwealth Games have caused the deferment of the budget by about a month, which has thrown out the usual timetable for scrutinising the budget prior to the passing of the appropriation bill. We have made it a practice that this is done before the end of the financial year. As a member of the Public Accounts and Estimates Committee for the past three budgets, I take seriously the responsibility of the scrutiny of this budget on behalf of the citizens of this state.

I question the opposition of The Nationals to this sensible motion. Maybe it is because this arrangement will mean The Nationals will have to attend hearings and participate on a regular basis. Over my time on the committee The Nationals have been frequent no-shows. I am sure that country Victorians would be interested to know that in most recent years The Nationals have not even bothered to attend the estimates hearings for the Minister for Agriculture or the majority of other ministers. This is a great shame.

The Bracks government is committed to openness and accountability, and the ministers of our government all present themselves each year to answer questions on the budget, unlike the previous government, whose ministers appeared only when they felt like it every three or four years. Indeed such was the contempt of Premier Kennett that he never appeared before the Public Accounts and Estimates Committee.

The Nationals are all talk, no action. They sat doggo in this Parliament and in the ministerial limos when there was minimal scrutiny of the executive of the Parliament on behalf of the citizens, and they do not bother to participate fully now when they have the opportunity. The Leader of The Nationals says other arrangements should be made rather than during the sitting of the Parliament. The Nationals are hoping the community will not notice that they do not bother attending to their duties and responsibilities as members of the Public Accounts and Estimates Committee.

I would like to refer the house to a comparison of portfolios that have been scrutinised by the Public Accounts and Estimates Committee over the last decade, from 1996 onwards. In 1996–97, it was two portfolios; 1997–98, two portfolios; 1998–99, three portfolios; 1999–2000, two portfolios; 2000–01, five portfolios; 2001–02, nine portfolios. When this government took office in 1999, we saw a marked increase in the number of portfolios that were scrutinised. In 2002–03, there were 16; in 2003–04, 34 — all before the budget was passed. In 2004–05 there were 13, and last year there were 42. That shows

the commitment of this government to present itself to the committee and to the citizens of this state to have its budget scrutinised before it is passed.

The Leader of The Nationals talked about a blatant disregard for process. I disagree with that absolutely. It is not the government; it is The Nationals. This is a sensible motion that has been requested by the Public Accounts and Estimates Committee, and it is consistent with what occurs in New South Wales and by leave in the Senate. I believe that this year, with the changed circumstances, the motion should be supported, and I commend it to the house.

**Mr MAUGHAN (Rodney)** — I cannot let go unchallenged the assertions made by the member for Yan Yean about the participation of The Nationals on the Public Accounts and Estimates Committee. As the chairman of the committee would well know, the Honourable Bill Baxter, a member for North Eastern Province in the other place, is our representative on the PAEC, and he spends an enormous amount of time on that committee. To denigrate him, as the member for Yan Yean did, at the prompting of the member for Pascoe Vale who gave her her lines, is I think — —

**An honourable member** interjected.

**Mr MAUGHAN** — You check the record yourself and let us have a look at the numbers. The Honourable Bill Baxter puts in an enormous amount of time on that committee, and The Nationals most certainly take the committee work very seriously.

The honourable member for Yan Yean talks about representation. Let us have a look at who is in the house right now. There are four members of The Nationals here out of seven. How many government members are here? The sixth member has just come in, but for the whole of this debate we have had 4 government members out of 62. There are a few coming in now, but The Nationals have four out of our seven members here for this debate.

This debate is changing the procedures that are set down under the Parliamentary Committees Act. It has been a longstanding practice of this house that committees do not sit when Parliament is sitting for the obvious reason that it takes members away from attendance at the house. This is the first responsibility of members of Parliament, to be present in the house when the house is sitting, and if a committee — —

**Mr Helper** interjected.

**Mr MAUGHAN** — The member for Ripon says, ‘As we all are’. He has just come into the house and has

not been here. If the committee sits while the house is sitting, it will take key members away, like the member for Box Hill who has then got the problem of deciding if he should be here in the house while Parliament is sitting or if he should be attending a committee meeting. That is not fair to those members who want to take an interest in legislation that is before the house. It has been a longstanding process that committees do not sit while the house is sitting, and I think that should be supported.

I would like to briefly make another couple of comments. I am a very strong supporter of the committee system. We did have a good system where committees used to meet on the Wednesday that Parliament was sitting, and that was very convenient for country members who were in Melbourne anyway. It is far more difficult now. The member for Ripon screws up his nose. The fact is that committees now sometimes sit — —

**Mr Helper** interjected.

**Mr MAUGHAN** — You are obviously disagreeing.

**Mr Helper** interjected.

**Mr MAUGHAN** — You are questioning. Let me spell out what I am saying. Many committees meet for 1½ hours or 2 hours. Some of my colleagues have to travel 3 hours to get here, and the member for Ripon is much the same.

**Mr Delahunty** interjected.

**Mr MAUGHAN** — As my colleague the member for Lowan points out, quite often we are required to make up the quorum because the city members, the government members, are absent. It would be much better if we got back to the previous system where we had committee meetings on the Wednesday so that all members could attend and contribute rather than the system we now have. That is a little bit beside the point. The motion before the house is to change what has been a longstanding practice. It is taking the house for granted and we will be opposing this motion.

**Mr CAMERON** (Minister for Agriculture) — The Public Accounts and Estimates Committee (PAEC) has put forward this request and it has done it, as we have heard the chair say, so that the big spending portfolios can be scrutinised before the budget is passed. This house is faced with two choices: that the big spending portfolios can be scrutinised before the budget passes or, alternatively, that scrutiny occurs afterwards.

The Nationals do not want that scrutiny before the budget passes. The fact of the matter is The Nationals have gone back to their old habits. They have gone back to the good old days of the Kennett-McNamara era, where they did not want to have scrutiny at all, where they did not like the PAEC and where the Premier did not even bother to attend.

Unfortunately The Nationals are living in the 1990s, and when they are faced with a choice of whether or not there should be scrutiny before the budget they say no as a reflex action. It is regrettable. You would think that after six and a half years they would want to adopt the Labor way. I am pleased to be able to say that even the members of the Liberal Party have come on side. As the Liberal Party wants to move forward and catch up with Labor, it is regrettable that The Nationals still want the old days and old ways, where you do not have the sort of scrutiny which the public deserves.

#### House divided on motion:

#### *Ayes, 71*

Allan, Ms	Kotsiras, Mr
Andrews, Mr	Langdon, Mr
Asher, Ms	Languiller, Mr
Baillieu, Mr	Leighton, Mr
Barker, Ms	Lim, Mr
Batchelor, Mr	Lindell, Ms
Beard, Ms	Lobato, Ms
Beattie, Ms	Lockwood, Mr
Bracks, Mr	Lupton, Mr
Brumby, Mr	McIntosh, Mr
Buchanan, Ms	McTaggart, Ms
Cameron, Mr	Marshall, Ms
Campbell, Ms	Maxfield, Mr
Carli, Mr	Mildenhall, Mr
Clark, Mr	Morand, Ms
Cooper, Mr	Mulder, Mr
Crutchfield, Mr	Munt, Ms
D'Ambrosio, Ms	Nardella, Mr
Delahunty, Ms	Neville, Ms
Dixon, Mr	Overington, Ms
Donnellan, Mr	Perera, Mr
Doyle, Mr	Peiton, Mr
Duncan, Ms	Pike, Ms
Eckstein, Ms	Plowman, Mr
Garbutt, Ms	Robinson, Mr
Gillett, Ms	Savage, Mr
Green, Ms	Seitz, Mr
Hardman, Mr	Shardey, Mrs
Harkness, Dr	Smith, Mr
Helper, Mr	Stensholt, Mr
Holding, Mr	Thompson, Mr
Honeywood, Mr	Thwaites, Mr
Howard, Mr	Treize, Mr
Hudson, Mr	Wells, Mr
Jenkins, Mr	Wynne, Mr
Kosky, Ms	

*Noes, 8*

Delahunty, Mr  
Ingram, Mr  
Jasper, Mr  
Maughan, Mr

Powell, Mrs  
Ryan, Mr  
Sykes, Dr  
Walsh, Mr

**Motion agreed to.**

**INFRINGEMENTS BILL**

*Second reading*

**Debate resumed from 16 November 2005; motion of Mr HULLS (Attorney-General).**

**Mr McINTOSH (Kew)** — The opposition will not be opposing the legislation. Indeed, the purposes are certainly worth while. The fundamental reason that the bill has been brought into the house at this time is that the government has a significant problem in relation to unpaid fines and infringement notices in this state, which have now burgeoned to more than \$700 million in the space of five years. That is a significant amount of money — almost \$1 billion — in unpaid fines and infringement notices.

The most important thing is that in many respects it has almost got to the point where payment of an infringement notice becomes an optional extra. The government through the Attorney-General’s second-reading speech says that a small number of recalcitrants have caused the problem. The fact that 40 000 people in Victoria have 10 or more warrants in their names outstanding would suggest that there are more than just a few recalcitrants. That seems to be an extraordinary situation and it begs the question: how have we come to this moment?

Of course the opposition supports the principle that the government should adopt a mechanism to enforce the law. We accept what the Attorney-General says, that as a mechanism for enforcing the law historically the use of infringement notices across a large number of acts of this place has grown. It could be argued that this state pioneered the use of the infringement notice and that has been adopted by other states as a mechanism of law enforcement right around this country.

Infringement notices are an appropriate mechanism for enforcing the law. The system works upon a simple proposition, which is that the vast majority of people will comply with the infringement notice system. I am sure most members will have been confronted with constituents who have complained about having received a speeding fine or some other form of infringement notice, whether it is under the

Environment Protection Act in relation to litter or otherwise, and said, ‘It wasn’t me’. Indeed you can go through the process of writing to the relevant authority. Sometimes the relevant authority accepts the explanation or otherwise and may defer payment, but it depends on the facts. The vast majority of people will stump up the money, even if they think they were in the right in those circumstances.

In the vast majority of cases authorities do get it right and people just pay their fines and go through the process, but the most important thing is that administratively it would become so difficult if there were a change in the numbers and the permutations of the numbers of people who complain or who do not pay their fines. From an administrative point of view perhaps it would be far better to forget about those and move on to the ones you can collect. Upsetting the balance of the collection of fines will be a delicate arrangement and perhaps will have consequences if it goes a little too far.

However, the government comes to this house and says, ‘We have a new regime that we wish to implement in relation to infringement notices and for the collection of unpaid fines’. Some people do not challenge a fine in court or question a decision; they just do not pay their fines. As I said, it is a delicate balance. I do not have any experience in this particular area, apart from at the endgame when people have challenged these infringement notices. Young barristers appear in court for these types of people. I used to prosecute for the Melbourne Wholesale Fruit and Vegetable Market for a number of years at the Williamstown Magistrates Court. You would get to see the endgame, but the administrative process is well and truly outside my familiarity or experience.

Firstly, the system is based on the fact that it becomes administratively difficult for any person to challenge or question an infringement notice. Secondly, it becomes administratively very easy just to collect the money when those people who do not pay are faced with prosecution or some mechanism of enforcement. Strict enforcement means there is a profound detriment in not paying. People have to be allowed to challenge an infringement notice when it has been given inappropriately or there is some defence. That is the appropriate mechanism.

Importantly, there are things the opposition welcomes. This legislation adopts a formal process to provide internal reviews, which gives formal recognition that many of us have sought to invoke on behalf of constituents. In some circumstances there might be a particular excuse or reason for a fine not being

imposed. Those sorts of circumstances can come about in a variety of ways — for example, I was contacted by a doctor in my constituency who had attended a person suffering an asthma attack. As an aside, how often do you find doctors making house calls? It is a rare occurrence these days. That doctor made a left-hand turn into a street he knew you could not turn left into at a particular time and was given an infringement notice. I must admit that I thought the police officer was heavy handed in imposing the fine, but in the end the doctor chose to pay the money and did not want to bother me or take further action. In those circumstances I have no doubt that, if I had written a letter to the informant and said, ‘It is a bit stiff, given the fact that he was a doctor attending a patient’, the doctor may have been relieved of the penalty. The decision to impose a fine has always been left to individual informants, whereas this mechanism introduces a formal process for internal review, which is a worthwhile step. It is probably no different from what we are doing at the moment. Some people ask members of Parliament for assistance or write themselves to challenge the issuing of infringement notices, and it is appropriate to recognise that.

Another thing which has a high degree of utility in this legislation is that while there are some 50 acts in Victoria that now enable the imposition of infringement notices as a mechanism for imposing penalties, collating the process for infringement notices — not the actual offences, which are constituted under individual acts — into one governing act, being this bill, is certainly a worthwhile step.

Also the instalment program, which we debated last year in a preliminary bill and which was supported by the opposition, is a worthwhile step. From the very outset people can enter into a mechanism to pay off a fine over a particular period if they can demonstrate genuine financial hardship. For some people in our community — and perhaps some members of Parliament — a fine of \$160 or \$200 may be a lot of money, but for some people who suffer genuine hardship it would be an impossible amount. That was the reason for the opposition supporting that part of that bill. That has been adopted here and extended beyond the sunset of that clause, being July this year.

Most importantly, there are worthwhile parts of this bill and collecting them under one regime is part of that. We do not have the full enchilada, if you like, because we have been promised a third act next year. The government is assuming arrogantly that it will be re-elected and that its members will be able to carry out the third tranche of this collation of infringements under

one regime. However, it is a worthwhile notion to collate them under the one collection regime.

There is the issue of changing the name of the PERIN court to the infringement court. What’s in a name? It seems to be a cosmetic change, but if it makes a bit more obvious what business the PERIN court or the infringements court will conduct, then the opposition supports that change. I must admit that the PERIN court has a degree of notoriety in the community as to what precisely it is, but if the government feels a name change will improve the system, then we will have to suck it and see. It is important to recognise that there are worthwhile aspects to this legislation and the opposition supports its underlying purpose.

There is one aspect of the operation of this act that gives me cause for concern — that is, the idea that the Attorney-General will provide a system of guidelines in relation to the internal review process or the training mechanisms for the staff who will handle these matters. The provision for issuing guidelines and setting codes of conduct has come in a variety of acts, such as the legislation concerning outworkers and owner-drivers. There has been wide use of codes of conduct, and we are now finding them in legislation about enforcement procedures. This means that this regime can be put right outside the purview and scrutiny of the Parliament or the parliamentary Scrutiny of Acts and Regulations Committee.

Far be it from me to suggest that the government is trying to avoid scrutiny by the implementation of such guidelines, but it is a matter of profound concern that opposition members again have to register their unease about the provision in legislation of codes of conduct and guidelines. The government is using legislation as a way of introducing guidelines and codes of conduct to govern particular behaviour and the implementation of proposals that will be beyond the scrutiny of this place or the Scrutiny of Acts and Regulations Committee. In particular I refer to the guidelines that will apply to special circumstances, which will enable someone to be excused of a particular offence after an internal review. Special circumstances will be defined broadly in the act as applying to those people who suffer from disabilities that prevent them from knowing the nature of their wrongdoing or provide a meritorious explanation as to why they should not have the fine imposed.

They fall broadly into three categories: those people with a mental or physical disability; those people who are homeless; and those people who suffer some sort of other hardship, financial or otherwise. That is fine, but the exact provisions as to how that will operate on the ground and be implemented through the internal review

process are going to be governed by the notion that the Attorney-General can provide guidelines — and it is that matter that causes me concern. If we are imposing penal sanctions, even if we are providing an excuse or defence in relation to those offences, or if we are defining a process, that should be a matter for an act of Parliament or at the very least for a regulation which can be subjected to not only parliamentary scrutiny but also the scrutiny of the Scrutiny of Acts and Regulations Committee.

Otherwise you get an amorphous group of administrative guidelines that basically make it impossible for people to know what they face when they are being dealt with in accordance with the law for these sorts of offences. Certainly these ubiquitous guidelines, or codes of conduct, should be reflected in the legislation and be subject to normal review by the Parliament and the Scrutiny of Acts and Regulations Committee — and they should be in the form of normal regulations rather than mere guidelines. It is matter of profound concern that there seems to be an increasing use by this government of guidelines or codes of conduct that are beyond the purview and scrutiny of Parliament. I draw attention to the need for a great deal of pause in relation to those matters.

While there is the ability to show mercy in relation to special circumstances, what is unclear in the second-reading speech, from the briefing that was provided and in matters that have been raised with me by third parties is precisely what it means to say that, for example, homelessness is a special circumstance that should be taken into account in the internal review as possibly providing an excuse. Will it apply to things like road traffic offences? Should homeless people be excused from road traffic offences? Should homeless people be excused from littering offences? Or are we just relating it to some form of local government infringement which says, 'You can't sleep there', or whatever?

It is a bit unclear as to how all this is going to be applied. The government's response is to say, 'It will all be made clear in these guidelines'. The guidelines are fine, but it should be made clear in what is said in this place. It should be clear in the legislation as to how these particular matters will be set out, how they will come into operation and how they will apply. Will they apply to some offences and not to other offences?

When is drug and alcohol addiction going to apply as a special circumstance that will enable an excuse to be provided at the internal review stage? In relation to financial hardship, people understand that the legislation we passed last year picked up on that matter.

But it is a bit unclear whether these nebulous concepts will apply to all offences or to only some offences? If it is only some offences, which offences will they apply to?

Alcohol and drug addiction could provide an excuse to an offence. There should be special circumstances applying in relation to some offences, but certainly not to all offences. Certainly homelessness ought to be a special circumstance and an excuse for some offences but not all offences. I would hate to think that people could avoid their obligations in relation to road safety or other forms of direct criminality, if I can call it that, because they are either homeless or drug and alcohol dependent.

I understand where the government is trying to get to, but it is a bit unclear as to how this is going to operate. I am concerned that this depends upon the Attorney-General making a bald statement, which will not be subject to this place or elsewhere, as to how this will operate in practice. That is exactly the problem.

I am also concerned about the enforcement procedures. I understand that, for whatever reason, ultimately there may be an opportunity to work off a fine or penalty by doing some form of community work. But I would have preferred to see that option, which avoids having to go to court, taken at the beginning of the process rather than at the end. So if due to my impecuniosity or whatever other reason I am unable to pay that fine and I am happy to work the fine off, that ought to be looked at at the beginning of the process as part of the system of obtaining instalment payments or providing an opportunity for doing community work rather having to wait until a very expensive and turgid enforcement procedure is invoked.

What I am saying is that it is to some extent a soft option, but it is a soft option that people might be happy to take up. It is terribly inconvenient — the vast majority of people will just pay the fine — but it ought to be there at the front end rather than the other end. The reality is that if the process has been gone through and somebody has not paid or entered into an instalment plan or has chosen to ignore the process and the matter has gone to court, at that stage the state needs to be reasonably tough. People need to be properly informed of their rights. They need to be given a variety of different options, whether it is the payment of the fine, an instalment plan for paying the fine or doing community work. But by the time you get to the enforcement process, if those things have not been sought or invoked, then the government needs to get very tough.

Finally, it is interesting to note that the government is providing a mechanism of service whereby each one of these warrants has to be personally served to invoke the enforcement procedures. That would be a very expensive process and a certain amount of resources would have to be dedicated to it. Given that there is \$700 million outstanding, it seems to me to be slightly kooky. Given that fact, what we are doing is trying to ensure that people, when they commit a low-level offence, are given an infringement notice and are required to pay. Yes, you can give people every opportunity to access a mechanism that may not involve a direct payment — it could be instalments or working it off in the community based on one day per fine unit — but once you get to the end where someone has just chosen to ignore it, you go to court and the court will deal with it.

The broader enforcement mechanisms, which can include wheel clamping, seizure of property and even the sale of real estate if it is necessary, are certainly part of that. The ultimate sanction is prison for non-payment. The opposition supports all those things. We accept this is a genuine attempt by the government to try to deal with a problem of its creation — \$700 million and some 40 000 people in this state with 10 or more outstanding warrants against their name. It seems to me there is a significant problem of enforcement.

I understand that getting tough about the collection and management of these matters to prevent people just thumbing their noses at the law means one has to be compassionate, but compassion needs to be balanced with the cost to the administration of enforcement. At the end of the day I am not completely convinced the government has got the balance right. I acknowledge it is a worthwhile step; we will be watching this to see how it works. I would hate to think the administration blows out. It is no excuse for employing far more bureaucrats to start churning the bits of paper that would be occasioned by this legislation. The endgame is about enforcing the law, which is about prescribing social activity and preventing a particular type of conduct. It is low level; it is about a simple, easy administrative process that enforces behaviour or prevents unlawful conduct. That is the purpose. One does not necessarily want to get bogged down in a great detailed court process as the endgame. The opposition takes the view that it could be improved and we will certainly be watching to see how it is implemented in the next six months.

**Dr SYKES (Benalla)** — I wish to contribute to the debate on the Infringements Bill. The Nationals will not be opposing the bill, the main purpose of which is to

provide a new framework for the issuing, serving and enforcing of infringement notices and to amend the Magistrates' Court Act 1989, the Road Safety Act 1986 and the Subordinate Legislation Act 1994. The Nationals fully support the intention of tidying up the current situation of infringement notices being part of around 50 acts with considerable variation in approach between the administering authorities. We also note the extremely large volume of infringement notices now running at over 3 million a year. We note with great concern that around 40 000 people have in excess of 10 unpaid infringement notices. Therefore The Nationals welcome the strengthening of the enforcement powers and the increased enforcement options bringing Victoria into line with other states.

At this stage I would like to thank David Roche, who is manager of the infringement systems oversight unit, for his briefing yesterday. David seems to be a sound and capable young man; the soundness of his judgment is reflected in the fact that he is a former Fitzroy supporter and now an avid Brisbane Lions supporter. Clearly the young man has good judgment. The management unit was only set up in December so there is a lot of basic work to be done in terms of ensuring this project is managed appropriately.

The concerns of The Nationals relate to the high rate of non-payment, which I have already raised. Secondly, we have a concern at this stage about the lack of information about the success of the use of these increased enforcement powers in other states. From my experience in a previous life in project management, it is fundamental to me that in embarking on a new piece of legislation it is appropriate to find out how successfully or otherwise the powers included in this legislation have operated in the states where they exist. Equally I would hope, as the system comes into operation, managing authorities who implement this legislation know the scale of the problem they are dealing with when they start and set performance targets to reduce the scale of the problem. They will need to monitor their progress and subject their activities to review in the event of their progress being unsatisfactory. That is a fundamental of project management.

A related concern is the possibility of this government going soft on the non-payers and law violators. In particular, as mentioned by the member for Kew, we have a concern about the conditions that apply enabling a person to have a review of an infringement notice by the issuing agency. That is the special circumstances provisions. The Nationals fully accept that a circumstance where a person is mentally impaired is a legitimate excuse for consideration of the infringement.

However, we have a problem with homelessness and addiction to drugs, alcohol or volatile substances. We believe very firmly in the principle that people must accept responsibility for their own actions.

Whilst in the briefing yesterday I was advised there will be a fleshing out of these definitions to encompass the situation whereby it is not just homelessness per se that results in it being a special circumstance, the other factors that show a person has limited ability to understand the implications of their actions need to be defined. It should not be a soft option for someone to get out of their responsibility to abide by the law like the rest of us merely because they are homeless or have an addiction to alcohol, drugs or volatile substances. The Nationals feel very strongly about people taking responsibility for their own actions and that the penalties should be appropriate to the crime. We have a strong basis for these concerns in relation to recently publicised issues that suggest the current penalties imposed in Victoria are not always appropriate to the crime.

At one end of the spectrum we had the situation of the two young girls from Toolamba being murdered by a monster with an appalling criminal track record, yet he had only served three years, I think, for raping an old lady. That situation brings into serious question the appropriateness of the penalty in relation to the crime.

Similar concerns have been raised regarding inappropriateness by journalist Mark Mulcahy in the *Border Morning Mail*. He has noted that a very large number of the penalties handed down in the Magistrates Court in north-east Victoria are being substantially softened or fully suspended upon appeal in the County Court. I hope this issue will be thoroughly investigated by the Law Reform Committee and if there is a problem, it will be fixed.

These concerns are not just those of the journalist but are shared by magistrates in north-east Victoria, the police and also by a judge from New South Wales who recently said Victoria was being too lenient on crimes. It comes back to the principle: if we are going to have penalties we should make sure that the penalties fit the crime. All law-abiding country Victorians and The Nationals feel very strongly about that: do the crime, do the time. That said, The Nationals fully support the option of community service as a penalty for relevant offences. That includes many of the offences for which infringement notices currently apply.

The Nationals have expressed the concern to me that the infringement notice usage could be broadened to apply to inappropriate offences. I have been advised

that at this stage no new offences are intended to have an application of the infringement notices system, and this is reassuring. That said, I strongly support the intention of the Department of Primary Industries (DPI) in conjunction with the department of sparks and embers — sorry, the Department of Sustainability and Environment — using infringement notices for failure to control pest animals and weeds.

This would restore faith amongst private land-holders in country Victoria, who feel that there is grossly inadequate support for control of weeds. They are particularly frustrated and upset by the gutting of the DPI front-line staff by the Minister for Agriculture, who only yesterday spoke in glowing terms of the contribution of agriculture to the Victorian economy. Much of that contribution has been made in spite of and not because of the Bracks government.

I would hope that in this case the infringement notice is used to ensure compliance by land-holders, and I also hope that infringement notices could be served on Victoria's largest and worst land manager — that is, the Bracks government.

Another concern in relation to the infringement notices is their use to generate income. This issue has been mentioned many times in relation to speeding fines, which the government relies so heavily on to fund its excesses and incompetent management. The plea from law-abiding people is to make sure that speed monitoring and speed fines focus on speeding in dangerous situations, and less on the easy prey situations such as a downhill section of an open freeway.

The components of the bill cover a wide range of situations, starting with the option for the issuing officer to use his or her discretion as to whether they actually impose a penalty. The issuing officer and others have the option of issuing an official warning which will be recorded and provides a basis for future decision making regarding subsequent infringements. There is also now the option of an instalment plan. As the member for Kew suggested, it makes sense to enable people to meet a commitment they have incurred but still allow them to get food on the table for their children and family.

There is a provision for community service in the event of a person defaulting on paying a fine. Some logic has been applied there. Now community service can be served part-time rather than just full-time. That opens up many more options for people to fulfil their commitment rather than having to go to prison. I note that there is a skewing of the penalty units system to

encourage people to do community service, in that five hours community service equates to one penalty unit, whereas one day of prison time equates to one penalty unit. So anyone who can do arithmetic can work out that community service is the preferred option.

I think it is a good idea to encourage community service because community service and volunteer activities, particularly in country Victoria, hold communities together. We would hope that being exposed to community service and appreciating the positive contribution they can make may have a positive effect on those people, and they will be more law-abiding and better citizens in future. That is a good option.

There other enforcement options outlined in the bill. Part 7 relates to the detention, immobilisation and sale of motor vehicles. Part 8 provides for the suspension of driver licences and registration of motor vehicles or trailers. Part 10 provides for an attachment of earnings orders or debt orders. Part 11 imposes charges over the sale of real estate. They are all quite strong powers. It is my understanding that they can be applied regardless of which particular act an offence is committed under. If utilised or enforced, those powers will make a significant difference in relation to unpaid infringement notices.

In summary The Nationals do not oppose the bill. We do have concerns about the potential implementation of this bill resulting in going soft on crime. I have drawn on the two particular examples of homelessness and addiction as being a justification for a review of an infringement. I would hope the government listens to Victorians and hears the voices that say, 'Most of us are law abiding. If you do the crime, then you do the time', and ask that the penalties imposed reflect accurately the nature of the crime committed. Again, we need to adhere to the principle that people take responsibility for their own actions.

We also hope there will be a strong commitment to the enforcement and utilisation of the extensive powers that have been made available through this bill, and that the unacceptable list of 40 000-plus people who have 10 infringement notices that have not been paid, is reduced and not allowed to burgeon out to that again in the future. I therefore suggest that the infringement systems management unit must ensure that the people who are implementing these infringement notices go about it in a professional manner; that it is not just another case of bureaucratic bungling and not knowing which way is up, not knowing the numbers of penalties that have been incurred and not having basic information systems in place. I urge the overall

manager to ensure there are sound management systems in place, that there are enforcement and compliance targets put in place, that the progress of the administration of this act is monitored and that appropriate steps are taken to modify it in the event it is not working according to the original intentions.

Given the range of options and the number of steps involved in the administration of this legislation, I look forward to receipt of the flowchart that was promised to me yesterday on the options that are available to people who incur an infringement notice, so that when constituents enter my office, I will be able to give them sound and accurate advice on what steps they should take. With those remarks, I reiterate that The Nationals do not oppose the bill.

**Mr LUPTON (Pahran)** — The Infringements Bill is intended to consolidate a number of current acts of Parliament relating to penalty infringement notices. It comes out of a thorough review of the penalty infringement notice system, which was designed to uncover the problems and issues that were confronting the administration of the penalty infringement system in Victoria and also to deal with the different types of personal issues that may arise for particular groups of people who find themselves caught up in the infringement process. This infringements legislation will amend the Magistrates' Court Act, the Road Safety Act and the Subordinate Legislation Act and create for the first time in Victoria a single infringements act which will deal with the wide array of minor criminal and traffic matters that are subject to the penalty infringement notice system, or what is often referred to as the on-the-spot fine system.

The process of penalty infringement notices has grown considerably over the last 50 or so years. It has really been related to the growth in the use of motor vehicles. The penalty infringement system originated in Victoria in the 1950s and has become a widely used, efficient and effective means of dealing with penalty enforcements for motor vehicle and road traffic infringement issues and a range of other minor criminal acts.

Over the years there have been numerous different authorities and enforcement regimes, depending on the nature of the offence that is subject to a penalty or infringement notice. The system has developed in an ad hoc manner without any consistency being applied to the way penalty infringement notices may be issued; the way individual agencies that are responsible for penalty infringement notices carry out their task, and the ways in which enforcement processes are carried out. The Bracks government, including the

Attorney-General, is to be congratulated for looking closely at the current system of penalty enforcement and establishing a review of the process to make sure it is working in a socially appropriate, efficient, effective and economic manner.

The review conducted by the government had a number of objectives. Those included to develop common principles to guide the infringement policy in Victoria. That is an important part of the consultation process in the development of the bill. Another objective was to ensure the rights of disadvantaged members of the community are protected. One of the features of the penalty infringement system has been that a number of socially disadvantaged people, particularly people suffering from mental illness, have been caught up in the penalty infringement system in a repeated way due to the fact of their mental illness and their consequent difficulty in understanding the nature and effect of some of their conduct.

It is particularly questionable whether or not people who may be suffering from a mental illness are being appropriately dealt with through the penalty infringement notice system at present and a number of reforms included in this legislation will address those issues. It is appropriate and right that legislation addresses those issues.

Another objective of the review was to consider how the system has expanded over the last 50 or so years in relation to the nature of the offences in the system and to consider improvements in it to better support that development. That goes to the nature and consistency of the offences covered by infringement notices. There is also a need to look at ways to improve compliance because it is clear that in recent years, although the number of people who have been consistently offending against the laws that are covered by infringement notices has decreased, a significant number have been repeat offenders; they have not been prepared to pay the fines and have allowed them to mount up to considerable numbers. One of the issues for the proper administration of justice is to ensure a high degree of compliance. Some of the measures taken in this legislation are important in ensuring this happens. It is appropriate in considering those sorts of changes that I have outlined that an overarching piece of legislation, a single act of Parliament, will contain all the appropriate mechanisms to deal with those issues.

There has been a number of changes in the way infringement notice processes will work to achieve these objectives. In particular a stronger front-end onus on the issuing agencies has been adopted. Some of the improvements deal with changes in the standards and

style in which agencies and their staff interact with individuals. The bill will include a formal right of review to the agency that has issued the notice. It is important that a standardised and compulsory internal review process is instituted, so if there are any reasons why an agency should legitimately review the issuing of an infringement notice, there should be a process that members of the public can take to have those matters dealt with clearly and effectively at the outset rather than having to go through lengthy court proceedings.

Another key area to achieve improvements in the system is to implement a process for special circumstances to be taken into account. The special circumstances that are mentioned in the legislation cover mental or intellectual disabilities, serious addiction to drugs and alcohol, and homelessness where the homelessness results in the person being unable to control the conduct which constitutes an offence.

It is very important for us to understand that a lot of people who get caught up in the infringement notice system are caught up in the process because of other medical or social conditions which lead to particular types of behaviour. What we want to try to achieve by the mechanisms set out in the legislation is really to divert those people from the criminal justice system and put in place the mechanisms that will give them the medical and social support needed in order that they do not continue to habitually reoffend in the way they have been up until now. It will mean a better social outcome and also that the people themselves are looked after better. It will also mean that the legal system will be able to concentrate on those people who it is most appropriately left to deal with.

Overall the methods and mechanisms used in the legislation to reform the penalty infringement notice system in Victoria will be effective. Some of the issues that have found their way into the legislation have come from the deliberations of the Victorian parliamentary Law Reform Committee, of which I am a member. That committee recently concluded an inquiry into warrants, powers and procedures in Victoria. Some of the issues raised in that inquiry dealt directly with the penalty infringement system, and the government has picked up on a number of those recommendations. I congratulate the government for doing so and for introducing this legislation.

**Ms ASHER** (Brighton) — I wish to make a brief contribution on the Infringements Bill, which the Liberal Party does not oppose. This bill sets forth a new framework for infringement notices. It has some elements that the Liberal Party thinks desirable and

other elements that are not so desirable within the legislation.

The government's rationale for introducing the bill is totally reasonable: infringement notices were introduced in the 1950s for parking in the first instance, and there are now, according to the government, 1000 different types of offences under 50 different acts for which members of the public can receive infringement notices.

In contrast to the government's usual style of second-reading speech there were some interesting observations in this speech rather than the spin and rhetoric we usually see. I was interested to note that Victoria Police manage 474 different roads and traffic offences which can generate infringements and that in 2003–04 there were 1.9 million notices issued by the police in relation to road and traffic offences.

I also noted that regarding the overall infringement system, where the government is trying to have a more rational system as a consequence of the bill, 3.2 million notices were issued in 2003–04. Clearly, even if you look at the population of Victoria you can see we have not quite reached a rate of one per person, but infringement notices issued under various acts are a usual and normal part of our lives. As government speakers have said, the government has conducted a review of this issue and has come up with a number of provisions. I want to touch on those briefly and conclude by making a couple of comments on the government's priorities.

The first element of change is that agencies will now have to introduce training standards and codes of conduct for the staff who issue infringements. Anyone who has tried to negotiate with a parking officer at the very moment you arrive back at your car and find a ticket would hope that codes of conduct and training might lead to a more reasonable view. I would have thought the Scrutiny of Acts and Regulations Committee would have comments to make on codes of conduct and to what extent they would be enforceable.

The second element of the bill I find particularly interesting is the capacity for internal review. This is a positive step forward. The new system will allow people to apply to an agency that has issued an infringement notice to have a fine withdrawn, in effect, under certain circumstances such as if the notice were wrong in law or if there were exceptional circumstances, and so on.

At the moment it is almost as a result of luck or random character assessment that infringement notices are

reviewed or withdrawn. I suspect every member in this place has from time to time had various constituents plead their innocence and ask us to bear a fine for their not having had a concession card or a ticket for travelling on Connex or perhaps for parking fines.

Many of us would have experienced instances of someone maintaining they had a print-out for a parking fine but that it had tipped over or fallen off the dashboard; they say they really had the slip; they come into your office and show you they had it. Then it depends on the council involved, the reasonableness of the officer, often the age of the person who received the fine, and sometimes even the tenacity of the local MP. Basically we have a very random system.

Clearly there are occasions where people who should not have been fined are hit with one, and there are probably more occasions where people who get fined have concocted a story about it. Let us look at those who get fined but should not be fined. At the moment that system is addressed in a very random way. I think the internal review process should be a step forward.

The third element of the bill relates to what I would call leniency, where there are reasonable grounds for leniency — for example, where people such as those addicted to substances or with a mental illness cannot control their behaviour. I guess you would be completely lacking in compassion if you wanted to keep those people within the infringement system.

The fourth area relates to instalments, which was legislated last year. This bill extends that beyond July 2006. The bill also looks at improved enforcement. I have to say these provisions cause me the most concern. This relates to recalcitrants or to repeat offenders who think they can get away with bucking the system. While the government, in its second-reading speech, dismisses the numbers as being few, I do not think 40 000 people each with 10 or more outstanding warrants is a small number. I would imagine, given the number of people and the number of warrants, that might indicate that some people believe they can buck the system, so I support the government in its attempts to chase those people down.

The government has also flagged in its second-reading speech a number of other measures such as driver licence suspensions and non-renewals, vehicle registration suspensions and non-renewals, wheel clampings, garnishees, charging orders against property and the sale of real property as other tactics to use in dealing with people who wilfully will not pay. Changes to community work have also been flagged as have changes to magistrates' powers.

As is often the case with this government, it has changed the name of what is now the PERIN court to the infringements court, claiming that members of the public do not understand what PERIN means — but they do understand what infringements mean. I guess that will not be of earth-shattering consequence.

I wish to make a couple of comments about the bill, because it says a lot about this government. The first comment is that it is interesting that the government has chosen to look at infringements. I would have thought there are greater community concerns in areas where the law has been broken, and I give the example of a recent case which received a lot of publicity and in which a child was very seriously injured but where, in the opinion of many people, the perpetrator got off virtually scot-free. If the government wanted to look at law enforcement, perhaps it should have looked at some of the more serious incidents occurring in our society. I would have thought that current community examples might illustrate the area where the government should be enacting reform rather than in this particular area,

The second comment I want to make about government arises from the bill. The government always comes to this house with legislation that is half-prepared. I am aware of the review; I am aware of the changed system and why it is occurring; but the second-reading speech again flags further legislation. I wonder why this government consistently comes before the house with bills that flag further legislation. It appears to me that it does not work as one package and that this is an area where the government needs to improve its game.

Most importantly, notwithstanding my support for the government chasing up recalcitrant offenders, there is a widespread feeling in the community that the government is using fines — particularly traffic fines — as revenue raisers. In the 2005–06 budget update, fines and regulatory fees were estimated to realise this government \$726.09 million, and that has already been revised up to \$727.1 million. In 2006–07 the income from fines and regulatory fees for the government is estimated to be \$778.2 million. There is a widespread feeling in the community, particularly among those who have been nabbed perhaps 1 or 2 kilometres an hour over the limit, that this element of the refining regime is a revenue-raising exercise by government rather than a genuine attempt to reduce speeding.

Driving at 2 kilometres an hour over the limit is not an earth-shattering offence. One of my constituents placed a sign in North Road advising people that the police were in the vicinity and were fining drivers for

travelling at only a few kilometres an hour over the limit. Again, that says a lot about the priorities of this government. It is raising revenue through speeding fines.

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

**Ms OVERINGTON (Ballarat West)** — I am pleased to make a short contribution on the Infringements Bill 2005. The reforms of the infringement system will mean a fairer system for everyone. The new system will make it more difficult for those people who continually do not pay their fines, who in fact refuse to pay their fines and continue to thumb their noses at the law. With these reforms they will run the risk of a wider use of vehicle licence suspension, vehicle registration suspension, vehicle licence registration non-renewal, wheel clamping, the garnisheeing of wages and charging orders on and the sale of real property. While the number of people who owe the maximum debt is small, they continue to flout the law. I believe they need to be made responsible for their debts. Through these measures, we hope to do that.

There has been an issue about whether people will still be able to bring their infringement notices to court, but that is assured. People can still elect to have their matter heard and determined in court.

One of the areas of the bill that I want to highlight relates to instalment payment plans. Although we now have, through another bill, a payment plan for infringements, it has been a criticism that when people first receive their infringement notice, they have not been able to enter into an agreement to pay their fines.

I have to say, from working in a welfare agency before this — and also from working with some of my constituents — that it caused increased financial hardship because they were not able to make arrangements to pay their fines — they acknowledged that the fines were theirs — so they let them lapse and then received second notices that incurred further penalties, and so it all increased. From memory the amount was around \$50. By the time they could make arrangements in some cases the amount they had to pay had almost doubled. So this is one of the reforms I really welcome.

Some of the stuff we do as members of Parliament — and also, in my case, as a welfare worker — is amazing. When people get an infringement notice, yes they know they have to pay it, but when they get the second notice they are not quite sure what to do,

because it appears to be more of a legal document. So in a lot of instances they will leave the notice until it expires, which compounds the problem. The introduction of payment on the first issuing of an infringement notice will greatly assist, I would suggest, the majority of people. I note that the eligibility criteria include being on a commonwealth benefit card and also a health care card, but there is also a capacity for people in financial difficulty to pay fines on a payment plan.

These are good reforms. I think they will make those who refuse to pay accountable, but they will also assist those in our community who attract fines and find it difficult to pay them. I commend the bill to the house.

**Mr WELLS** (Scoresby) — I rise to join the debate and make a few comments on the Infringements Bill. The purpose of the bill is to create a new regime for regulating infringement notices and the method of their enforcement. Infringement notices are widely used to regulate community behaviour to achieve public safety, and they are most widely adopted for motor vehicle offences.

One of the main purposes of the bill is to provide for a formal internal review of infringement notices. For example, in circumstances of mistaken identification, errors in law and/or in exceptional or special circumstances, infringement notices can be withdrawn, and that is worthwhile. The Attorney-General is able to issue guidelines as to how this discretion is to be exercised. Special circumstances apply where a person is unable to understand or control offending behaviour, and they include mental or intellectual disability, homelessness or serious drug or alcohol addiction.

Victoria has racked up an unbelievable \$700 million in unpaid fines, which is up from \$200 million. I still cannot believe that 40 000 people have 10 or more outstanding warrants. To me that is a totally unacceptable situation. Having a system where we fine people rather than send them to jail is based on a community standard that we all agree with, but the problem is that if people refuse to pay their fines, the credibility of fines is weakened. What is even worse, if there is a perception out there that you can get away without paying your fines or that it is easier to go to court and be given a community-based order, the whole infringement system is undermined.

The Liberal Party has already announced that it will bring in a move-on law, which means that if there are half a dozen teenagers at a shopping centre who are engaging in antisocial behaviour, the police can come along and just say, 'Move on'. If they refuse to do that — in other words, if they are still there an hour

after the direction has been given by the police — they will probably be given another warning, and if after that the police are not getting anywhere they will have the right to issue an infringement notice. As I said, if the perception is that you do not have to pay your fines and that you can get away with it some other way, the whole system is weakened.

There have been cases of people feeling that they have been unfairly dealt with in regard to speeding fines. There was the situation on 18 January this year where two mobile speed camera operators unknowingly positioned themselves back-to-back within 500 metres of each other on the Hume Highway near Seymour and were busily and happily snapping away at motorists twice. Obviously if someone received those fines they would feel aggrieved and there would be argy-bargy as a result. We need a transparent system in order to deal with that type of bungle.

In May 2004 there was a problem relating to speeding fines on the Western Ring Road. The government was adamant that the fixed speed cameras on the Western Ring Road were operating appropriately, but as we saw over and over again, that simply was not the case. The people who received the speeding fines realised that something was wrong and believed they were in the right. We need a good system to ensure that people who believe they have been unfairly dealt with can have their matters resolved. We just cannot say to everyone, 'Just take it to court', because if there is a systematic problem — and that was the case with the fixed speed cameras on the Western Ring Road — it can be dealt with as part of a mass resolution.

Freedom of information documents released to the Liberal Party show that in the June quarter of 2005, 156 337 speed camera fines were issued. That was up from 139 480 for the June quarter of 2004. At an average fine of \$152, the Bracks government's speed camera revenue for the quarter amounted to about \$24 million. There was also the case at about the same time of Mr Frank Torzillo of Craigieburn being incorrectly fined at Somerton for allegedly travelling at 88 kilometres an hour. The problem was that he was actually travelling in a 90-kilometre-an-hour speed zone — and he still has the ticket for travelling at 88 kilometres an hour! Of course, the speed camera operator set up in the wrong zone.

As I said, we need systems in place to make sure that when people receive incorrect infringement notices they can resolve them through proper methods without everything having to go through the court system. With those few words I indicate that the opposition will not be opposing this bill.

**Mr HUDSON** (Bentleigh) — It is a great pleasure to speak in support of this most important bill. I think most of us recognise that the infringement system is a cost-effective way to impose penalties for minor offences without the need for costly court prosecutions. The system has grown over time, to the point where 1250 offences are now dealt with through the infringement notice system, which covers a wide range of infringements such as parking, traffic and public transport offences.

In 2003–04 around 3.2 million notices were issued, which is quite an extraordinary number. But we should note that for the most part the infringements system works well. Over the years 75 to 85 per cent of infringement notices have been paid without the need for agencies to resort to penalty enforcement proceedings. Recently the Auditor-General found that an average of 78 per cent of traffic camera and on-the-spot fines are paid within 112 days of their being issued. Nevertheless there are some problems, and this bill seeks to address those.

The parliamentary Law Reform Committee, of which I am the chair, examined the penalty infringements system as part of its report into warrant powers and procedures. It came to the conclusion that there are four main areas of concern about the way the system operates. The first is the way in which the system deals with people who are disadvantaged or who cannot navigate the system; the second is the organisation and oversight of the system as a whole; the third is effective enforcement against recalcitrant offenders; and the fourth is the efficiency of the Sheriff's Office in executing warrants. The Infringements Bill addresses each of those areas of concern, and I am very happy to support it.

It is clear that there are people who cannot afford to pay the fines that are imposed on them. Based on research by the Department of Justice and Monash University, it is estimated that there are up to 40 000 people who cannot afford to pay the penalties that are imposed on them. Therefore this bill, which introduces instalment plans for people on commonwealth health care cards or on concession cards, is to be particularly welcomed.

All the evidence indicates that individuals will pay a fine if they can afford to and if it is tailored to their resources and capacity. I believe there is an argument for us to consider going further in the future, because the uniform fine system discriminates against the poor, who have no capacity to pay in many circumstances. We need to contrast these court fines with the Sentencing Act, which basically allows the individual circumstances of the person and any mitigating factors

to be taken into account by the court in determining the level of the fine. I believe that is something we ought to look at in the future.

I support those aspects of the bill that give people the right to apply to the agency to withdraw a notice where the person has exceptional or special circumstances. There are people who are not in a position to control either their own offending behaviour or to understand what they are doing, such as people with a mental illness or people with an intellectual disability, people who are homeless or people who are experiencing serious drug addiction.

I have had an opportunity to observe the operations of the special circumstances list in the Magistrates Court, and I would have to say it works very well. I welcome the fact that this bill allows for earlier intervention for these people than the special circumstances list at the Magistrates Court, because during the course of our inquiry we heard evidence from a wide range of community agencies such as the Public Interest Law Clearing House (PILCH) Homeless Persons Legal Clinic and the Mental Illness Fellowship of Victoria, which are working with people who are homeless or mentally ill. We heard evidence of the disastrous impacts that a rigid system that does not take into account their level of disadvantage can have on them.

If I can quote one case, in its submission the PILCH Homeless Persons Legal Clinic provided a case study of how over a five-year period one of its clients who had an acquired brain injury accumulated more than 500 fines totalling more than \$100 000. Over that period, Victoria Police and the Department of Infrastructure expended a huge amount of time and resources on prosecuting this individual. They issued over 500 infringement notices and 500 courtesy letters. Needless to say, a huge amount of time was taken up by the police and by the bureaucracy in dealing with someone who neither understood that they had done something wrong nor had the capacity to deal with the consequences of their actions.

In my view it is much better to use our resources to address this kind of behaviour rather than issue an infringement notice. I commend the work of the Department of Infrastructure's public transport enforcement forum which is looking at ways in which it can educate people about what it is they are actually doing and how they can modify their offending behaviour.

I also believe that in some instances the special circumstances list in the Magistrates Court is unduly proscriptive and arbitrary. Technically, there is no basis

in law for not providing some more discretion in that area, and there are cases where we could look at expanding the eligibility criteria. There should be further consultation with stakeholders about people who go through the PERIN court who clearly should not be going through that system.

The current legislation, to the extent that there are people who might fall outside this criteria who should be considered, is a bit inflexible. It is inconsistent with other areas of wrongdoing where the sentence is determined in accordance with the Sentencing Act and after a hearing of a defence by the person and any mitigating factors. It should be possible for us to again make sure when these cases come to open court that more consideration is given to the merits of the case. That is why I welcome the fact that this bill will allow someone to do community work which is to be undertaken over a period of time similar to a court-based order.

Thirdly, I support the development of system-wide policies and guidelines under this legislation. This will help address longstanding issues about the inconsistency of the law and practices across different issuing agencies.

The Law Reform Committee recommended that improved information should be provided to debtors and offenders about their options, obligations and rights. At the moment the quality of the information provided is poor. It is inconsistent in content in terms of its clarity and in terms of its tone, and not all information is available in everyone's first language. What we need to do, given the complexity of the infringement system, is to make sure that much better information is provided much earlier to people who have offended so they can understand what their options are in expiating the fine they have been given.

The consolidation and coordination of the system through central legislation and oversight through a central unit, as proposed in this Infringements Bill, will mean there is proper oversight of the whole system. It will make the infringement system more transparent and fairer by setting standards and procedures for issuing agencies and the PERIN court. There is no doubt that navigation of the current system is complex and confusing even to legal representatives and other representatives of people from agencies such as those with an acquired brain injury or with mental illness. The system is disjointed. There is a clear need for a central point of contact and oversight to monitor the system, to ensure fairness, efficiency and consistency.

Finally, I want to lend my support to the improved enforcement measures that I believe are necessary in order to maintain the efficacy of the system. The vast bulk of the community pays their fines, but there is no doubt that there are a number of recalcitrant offenders who continue to flout the law. This legislation signals that this will not be tolerated in the future, that if the fine is not a sufficient disincentive for that individual and if they refuse to pay the fine, they will be subject to other deterrents, such as driver licence suspension and non-renewal, and vehicle registration suspension and non-renewal until the fine is paid. I support those measures. It will support the system and I commend the bill to the house.

**Mr SAVAGE (Mildura)** — I rise to make a contribution to the Infringements Bill in a way that I hope can highlight some of the inadequacies we have seen in the past and hopefully some of the improvements we will see from this bill, which is an amalgamation of a framework for enforcement under the Magistrates' Court Act, the Road Safety Act and the Subordinate Legislation Act.

The most important thing that needs to be remembered by everybody in this house and by the government is that the enforcement of the law has to be fair. It has to be done on the basis that individual rights are protected and not just because the government of the day has the power, in a legislative sense, to issue notices and send them to the PERIN court, and it is then up to the individual as to how they deal with them when they get there.

In my experience the speed camera management from this government and its predecessors has left a lot to be desired. I had an elderly constituent who came to me some seven years ago and said she had received a camera fine that indicated she had been driving down the Murray Valley Highway at Nyah West. She said that she had not left Mildura for the past six months. She had been to the traffic camera office and they said, 'Too bad; go to court'.

That sort of attitude is unacceptable. As it turned out, when I intervened it was actually Deakin Avenue in Mildura, and she paid the fine willingly. The camera operator had put the wrong code on the film, or whatever they do, and it showed up as Nyah West instead of Deakin Avenue. Individuals should not have to go to those sorts of lengths; they should not be told, 'Too bad; go to court'. It is a matter of fairness.

These are not isolated cases; I know of others. The debacle on the Western Ring Road that resulted in a report by Ches Baragwanath in August 2004

highlighted the fact that that particular issue was dragging on. There was significant awareness within the Department of Justice that the thing was not working properly, and a huge amount of money had to be repaid by the government. People lost their jobs as a consequence of losing their licences — unfairly. The woman who owned the Datsun 120Y had the same response: in the end they said, 'Too bad, go to court'. In the end she was able to prove that the car could not travel at 150 kilometres an hour along the Western Ring Road.

Another thing about speed cameras that needs to be addressed is that they should be aligned with the design rules for car manufacturing, which allow for a 10 per cent variation in what speedos show. Why do the speed cameras pick up cars for travelling at less than the 10 per cent variation? This is a matter of fairness. They make new cars that have some variations. Every time I travel on that ring-road around Ballarat I make sure I position myself to see what speed my car is travelling at. It varies every time. I do not know whether the photographic radar of my car is inaccurate or my speedo varies. The speed on the speedo is always higher than the screen over the road shows.

It is hard for people to know exactly what speed their car is travelling at, so the design rule variation of 10 per cent should apply to the speed camera. I know that people are not booked for travelling at 2 or 3 kilometres an hour over the speed limit because they take off 3. But even if it is 5, with the varying speed zones on our metropolitan road network there can be five or six speed changes in Mildura in a distance of 2 or 3 kilometres. So it is very difficult for people to maintain some awareness of what is actually happening.

Recently I did a survey in which 53 per cent of the community I asked said that they support the concept of speed cameras but not their management in the way they are placed, because there is a perception that they are there for revenue raising. On the bypass around Marong there is a school in a derestricted zone, but there is a sign that says the speed is 60 during school times. Does that mean that the speed limit is 60 kilometres an hour when the school is open? No, it does not. It means that when the sign is flashing the speed limit is 60 kilometres an hour. That is a very misleading sign. When I drove past it I thought, 'What am I supposed to be doing here, if it is during school hours but not that period morning and night when the speed limit applies?'. The signage is appalling.

**Mrs Powell** — It is confusing.

**Mr SAVAGE** — It is confusing. It says: 60 during school times. The school is open from 9.00 a.m. until 4.00 p.m. Does that mean the speed limit is 60 kilometres an hour during that time? As I said, no, it does not. It means you have to watch out for some illuminated flashing sign that says 40 or 60. VicRoads has to get that right.

I have a case that is still unresolved. A Mildura woman was booked by the Mildura Rural City Council for parking outside a school when she should not have been. The council used the VicRoads database and sent the notice to her residential address, where she does not have a mail delivery, so she did not get it. The first thing Mrs Enright knew about it was in 2003 when the Sheriff turned up and said, 'You've got these three fines for parking where you shouldn't have, outside the school'. She said, 'I don't know about it'. None of the notices went to her mail address. I do not know what the system was and why the council did not chase up things if mail went back to the council. She paid the costs.

If you pay the costs on a warrant you cannot then ask for a rehearing and ask for those costs to be reimbursed. I got a letter back from the Deputy Registrar of the PERIN court in which it was suggested that if Mrs Enright wanted her costs back she would have to make application to the government for reimbursement. I have done that, by writing back in 2003 to the Attorney-General's department. To date, in 2006 — we are about two and a half years on — I have not got an answer. What is going on in the system of government? We always hear about fairness and equity and justice and yet when a mistake has been made you cannot get an answer. It is not good enough. Let us not bring pieces of legislation into this house if we cannot get the basics right. It is not just in Justice; there is a refusal to accept it in other areas.

The police are saying they issue notices for civic compliance in accordance with section 93 of the Road Safety Act and that they send them to the residential addresses. When you write to the minister's office, they say that the policy is to send notices to the postal address. In Mildura 5000 people do not have their residence as their postal address. It is interesting that in South Australia the same thing happens: the notice is sent to a non-postal address. So it is not just a Victorian problem; it is widespread.

Before we start touting ourselves as being out there looking after the interests of the people who are having difficulty looking after themselves, we must make sure that we have got it right. We have to get it right from day one. If mistakes have been made in the past we

have to fix them. I hope that I am still in this place when I get an answer.

**Ms Campbell** — We do, too.

**Mr SAVAGE** — I have written several letters over the past three years, and I am still waiting. Frankly, it is a disappointment.

We have to make sure we manage fines. As other members have said, there are people out there for whom it is a form of lifestyle to avoid accepting their responsibilities and paying fines. For a large number of fines that go through the PERIN court people did not know they were fined. If the traffic camera fine does not go to an address where you receive your mail, you are never going to know about it until the Sheriff knocks on your door with a warrant. You have to pay the extra money because it has gone to court, and that is not fair. If you have paid under those circumstances, it is not fair and you should be reimbursed. There should be provision in the act to cover the circumstances where, if it has been an unfair process and you have not been aware that you have been convicted at court or you have paid the costs inadvertently before you have asked for a rehearing of the matter, you do not have to pay the costs.

I look forward to getting a response on the Enright case, which dates back to 2002 when the fines that they paid in 2003 were issued. I acknowledge that there has to be some tidying up of the process but I am not convinced that that will be fair without changing some of the fundamentals — that is, the camera thresholds and making sure that the fixed cameras are managed properly. I guess that we have learnt from the inquiry done by Ches Baragwanath into the fixed digital speed camera system on the Western Ring Road that these things are more and more paramount on our highways. I do not reject the system as a concept in road safety management but we also must make sure that when mistakes are made they fix them.

**Ms CAMPBELL** (Pascoe Vale) — It is with great pleasure that I support the Infringements Bill 2005. The reason that I am so enthusiastic in my support of it is that it goes to the integrity of the infringements system in ensuring that people who previously had extreme difficulty in paying fines and having options available to them to be able to meet their responsibilities will have greater options under the legislation. I am also pleased that we are bringing in the legislation because it goes to the heart of trying to recoup some of the \$694 million in unpaid fines which the Auditor-General identified as outstanding as of 30 June 2004.

The integrity of an infringements system requires that people pay or have options available to them that enable them to pay over a period of time and that those who attempt to escape paying fines are brought to justice. The bill enables each of those three important considerations to be taken into account. It is important that we crack down on those who flout the law and refuse to pay their fines. The introduction of new sanctions will do just that. All too often people who find it difficult to meet their obligations are those who ensure that by forgoing what we might suggest are other essentials in life they meet their obligations. Many of those who could easily pay fines decide to flout the law and see just how far they can go until the law actually catches them.

The bill will make the law fairer for low-income earners who will have the opportunity to pay their fines by instalments. They will also have the opportunity of doing community work if they are able to negotiate that. The legislation will ensure that measures including vehicle licence suspension, vehicle registration suspension, vehicle licence and registration non-renewal, wheel clamping, the garnisheeing of wages and charging orders on the sale of property can apply to people who flout the law and decide they are bigger than the law. On behalf of the people who really battle to pay their fines and who, as I said, forgo some of life's essentials in order to do so, I welcome these harsher measures, and I think the law-abiding citizens of this state also welcome them.

The changes also will enable infringement notices to be withdrawn when they have been issued to people who genuinely cannot understand they have committed an offence or who cannot control their offending behaviour. I wanted to speak a little about this issue, but the member for Bentleigh highlighted some cases in point, such as instances of people with acquired brain injuries and people with mental impairments. These people may not be aware of the implications of the correspondence they receive.

One might say it is an indictment of our nation that these people do not have supporters or carers who can have them understand the implications of many of these items of correspondence. However, the fact is that such cases do occur, although they should not. People with acquired brain injuries, mental impairments or intellectual disabilities will now be protected by special circumstance provisions, and that is to be applauded.

While I was travelling to Parliament House this morning I heard much discussion on the radio about how people will access the range of options that will become available. Information was published in the

media around late January, so it is not new, and it has also been highlighted again today. The fact is that part of the government's communication strategy will be to publicise this very important initiative. An extensive communication campaign will be conducted from now until the bill's proposed implementation on 1 July, and I hope that the members of the opposition do not complain about the cost of that advertising. Importantly, advertising allows people to understand the implications of good new legislation.

Having made those few points, I commend the bill to the house. The Attorney-General and those who prepared this extraordinarily important legislation should be heartily congratulated.

**Mrs POWELL** (Shepparton) — I am pleased to speak on the Infringements Bill and to say that The Nationals do not oppose it; however, as the member for Benalla said earlier, we do have some concerns about some of the special circumstance provisions of the bill.

Infringement notices have played an important part in our law and order system. They are supposed to encourage people to do the right thing and to obey the law. First introduced in Victoria in the 1950s, they were initially for parking fines, but the range of usage has increased dramatically over the years.

Infringement notices are a way of enforcing the law without people having to go to court. As other members have said, going to court and dealing with the administrative process can incur huge costs, not to mention the time that people may have to spend in court.

The purpose of the bill is to provide a new framework for the issuing, serving and enforcement of infringement notices. It is timely that this bill has come before the Parliament, because it is obvious that we have a system in crisis. When we hear that 40 000 people each has 10 or more outstanding warrants, there must be a number of reasons for that. I believe some of those reasons are that people are ignoring notices, that they cannot pay them or do not understand that they have committed offences. Of course some people refuse to pay or believe a fine has been unfair or that an agency was rude to them. A number of provisions in this bill will rectify some of those reasons.

However, it is alarming that over the last decade there has been a 40 per cent increase in the number of infringements issued by all agencies in Victoria. The figures in the second-reading speech state that in 1990–91 an estimated 2.3 million notices were issued, whereas in 2003–04 approximately 2 million notices

were issued. This is a huge burden for the administration to work through, and it is time that we made some inroads into finding out why people are not paying these fines and in some way make them do the right thing. People need to know that just because they do not want to pay fines is no excuse for not paying them and that they are as obliged as other people who receive them to pay those fines.

It is also interesting to note that most people pay fines on time. Even if they do not agree with the fine being imposed, many people would rather pay it than go through the court system.

The bill provides for a new infringement system which encompasses early intervention procedures and improved information being made available to the public. It also sets out some training for agencies, which will allow agencies to inform the public not only of their rights under the infringement notices system but also of their responsibility to obey the law.

Some people may believe infringement notices have been issued unfairly, that the issuing of a notice is contrary to law or that they have received a notice due to a case of mistaken identity. Several people have come to my office after having been issued with notices and then fined, but after being fined they have been able to go to an agency and say that the imposition of the fine was not correct, only then to be told that they have to go to court to defend their case, which is ridiculous. It means that if people can show that they are not the person who should have received a fine — that it is not their car or vehicle or that they were not in that place at that time or whatever — there needs to be human intervention before they have to go to court. Some of this bill's provisions will allow that to happen.

One area The Nationals have some concerns about is the definition of 'special circumstance'. We are not concerned about people with mental or intellectual disabilities, disorders, diseases or illnesses claiming special circumstances. These people usually do not understand that their conduct constitutes an offence, and in many cases they are unable to control their conduct. As we have heard from other speakers, they are not able to work through the system to be able to pay the fine or even know where to go for assistance. The Nationals think this is a good provision. It is important that such cases be dealt with before going to court.

Other members have talked about the hundreds of infringement notices that some people have incurred, only to find that when they have gone through the court system, the fines have been withdrawn or discharged. It

is important to have early intervention to protect those people. Part of the bill provides for the issuing of a warning so that people can be told that their behaviour or the offence they have committed is unlawful, and that they should try to modify their behaviour.

The Nationals have a problem with serious addiction to drugs, alcohol and volatile substances being considered as special circumstances. You wonder how you are going to be able to define whether a person is or is not under the influence of alcohol or drugs when they commit an offence. How do you determine whether such people know that the offence they have committed must incur a fine and that they should be able to pay it?

As the member for Benalla said, we believe that people are responsible for their own actions. It is no excuse to say that a person was drunk or on drugs at the time an offence was committed: an offence is an offence. When such people are not under the influence they should know that they have committed an offence or some misdemeanour.

Homelessness is probably a bit harder to identify. It is very difficult to send an infringement notice to somebody who does not have a mailing address. Also, if there is default on payment, it is obvious that most of these people do not have property that can be claimed in lieu of payment for an outstanding debt. Also, their wages cannot be garnisheed. It is harder to recover debts from homeless people, but that matter still needs to be looked at, particularly the sorts of offences being committed. It may be that some of those offences warrant the issuing of infringement notices; and others, the withdrawal of the notices, but I think that is a bit more discretionary.

A good initiative in the bill is the instalment payment plan. It will encourage people to comply with the law and is commonsense. From July 2006 people who are on certain benefits and are struggling can agree to pay their fines over an accepted period rather than be issued with second notices and incur increases in fines or be taken to court. Another good initiative involves the ability to order community work. At the moment community work is undertaken for a continuous period. This allows people who cannot do community work for a continuous period because they are working, for example, to complete it over a period of time. It shows that while people have to accept that they have to pay the fines, now there will be levels that they will be able to comply with.

Staff training and the code of conduct are important issues. Anything that is done to improve the interaction of agencies with the public is important. People have

said to me that often when they have been issued with a fine the person issuing the fine has been aggressive and rude. People say that this makes them not want to pay the fine or to pay it at the last minute, which sometimes means those people incur a penalty. It is important that there is some training of staff who issue fines.

Agency staff will also need to be able to identify people with special circumstances. From the start they need to be able to work out whether a person has a mental disability, whether they are mentally impaired or whether they are under the influence of drugs and alcohol. It is going to be difficult in those sorts of circumstances, particularly if there is no human element involved. When issuing a fine, how will the person know if the offender was under the influence at the time of committing the offence?

The bill also changes the name of the PERIN court. A number of people have said that they do not know what 'PERIN' means, but it stands for 'penalty enforcement by registration of infringement notice'. It is a good idea to call it an infringement court, which makes more sense. There are a number of commonsense provisions in the bill, and I wish it a speedy passage.

**Mr SEITZ (Keilor)** — In the short time that is available to me, I want to make the observation that only 20 per cent of the people who are issued with fines and infringement notices are defaulters and flout the system and the law. It is only that 20 per cent of offenders that we need to address.

This legislation makes it easier to collect fines and encourage the offenders to pay their fines. You are not issued with a fine unless you have broken the law. You are breaking the law if you are speeding or if you go through a stop sign or a red light. Further to this legislation, which I welcome, we have to educate members of the community as to their responsibilities.

I know — and many members here have probably experienced the same thing — of grandparents who have grandchildren who have accumulated a lot of fines. Sometimes these grandchildren hide infringement notices for five years before somebody in the family finds out. Often they use their pensions to bail out other family members, and they do this to avoid the shame and the disgrace of having their family name dragged through the local Magistrates Court and the Sheriff coming to seize their goods. Sometimes they end up entering into an instalment plan to make the payments on behalf of other family members. We need to educate the younger generation through the school system that fines are issued because people break the law and that if you break the law, you pay the penalty.

The legislation provides plenty of room for people who have disabilities or are not able to understand their legal responsibilities to enter into the instalment payment processes and do community service work. A week ago last Monday I attended court hearings in Sunshine. The excuses that people came up with when asked why they had not paid their fines were amazing. We need to have a far better education process, and we need to insist on how much it costs to recover the fines.

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

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Police: database security

**Mr DOYLE** (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. On 6 August last year, when defending the unauthorised release of 1000 police files, the minister said:

It is a regrettable incident ... Victoria would expect for it to never happen again.

I ask: considering there have been several serious breaches of law enforcement assistance program (LEAP) security since, including today's case of 40 pages of police files — including that of a teenage boy — sent to a man in country Victoria, will the minister explain what went wrong this time?

**Mr HOLDING** (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. The government takes the view that securing the personal data of Victorians, particularly when it has been collected for law enforcement purposes, is an extremely important and serious matter. That is why we are in the process of investing \$50 million in upgrading the law enforcement assistance program (LEAP) database through Victoria Police and also establishing from 1 July a commissioner for law enforcement data security to make sure there are processes in place to give Victorians confidence that the law enforcement data that is held in a sense on their behalf by Victoria Police is properly secured.

We would say to Victorians and to all honourable members that over 10 000 people have legitimate access to the LEAP database to enable them to carry out their operational responsibilities. Even with the best will in the world by Victoria Police, there will be — —

**Mr Smith** interjected.

**The SPEAKER** — Order! The member for Bass!

**Mr HOLDING** — There will be people who do the wrong thing in relation to that data. There will be circumstances, even with the best security systems in place, the best safeguards and the best possible LEAP database system, where it will be possible for people to access that information without authority and also therefore logically for that data to be released without appropriate authority. The important thing is that there are safeguards and systems in place to secure the data as effectively as possible — —

**Mr Wells** interjected.

**The SPEAKER** — Order! The member for Scoresby!

**Mr HOLDING** — If unauthorised disclosures occur, there is a rigorous system in place for investigating those.

In the context of the matter that has been raised by the Leader of the Opposition today, I am informed that the Office of Police Integrity provided the ethical standards department (ESD) with a file in relation to that matter on Tuesday. It is currently the subject of a Victoria Police ESD investigation in what is essentially a workplace management issue. I would urge — —

**Mr Wells** interjected.

**Mr HOLDING** — This is the manner in which Victoria Police has characterised this particular incident and — —

**Mr Wells** interjected.

**The SPEAKER** — Order! The member for Scoresby will cease interjecting.

**Mr HOLDING** — I would urge all honourable members not to jump to premature or inappropriate conclusions about what the outcome of that investigation will be.

### Commonwealth Games: infrastructure

**Ms GILLETT** (Tarneit) — My question is to the Premier. I ask the Premier to detail for the house what the long-term benefits of hosting the Commonwealth Games will be for Victoria.

**Mr BRACKS** (Premier) — I thank the member for Tarneit for her question and her continual work on

behalf of the Commonwealth Games organising committee as well.

As members of this house would be aware, it is only 13 days to the opening ceremony of the Commonwealth Games. It does not seem that long ago that, as we walked into the foyer here at Parliament House, we saw '300', '299' and so on days to go. Now it is 13 days. This is the last sitting of this house before we adjourn for what is going to be the biggest event in our generation — in our lifetime — and that is the 2006 Melbourne Commonwealth Games.

All MPs of course will be a part of the games and effectively will be ambassadors for our state as we hold what is going to be a magnificent event for our country and community. We will have the task of welcoming interstate and overseas guests, of reinforcing our reputation as the major events state in Australia — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The members for Hawthorn and Gippsland East!

**Mr BRACKS** — We are the best state in Australia for holding major international events, and this will reinforce that image even further. We will also take advantage, post the games, of the reputation of Victoria which will be enhanced as a result of 1.5 billion people worldwide seeing what we do effectively and well.

Just as in 1956, when an important legacy was left after the very successful 1956 Olympic Games with the Melbourne Cricket Ground and the sporting facilities which are located centrally within Melbourne itself, so we will be leaving after the 2006 Commonwealth Games an important legacy here in Melbourne and across Victoria. Of course the upgrade of the Melbourne Cricket Ground will go down as one of those most significant legacies, where 55 per cent of the ground has been upgraded in what is a state-of-the-art stadium and indisputably the best stadium anywhere in the world — no-one has been able to dispute that statement — increasing the capacity to 100 000 people. It is a great achievement for any government or community to have such a great stadium for the future.

As part of the legacy we will also leave behind an upgraded Melbourne Sports and Aquatic Centre with a new outdoor 50-metre pool which has been rated in competitions as one of the best outdoor Olympic-sized pools in the world. It will be utilised almost immediately for the World Swimming Championships in 2007, and in particular it will feature water polo as part of the Melbourne Sports and Aquatic Centre competitions.

We will also leave behind an important new infill housing development at the Parkville site for the Commonwealth Games village. A lot of it has been presold, and a lot will sell once the games are completed. As part of that infill housing development there will be effectively a new suburb well integrated into the rest of the city of Melbourne, which will also have some important social public housing on site, particularly in relation to aged care facilities, which is also of great benefit.

We have the new bridge which integrates a lot of our sporting precincts. The William Barak Bridge integrates Federation Square, Birrarung Marr Park, the Olympic Park precinct, the tennis centre and the Melbourne Cricket Ground itself. It is integrated in a most effective way for the future and will assist in getting big volumes of people moving from the city right into our sporting precincts and facilities.

It will be a great event, no doubt, and a great legacy will be left for the future as well. New international events will be built on the success of the Commonwealth Games. Preliminary estimates of the economic benefit of the Commonwealth Games suggest it will add something like \$3 billion in economic activity to the state in tourism, commercial activity and construction. Some 13 000 full-time equivalent jobs will be created as part of the games, and we will all be proud of what is going to be a great event.

In conclusion, I will take the opportunity of the house's last sitting before the games to thank the Minister for Commonwealth Games in another place, the Honourable Justin Madden, who has done a great job in his work across government in preparing for this event. I also thank Ron Walker, chairman of Melbourne 2006 Commonwealth Games (M2006), who has done a great job of working with a very cohesive team of people in building up — —

**Mr Thompson** — On a point of order, Speaker, the member for Tarneit asked a broad-ranging question. The Premier has been speaking for over 4½ minutes in expressing gratitude. I would like to indicate that from our point of view we would be happy if he also wished to thank Jeff Kennett and the opposition!

**The SPEAKER** — Order! The Premier, to continue.

**Mr BRACKS** — In conclusion, I thank the minister, the Honourable Justin Madden; Ron Walker, chairman of the board of M2006, and John Harnden, the chief executive officer of M2006. He moved from

being chief executive of the Australian Grand Prix Corporation to the Melbourne 2006 organisation and has done a great job. He is a very effective chief executive. I want to place on record my appreciation and the appreciation of the government for the work he has done.

Meredith Sussex, head of the Commonwealth Games Coordinating Committee across all departments, has also done a great job in serving the government and making sure there is good coordination. I also wish to thank Sam Coffa and Perry Crosswhite from the Australian Commonwealth Games Federation. I thank them all. It will be a great event for the state. Many members are proud and looking forward to what is going to be a great event.

### Commonwealth Games: anthem

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier. I refer to the Premier's answer in question time yesterday when he acknowledged:

When the Queen is in Australia, of course, she is the Queen of Australia ...

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members to be quiet and allow the Leader of The Nationals to ask his question.

**Mr RYAN** — My question is to the Premier. I refer to the Premier's answer in question time yesterday when he acknowledged:

When the Queen is in Australia, of course, she is the Queen of Australia ...

I ask: as a mark of respect for Her Majesty Queen Elizabeth II, the Queen of Australia, will the government intervene and direct the Commonwealth Games Organising Committee to play *God Save the Queen* together with *Advance Australia Fair* during the games opening ceremonies?

**Mr BRACKS** (Premier) — I thank the Leader of The Nationals for his question. I will briefly quote from a very telling letter in the *Age* today, 3 March 2006. It says:

Apparently organisers of the Commonwealth Games will not be having *God Save the Queen* at its opening by the Queen on 15 March but instead will be playing *Advance Australia Fair*, which has led some monarchists to declare this to be a snub to Her Majesty.

However, this is by no means a snub. For although *God Save the Queen* is the royal anthem, it is highly appropriate to play

*Advance Australia Fair* as the national song of Australia in the presence of the Queen of Australia ...

**Mr Thompson** — On a point of order, Speaker, under the orders and rules of the house it is inappropriate to be quoting from a newspaper. I just understood the Premier to say he is quoting from a newspaper.

**The SPEAKER** — Order! There is no point of order. The Premier, to continue.

**Mr BRACKS** — I will go on to finish — there is only one more sentence:

*God Save the Queen* is also the national anthem of the United Kingdom, and when Australia and Britain are competing in sporting events, playing the same anthem can give the impression that the games are a British event — which they're not.

It is signed by Philip Benwell, the national chairman of the Australian Monarchist League.

Today a media release was issued by the M2006 organising committee. It says:

The chairman of the Melbourne 2006 Commonwealth Games, Ron Walker, said all arrangements for the opening ceremony have been made in consultation with Buckingham Palace and in line with the protocol of the Commonwealth Games Federation constitution.

'As previously stated, the Queen will be appropriately honoured in the opening ceremony and during her visit to Melbourne ...

*God Save the Queen* will not be played at the opening ceremony. I support the decision of the organising committee.

### Commonwealth Games: public transport

**Mr PERERA** (Cranbourne) — My question is to the Minister for Transport. Will the minister please update the house on measures to advise people about changes to public transport operations during the Commonwealth Games?

**Mr BATCHELOR** (Minister for Transport) — I thank the member for his question. I would like to inform the house that during the Commonwealth Games there will be 30 000 additional train, tram and bus services scheduled. Nevertheless the Commonwealth Games will be the biggest event that Victoria has ever hosted and everybody in Victoria will have to change the way they do things during that time. We will be hosts, and we will welcome people from overseas but we will need to understand that the public transport system will be placed under great pressure through additional usage during that time.

So we have a simple message to send to people. We urge people to plan their journeys in advance, to expect crowds on our public transport system and, in the spirit of the games, to be patient. Earlier this week, to assist commuters going to the Commonwealth Games Metlink launched its new commuter super-coach, Barry Wilson. Barry Wilson is a bit of a tongue-in-cheek character created by Metlink, and he is played by well-known Melbourne comedian Peter Moon. The effort is designed to give regular public transport users a daily snapshot of the services that will be impacted on by the crowds going to and from the Commonwealth Games.

The Victorian public will be seeing and hearing from the commuter super-coach in the daily media through advertisements in newspapers and advertisements on radio, and this will happen throughout the games period. Last Tuesday Barry Wilson, a member for Melbourne Province in another place and I were at Flinders Street concourse, talking to people and advising them of what they should do. There are five golden rules that commuters should follow during the Commonwealth Games: plan ahead; avoid peak times; allow extra time when travelling; buy tickets before travelling; and above all, be patient. If commuters follow these five golden rules, they should be able to assist Melbourne in its task of hosting the biggest event to occur in Melbourne's life.

During the games, commuters will be able to get access to information online and through advertisements in daily newspapers. There will also be separate daily transport advice in the media to help people get to the big events and get home again. Travel information will be included in a spectator guide, and a pamphlet will be sent to all ticket-holders. In addition, a transport spokesperson, Lynne Haultain, has been appointed to manage media inquiries on games-related transport issues.

*Honourable members interjecting.*

**The SPEAKER** — Order! I know the Commonwealth Games are a terribly exciting subject, but I ask members to try to contain their enthusiasm and allow the minister to be heard.

**Mr BATCHELOR** — If people take the advice that is offered, whether it is from the commuter super-coach, whether it is from Lynne Haultain or whether it is from those advertisements, and if they follow those five golden rules, they will be helping to make the 2006 Commonwealth Games a huge success for Victorians. But most importantly, they will be able to participate in and enjoy an amazing two weeks of

world-class sporting and cultural entertainment. We hope they enjoy every minute of it!

### **Police: Commonwealth Games**

**Mr WELLS** (Scoresby) — My question without notice is to the Minister for Police and Emergency Services. I refer to a case on Tuesday this week, when four detectives from the Sunbury police were unable to carry out search and arrest warrants on a group of suspected criminals because there were only two guns and two cans of capsicum spray, making it too dangerous for them to execute the warrants, and I ask: does the minister stand by his claim that no local police will be disadvantaged as a result of their equipment being committed to the Commonwealth Games?

**Mr HOLDING** (Minister for Police and Emergency Services) — We are very happy to reaffirm the arrangements that have been put in place to ensure that all Victorians can feel very confident and secure during the period leading up to the Commonwealth Games. Firstly, we have cancelled all leave and deferred all training to make sure that essentially 20 per cent more police will be available to protect the state over the period of the Commonwealth Games. This is a very good arrangement that has been put in place. We thank the Victoria Police personnel who have worked with us in a cooperative way to make sure that these excellent arrangements can be put in place. We have also sought from stations around Victoria equipment that is surplus to requirements, and that equipment has been provided from different stations.

What it means is that in addition to the equipment that Victoria Police has procured as part of the Commonwealth Games effort, we have been able to secure additional equipment to make sure that all those police personnel involved in providing security and protection for the Commonwealth Games are appropriately equipped. That is a very important arrangement. Obviously we are doing these things in the context of Victoria Police this year receiving a record budget — \$1.5 billion, something that we are very proud of — and also in the context of a record police recruitment campaign, which is currently under way. Eight hundred additional police were delivered in the first term; 600 additional police will be delivered in this term. We are very pleased to see that Victoria Police has both the equipment and personnel that it requires not only to provide security during the Commonwealth Games but also to ensure that Victoria continues to be the safest mainland state in Australia.

### Commonwealth Games: tourism

**Ms NEVILLE** (Bellarine) — My question is to the Minister for Tourism. Can the minister inform the house about the benefits to Melbourne's tourism industry resulting from the upcoming Commonwealth Games?

**Mr PANDAZOPOULOS** (Minister for Tourism) — I thank the member for Bellarine for her enthusiasm for tourism and for the Commonwealth Games. There is no doubt that Victoria has a major events reputation. Preparing for the Commonwealth Games so successfully has elevated our profile internationally. Our record of investment in tourism, our record of investment in major events and our reputation for the way we deliver those major events have been amplified even more so by the way we as a government are delivering the Commonwealth Games.

The Commonwealth Games have allowed us an opportunity to be much more noticed globally, certainly in the markets that are very valuable for us. The majority of tourists to Victoria come from commonwealth countries like the UK, Canada, South Africa and New Zealand. We have been able to grow and elevate our profile in those places.

The investment by the government has resulted in a record 1.3 million international visitors coming to Victoria and a record 5.9 million interstate visitors per annum. We are doing amazing things in Melbourne. Major investors are moving into the Melbourne property market. We have seen growth in accommodation facilities in Melbourne and throughout Victoria. A leading real estate firm, Jones Lang LaSalle, recently said that demand growth in Victoria was greater than in Sydney and Brisbane. Occupancy rates reached record levels of 75.5 per cent, showing that our strategy of bringing visitors to Victoria is clearly working.

The reality is that the Commonwealth Games has elevated our profile and has led to more hotel infrastructure investment in Melbourne and regional Victoria. In fact Jones Lang LaSalle says that despite 30 new properties and major redevelopments having been built in Melbourne since 2002, by 2014 Melbourne will need 14 extra 4-star, 400-room hotels. The Commonwealth Games has helped deliver this as part of that enthusiasm.

Recently we saw not only the opening of the Crown Promenade Hotel but also the opening of the City Point on Bourke hotel, with 300 rooms; the Travelodge hotel at Southbank, with 275 rooms; and the X Base

backpackers facility with 250 beds. Last year I opened the Eureka Tower Travelodge in St Kilda, with its 275 rooms; the Astoria City Travel Inn; three new Ramada properties in Melbourne; and the Quest in Docklands, the biggest Quest property in Melbourne with its 133 rooms. Even small boutique hotels like the Alto on Collins, a 50-room boutique hotel, were opened.

There have also been major hotel refurbishment works. Sheraton Towers has been regraded and opened as a Langham property, and last year I also opened a \$4.5 million project in the Chuan Spa. The Sofitel Melbourne underwent an \$8.5 million refurbishment and the Grand Hyatt and Hilton hotels were significantly refurbished. Last week the government announced that Melbourne's new convention centre complex will include a 5-star Hilton Hotel.

The message I am delivering is that investors are voting with their feet on the back of our tourism and event strategy and the profile the Commonwealth Games has given us. They are pouring mega-million-dollar investments into accommodation properties in Melbourne and in regional Victoria such as the property development at the Balgownie wine resort in the Yarra Valley, the Silverwater resort at San Remo and the Clearwater resort in Daylesford. These are record investments, and the Commonwealth Games is showing the world that we take tourism events seriously. We will deliver the best-ever Commonwealth Games, and we are on track in delivering the target of 90 000 visitors. Hotel occupancy in Melbourne is at 80 per cent-plus.

In winding up this report to the house on who the visitors will be, I point out that an 80 per cent-plus occupancy of hotels in Melbourne and its suburbs and regional areas is an impressive figure. Some people are staying here as well. One-third of the visitors here for the Commonwealth Games are what we call the visiting-friends-and-relatives market. They are people who will stay with friends and relatives in Melbourne. That is an added bonus. Our hotel rooms are busy and people are staying with their relatives. We know that 25 per cent of the visitors are sports enthusiasts, 10 per cent are backpackers, 10 per cent are corporates and 13 per cent are leisure travellers choosing to have their holidays in Melbourne as part of the Commonwealth Games.

I am looking forward to the Commonwealth Games, as I am sure all Victorians and the world are.

**Commonwealth Games: financial reporting**

**Mr DOYLE** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his answer yesterday when he gave a commitment to reveal the cost of the Commonwealth Games before the state election. I ask: will the Premier confirm that this Commonwealth Games costing will include the entire commonwealth contribution, the whole of the state government's administrative and departmental costs, all local government costs and the entire security budget of the games?

**Mr BRACKS** (Premier) — I thank the Leader of the Opposition for his question. It will include all the costs incurred, as you expect, by the state government. In relation to local government, the private sector and the federal government, they have their own acquittal arrangements, as you would expect. I would expect them to acquit in their own forums and to be accountable in their own forums.

**Commonwealth Games: cultural events**

**Mr JENKINS** (Morwell) — My question is to the Minister for the Arts. Will the minister advise the house what opportunities there will be for Victorian families and visitors to enjoy the world's best artists and performers during of the Commonwealth Games?

**Ms DELAHUNTY** (Minister for the Arts) — I thank the member for Morwell for his question. We were in Morwell recently with the local member where we announced part of the live site for the Commonwealth Games cultural festival. The Latrobe Valley will be part of a \$12 million cultural festival. It is a big festival, the biggest cultural festival in Australia.

**Mr Doyle** interjected.

**The SPEAKER** — Order! The Leader of the Opposition will cease yelling out across the chamber in that manner.

**Ms DELAHUNTY** — Not only will there be a live site in the Latrobe Valley but the members representing Ballarat, Bendigo and Geelong electorates know that in those regional centres there will be live sites and accompanying cultural festivals. For example, in Bendigo over 300 different artists will be performing as part of the festival. In Geelong there will be a big event around the Steampacket Gardens — I know the council and the local member are very supportive of that. Right around the regions we will find that Victorians are invited to a cultural festival to be part of the games.

**Mr Plowman** interjected.

**The SPEAKER** — Order! The member for Benambra will cease that, or I will remove him from the chamber immediately.

**Ms DELAHUNTY** — At the Alexandra Gardens we will have a fantastic performance by Strange Fruit — that is not the opposition but a very well-known Australian company. They have been performing around Australia and overseas. You can be part of the live site at Alexandra Gardens, which has a family focus, or the Docklands, which has a youth focus, or the Containers Village in shed 14 at Docklands, which will be really jumping through the festival and beyond. The key thing about this is that it is free. You do not need a ticket to the games or to any of these events. You can be part of the festival —

**Mr Doyle** interjected.

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

**Ms DELAHUNTY** — On this side we are enthusiastic about showcasing Victoria as a sophisticated diverse cultural capital, and that is an important part of it. I am sure we have all seen the Fish on the River display that will be part of the games' opening ceremony. This festival has already started. I am reminded that the member for Footscray represented the government last night at the RMIT Gallery where the design exhibition has opened. You can see there such important artefacts as robes belonging to Mahatma Gandhi — a most significant person in our history — Nelson Mandela's robes and the original Nehru jacket. We encourage all members of the house and their families to be part of this cultural event.

You can come to the games and stay on after the events to be part of the festival and buzz around town, whether it is at the Federation Square live site, the museum or right across the regions. It will be a fantastic festival. We are behind it; we are showcasing Victoria. We want to see diverse culture on display alongside fantastic sporting events. This has gone out to all Victorians and it will be updated daily in the newspapers through the games. I encourage Victorians to get behind it!

**Mr Cooper** interjected.

**The SPEAKER** — Order! I think I have heard enough from the member for Mornington today.

**Ministers: performance**

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier. I refer to almost 30 quotations from ministerial spokesmen and spokeswomen reported in the *Age* and the *Herald Sun* in the past two weeks. I ask: is it now government policy for ministers to hide behind their staff rather than facing the public and the print media to actually answer questions?

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members to be quiet to allow the Premier to answer the question.

**Mr BRACKS** (Premier) — I thank the Leader of The Nationals for his question. We certainly make sure that on this side of the house we are as accountable as we can be. When ministers are not available from time to time there will be people who are able to provide quotations on their behalf. That has been a time-honoured system which has been in place and will be in place in the future. But it does not militate against the fact that we are probably the most accountable government in Victoria's history.

**Goods and services tax: distribution**

**Mr STENSHOLT** (Burwood) — My question is for the Treasurer. I refer the Treasurer —

*Honourable members interjecting.*

**The SPEAKER** — Order! I would like members on my left to be quiet to allow the last question to be asked and answered.

**Mr STENSHOLT** — I refer the Treasurer to the Bracks government's commitment to tax reform and ask the Treasurer to advise the house of the implications for Victoria of the Commonwealth Grants Commission's announcement yesterday regarding GST allocation to the states.

**Mr BRUMBY** (Treasurer) — As honourable members of this house know, Victoria leads the way on taxation reform. When we were elected seven years ago the payroll tax rate was 5.75 per cent and today it is 5.25 per cent, the second-lowest rate in Australia. When we were elected seven years ago the top land tax rate was 5 per cent; today it is 3.5 per cent and set to reduce to 3 per cent. When we were elected seven years ago we had a WorkCover rate that was more than 1.9 per cent; we have cut that by 10 per cent in the last two budgets. Our rate today is the second lowest in Australia.

The story does not end there, because we have been determined to build Victoria as a great place for business investment with a strong economy, so we are also the state that has abolished more taxes under the GST agreement than any other state in Australia. We lead the way on tax reform.

In recent days Australians have heard the federal Treasurer suggest that the commonwealth has delivered a funding bonanza to the states through the GST. I want to put these numbers on the record. The GST was introduced in 2000–01. Since 2000–01 the economy in Victoria has grown in nominal gross state product (GSP) terms by 35 per cent. Looking at all the revenue received by the state of Victoria — including the GST, all the taxes, all the federal grants, all the revenue, all the fines we receive — we see that Victorian state revenue has grown by just 29.7 per cent, well below the rate at which the economy has grown. However, if you look at which commonwealth revenues have grown since 2000–01, you see that the commonwealth is doing very well indeed out of taxation. The commonwealth's growth rate in revenue has exceeded the growth rate in GSP: it has in fact been 35.1 per cent.

Terry McCrann in the *Herald Sun* got this right on Tuesday, and I recommend that the Deputy Leader of the Opposition read Terry McCrann's piece for an insightful analysis of who is the real winner out of tax revenues in Australia.

Yesterday the Commonwealth Grants Commission released its latest report. Some people — I think again the Deputy Leader of the Opposition — are trying to say this was a good outcome for Victoria. Let us get this straight. This year Victorians will pay \$9.9 billion to Canberra in GST payments. I am prepared to say that if we got back \$9.9 billion, or if we got back more than \$9.9 billion, that would be a good deal — but do you know what we get back? We get back \$8.5 billion. We lose \$1.4 billion, which goes to other states. The person who signs off on grants commission relativities is the federal Treasurer, Peter Costello!

**Mr Honeywood** interjected.

**The SPEAKER** — Order! The Deputy Leader of the Opposition, for goodness sake!

**Mr BRUMBY** — I raised that question yesterday. It is no wonder you did not get a portfolio — seriously!

**The SPEAKER** — Order! I remind the Treasurer of the requirement for him to answer through the Chair.

**Mr BRUMBY** — One of the obscure, bizarre reasons that money gets transferred away from

Victoria — and it is not just to the smaller states like Tasmania; we have always said we are happy to help Tasmania, happy to help the Northern Territory, happy to help South Australia, happy to help the ACT, but we are not going to help Queensland and Western Australia. We object to that. One of the reasons the grants commission takes money away from us under the relativity signed off by Peter Costello is that it says we spend too much money on health. They take money away from us because we employ more nurses, build more hospitals and open more hospital beds. They say we spend too much money on public safety, despite the fact that we have the safest state in Australia. Because we care about Victorians, because we invest in these areas to improve services, money gets sucked away from us by the federal Treasurer.

**Mr Doyle** interjected.

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

**Mr BRUMBY** — If you think this is just a Labor view of the world, let me disabuse you. I refer to a broadcast by Alan Jones yesterday, 1 March, on the *Today Show*. I am happy to give you the transcript.

**Mr Thompson** — On a point of order, Speaker, the Treasurer is having some difficulty in expressing his thoughts succinctly. He has been speaking now for more than 5 minutes. It is the practice of the house that answers be completed within about 4 minutes or so. I ask you to draw him back to concluding.

**The SPEAKER** — Order! The Treasurer has been speaking for some time. I ask him to conclude.

**Mr BRUMBY** — I will. Alan Jones said yesterday:

And the states getting duded are New South Wales and Victoria.

He described the grants commission process, signed off by Treasurer Peter Costello, as a 'bundle of laughs'. He said:

Victoria this financial year will pay \$9.4 billion in GST and will get only \$7.8 billion back.

So New South Wales are sending \$3 billion interstate; Victoria, \$1.6 billion interstate.

He concluded:

Everyone with half a brain concedes that this is nonsense.

Did you hear that? 'Half a brain'!

*Honourable members interjecting.*

**The SPEAKER** — Order! The Treasurer, in conclusion.

**Mr BRUMBY** — This is a system which is — —

**Mr Doyle** interjected.

**The SPEAKER** — Order! The Leader of the Opposition! I ask members to be quiet to enable the Treasurer to conclude his answer.

**Mr BRUMBY** — As the house adjourns for three weeks for the Commonwealth Games, which will be a great event for our state, I know that on this side of the house we are hopeful that when the Parliament returns in a month's time the federal Treasurer will have seen the light, there will be reform of commonwealth-state financial relations, Victoria at long last will get a fair deal and this business where Victorian men, women and children subsidise taxpayers in Western Australia and Queensland will come to an end.

## INFRINGEMENTS BILL

*Second reading*

**Debate resumed.**

**Mr SMITH** (Bass) — I am pleased for the opportunity to speak on the Infringements Bill. If ever there were absolute proof that the state of Victoria has turned into a nanny state, it is this legislation. The government has put together a piece of legislation covering some 150 pages on how to collect the money it is making out of fines imposed by infringement notices received by Victorians who were unfortunately caught, whether it be by speed cameras or for parking or any other small misdemeanours. Now this government has to put legislation in place to try to pull this money in.

Yes, it is a lot of money, but with the 50 different types of acts it will put into this one central system, one would have thought it would have had something a little better. But it is not over for this year; it will put together another piece of legislation next year to allow this to be put into place. I find it a bit strange that next year it will introduce a separate bill into this house dealing with the consequential amendments required to this range of acts.

One has to ask: which will be the dominant legislation? Will it be this one? Will it be the 50 acts that this is overtaking? Or will it be the bill that comes in in 12 months time that will be the important and principal

bill? I am not sure that the Attorney-General has actually thought about it.

But let me talk a little about this bill. It is an overly complex and potentially dangerous bill, given the fact that the minister will be able to issue guidelines about the exercise of discretion in the internal review of some of the offences and fines that have been levied. I do not mind the fact that there will be opportunities for people to call for internal reviews. A number of people have been to my office on a number of different issues and have requested my help in approaching the people at the PERIN court — I was going to say ‘Inspector Ron Ritchie, APM’, who is in charge of the traffic camera office, or whoever else it may be — to see whether they can either get some fines overturned or, if not overturned, at least be given the opportunity to pay off some of them.

If people do not get their notices in time — if they are away and a notice comes in and they do not get it; they might be interstate or overseas and they do not answer a notice — they then also get hit with court costs from the PERIN court. I do not think that is very fair, and the government may well be looking at doing something to try to change that; I think that would be good. But this is the sort of legislation that has to be brought in in a socialist state that is run by socialists, because the government has to be involved in every aspect of and be able to control people’s lives.

It is interesting to look at the statistics — and it was good that the government supplied the information in the second-reading speech — on the number of infringements over the 40 years from 1965 to 2005 and how they have gone up. In 1965 there were 64 000 infringement notices for 11 different traffic offences. That is fair enough. This year Victoria Police will manage approximately 474 different road and traffic infringement offences and 1.9 million notices. Yes, I know we have had a population change in those 40 years. But heavens to Betsy, how many different fines can be allocated? Soon if you look the wrong way, breathe too much air or drink too much water, I am sure the minister will levy fines — just to get a few more dollars into the coffers of this socialist government. I worry about where we are heading as a state.

There have been some concerns about the 40 000 people whom the minister in the second-reading speech referred to as ‘a small group’ of recalcitrants who ignored the court’s orders. A small group? There are 40 000 people who each average more than 10 infringement notices that they are refusing to pay. Would one call 40 000 people a small number of recalcitrants? You have to wonder what the minister is

on about. Sure, compared to the whole of Victoria that is only a small number of people, but compared to the number of people who have fines and infringement notices, it is probably a large percentage. One would have thought that by now the government would have had more than enough legislation in the 50 other related pieces of legislation to do something about being able to collect some of that money. I query where it is going.

As I have said, I am pleased the government is looking at helping people enter into arrangements to pay instalments when they are experiencing some sort of financial hardship. We know there are such people. Each and every one of us would have had those people coming into our office, some of them very desperate because the fines keep getting bigger and bigger and the costs that have been levied against them keep getting bigger and bigger. They become very desperate in the way they look at life. It is a good idea for the government to do something about helping those people out. It is also important that we as a Parliament try to help these people. But I have to question what this government is on about in bringing in a piece of legislation like this. It does not make a lot of sense to me.

**Ms Beattie** interjected.

**Mr SMITH** — The member for Yuroke can have her say later — and I would appreciate that. This government is confused and does not know how to collect all the money it is ripping out of the pockets of Victorians. The quicker this government is gone, the better off the people of Victoria will be.

**Ms MUNT** (Mordialloc) — I would like to speak in support of the Infringements Bill 2006. I particularly want to talk about a few aspects of the bill — the special circumstances, the instalment payment plans and the improved enforcement. The special circumstances and the instalment payment plans are really safeguards that have been put in this legislation as protections. For instance, the special circumstances provision will filter out of the system people who cannot understand or control offending behaviour — that is, people with mental or intellectual disabilities or serious addictions or people who are inordinately disposed to receiving notices because of their personal circumstances, such as the homeless who are sleeping on the streets or who are in crisis accommodation. That is a very important part of the bill.

Referring to the instalment payment plans, the previous system has been criticised because people who could not pay a fine by instalment when they first received a notice of the fine would wait until the matter had

defaulted to the court, where instalment plans are available, by which stage additional fees had been attached to the fine. They are a great step forward, and I have had people come into my office who wish to pay by instalments because of their difficult personal circumstances.

The improved enforcement measures or compliance measures have been put in place for people who are perfectly able to pay their fines but do not do so. There are a range of measures, such as driver licence suspension, vehicle registration suspension, wheel clamping, garnishments against wages and debt, and the seizure of personal and real property, and it is important that they are also put in place. We must protect those who have difficulty in paying fines, but if people can pay, they should.

I would also like to make mention of the Kingston council, which has put out a press release regarding this legislation. It is fully supportive of the legislation, as are most of the members who have spoken today on it. I will read out a part of the press release:

Kingston council has agreed to join a state government-declared amnesty period for those who settle traffic and parking fines ...

Motorists will be subject to much harsher penalties from 1 July ...

It says in closing:

The new state legislation addresses a significant problem in enforcement that saw many fines going unpaid. Those who do from 1 July 2006 are subject to suspension of their drivers licence, suspension of vehicle car registration, clamping of car wheels, seizure of assets, garnishing of wages and property sales.

It finishes up by saying:

This ensures that the rights of disadvantaged members of the community are protected and provides options for improving compliance.

I would also like to support my local council in the measures it takes on fines. I welcome its support for this legislation, which also has the support of both sides of the house. I believe that shows that this is a fine piece of legislation, and I am proud to stand and support it.

**Mr THOMPSON** (Sandringham) — I wish to make a number of comments on the Infringements Bill. The first is that there was an enormous increase in the number of infringement notices issued in the last financial year. I understand that there were some 3.2 million infringement notices issued in Victoria, which represents an enormous revenue base. However,

on the other side of the equation, there is the impact upon individuals who accumulate infringement notices. Many of those people who accumulate multiple notices sometimes live in adverse circumstances.

I am aware of the case of one individual who accumulated over 50 infringement notices for city parking fines at a time when he was defending himself against some very serious charges. He elected to park where he did so that he would get legal aid and legal advice and generally further his cause in a court case. The same individual at a later point ended up appearing at a police station to pay a fine, but unbeknown to him there was a warrant out for his arrest. He actually went to see the Sheriff, unaware that there was a warrant out for his arrest, but he was taken away and put in the Glen Waverley lockup. The unfortunate element of this particular incident was that he was due to serve some 7 to 14 days in jail, which would have meant that he was unable to turn up to work the following day. That was the one source of income he had to enable him to meet the fines to hand. Fortunately, some effective work was undertaken to have him released from jail in the early hours of the morning so he could turn up at work and go about his daily tasks.

Another comment I wish to make in relation to infringement notices generally is that they appear to represent an important source of revenue for government. As a corollary to that, there is the difficulty that many Victorians have in accepting the automatic consumer price index (CPI) increases that apply across the board in this state — that is, a lot of government charges, levies and fees automatically rise according to increases in the CPI, irrespective of whether it relates to the services performed by government or the conditions under which those fees, levies or charges apply. This represents an enormous windfall for the government, but at the same time it represents an enormous impost upon Victorian citizens, Victorian families and Victorian commerce. It is regrettable that the government has continued with this extraordinary step to CPI-increase all fees, levies and charges in this state.

The issuing of infringement notices for offences relating to the taking of shellfish from Victorian coastal waters is a generally constructive objective to ensure the retention of biodiversity in Victorian coastal waterways. The difficulty may be that oftentimes the shellfish is being pilfered because there are no enforcement officers available, as there has been an inadequate level of staffing within that area of the department over a long period of time. I note also that a decade or so ago an attempt was made to resolve some of these problems by giving both the police and

departmental officers the joint opportunity to issue infringement notices. That might serve to act as a deterrent to protect marine biodiversity along the coastline.

Another area I would like to comment upon is the importance of having regard to the ability of individuals to pay fines. There are mechanisms whereby people can serve community-based orders to diminish any fines that are levied, and some good work has been undertaken by groups of people in my own electorate who undertake work along the foreshore, although at different times there has been a lack of resourcing available to allow those groups to be supervised in a constructive manner. There are people who have incurred penalties and fines who do not have the immediate means to pay them out, and the opportunity to undertake community-based orders by performing a certain number of hours of work to discharge those fines has been a very valuable option for them.

**Mr HULLS (Attorney-General)** — I thank all members for their contributions. This bill is the central plank of the changes to the Victorian infringement system. It is a culmination of a comprehensive review and of stakeholder engagement, and I believe the reforms get the balance right. They improve fairness while ensuring that the system is firmer on those who continually flout their obligations.

We recognise as a government that for some people the payment of infringement notices is financially very difficult, so these people have been granted access to instalment payment plans from 1 February this year. From 1 July the bill will also introduce extra protections for those in the community who are vulnerable and who should not necessarily be dealt with by way of infringement notice. That includes issuing official warnings rather than infringement notices, considering the special circumstances of the homeless and people with mental and intellectual disabilities and serious drug addictions, and providing the right to seek an internal agency review to have an infringement notice withdrawn or otherwise dealt with.

I am pleased that all members support the legislation, but I have to take up a couple of comments made by some in the opposition who criticised the government for allowing homeless people and people who suffer drug addictions to be considered as having special circumstances, in effect saying that this would give them a free ride. Can I say that people who claim that they fall within the special circumstances category will have to demonstrate that the condition itself resulted in their inability to control or understand their offending behaviour. If it did, such people should be diverted out

of the infringement system. I think that is absolutely appropriate. You should not be locked up if you are not able to understand or control your offending behaviour. This test can be applied to either the issuing stage or the agency review stage. It will not impact on a court's ability to deal with such people or to limit the court's ability to make its own judgments regarding them.

I have to say that some of those comments were a bit disconcerting. We are all on pretty decent salaries, and we get cars provided for us — and let's not kid ourselves, we pay very little for our cars. Many of us do not actually understand what it is like to be homeless, and many of us do not understand what it is like to have a drug addiction and to be in a situation where you just cannot pay for your infringements. Those infringement notices can build up and up and up, and as a result you can be facing jail simply because you are homeless and cannot afford to pay.

I would have thought that it is important to get the balance right and to ensure that we have a firmer but also a fairer infringement system. For people to be standing up in this place and saying, 'This is a soft cop on people who are homeless, because they're going to get a free ride, and people who have a drug addiction are to get a free ride', is an insult to the intelligence of Victorians. To be frank, that attitude is totally inappropriate in this place. I am very disappointed with those high-income earners in this place making those types of allegations. We have the balance right: we have justice and fairness absolutely in perspective.

Critical to the success of our strategy has been the announcement of our fine fee waiver, which allows those with outstanding fines to come clean and pay their debts or enter into a payment plan to pay them. A number of councils have already agreed to be part of the amnesty. They include Port Phillip, Darebin, Moreland, Mornington, and Swan Hill. I am also pleased to announce that a number of other councils are seeking to participate. They include Brimbank, Central Goldfields, West Wimmera and Melbourne.

The councils that have agreed to participate range across the spectrum — city, country, rural, regional and coastal — so now we have something like 90 per cent of all state and local government infringements covered by the amnesty. I am very pleased that that is the case. There is still a number of, can I say, straggler councils that are yet to come on board. I say to those councils: this is a great opportunity to give fine defaulters a fair go before the new tougher regime commences. I would certainly encourage them to get on board with the amnesty.

I am pleased that those opposite understand that this is good legislation. I assume that is why they are supporting it. I guess in the end they still had to complain about something. If you have to complain about something, I would not have used the homeless or people who are addicted to drugs as scapegoats, because that is a cheap shot and shows a total misunderstanding of the plight of the homeless and people who are drug addicted. I believe we have the balance right. The legislation will ensure that we have a firmer yet fairer infringements system.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

**Remaining business postponed on motion of Ms DELAHUNTY (Minister for the Arts).**

## ADJOURNMENT

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

That the house do now adjourn.

### **Planning: Main Ridge development**

**Mr BAILLIEU** (Hawthorn) — I raise a matter for the Minister for Planning. The matter goes to the issue of development, in particular hotel development, on green wedge land. I specifically ask the minister to issue a statement to clarify whether the proposed 250-plus-room hotel development on green wedge land at Main Ridge is consistent with Victorian planning provisions and the government's policy on green wedge land.

The proposal is for an approximately 59-hectare site known as Freeman's Farm at Main Ridge near Red Hill on the Mornington Peninsula. The proposal is for a 5-star hotel and conference centre with up to 200 rooms and up to 80 additional villa units. It is proposed to have a range of other facilities associated with that hotel and conference centre. The particular site is in the heart of green wedge land on the high part of Main Ridge, overlooking the southern Mornington Peninsula.

The status of the proposal is that it is now coming before council to seek a planning scheme amendment. As members know, since the legislation was amended some 18 months ago no planning scheme amendment in this state can proceed without the prior approval of the minister. Hence the proponent is asking the council

to ask the minister for prior approval. Already members in the other chamber have said that prior approval means approval.

The minister cannot ignore this issue or step back from it and say that due process is in train, because the reality is that now the matter is at the start of the process. I am aware that already the Minister for Planning and other ministers have been approached about the proposal, and indeed the implication, from what I can gather, is that already the nod has been given to the proposal.

The local community is very concerned about the matter. It would appear that for some reason or other the council has sought to gag its own councillors and they are no longer available to discuss the matter. That is of some concern. The reality is that the proposal is for a discretionary use in the green wedge, which confines hotel-conference centres to 80 rooms; council officers admit that any agricultural or associated rural use would be artificial; it does not concur with green wedge policy; it is not adjacent to the urban growth boundary; it abuts a national park; and there is no legislated public process that can be gone through prior to the minister making a decision. A second home could not be built on the site, but apparently a hotel of 200 rooms and 80 villa units may be possible.

I ask the minister to make the statement and declare whether the government stands by its green wedge policy and whether the proposal is consistent with that.

### **Wellington Secondary College: redevelopment**

**Mr ANDREWS** (Mulgrave) — I raise a matter for the attention of the Minister for Education and Training. The action I seek from the minister is the approval for Wellington Secondary College in Mulgrave to undertake detailed planning and design works for future capital improvements and redevelopment at the college.

My local community is extremely well served by local government and Catholic schools. It is clear to me, and I think to our broader community, that the dedication of teachers and staff, the hard work of parents and indeed the investment by this government over the past six and a half years see local school communities performing very, very well. They are performing well in giving local kids in my community the best possible start in life. It is an important mission and education is our government's no. 1 priority.

Speaking of investment, the process for the redevelopment at Wellington Secondary College is similar to that undertaken at Carwatha College, leading

to a \$2.5 million redevelopment there and more than \$5 million being spent at Wheelers Hill Secondary College. Under the effective and innovative leadership of principal Mary Jo Putrino and the recently retired college council president Phil Marrinon, Wellington Secondary College is a great school. It does a great job in the heart of my electorate in terms of serving the interests of our broader community, particularly local kids. In recent years, the Wellington community has lobbied for capital improvements to help them maintain their high standards and performance in the future. I have been pleased to provide assistance and support to the school in lobbying the government. The request today is an important part of that.

Approval for planning will allow Wellington Secondary College to progress its capital development through detailed design and master planning. That planning work is necessary in seeking support for future capital redevelopment. I ask the Minister for Education and Training to approve planning by Wellington Secondary College to benefit that school community and my broader community.

### **Community houses: rural and regional Victoria**

**Mr MAUGHAN** (Rodney) — I wish to raise a matter for the attention of the Minister for Local Government in another place. It concerns some 30 community or neighbourhood houses across Victoria which currently do not receive any recurrent funding for coordinators or any assistance to cover their public liability insurance. As I understand it, those 30 community or neighbourhood houses do not receive any Victorian government funding because they are not formally recognised as neighbourhood houses. They are not recognised because at the moment there is no process for establishing their eligibility or otherwise.

It seems to me that the logical solution to this problem would be to assess the 30 centres to determine whether or not they meet the criteria set down by the government for neighbourhood houses. This is not possible at the moment because there is no formal eligibility process to assess these new centres. I think the last review of neighbourhood houses was carried out in 1999, which resulted in a number of them being accredited. However, there has been no ongoing process of review since that time.

A number of houses are caught up in this matter, including one at Rochester in my electorate, and are not getting any funding for a part-time coordinator, and for that reason they do not get public liability and insurance coverage. Rochester and other community houses are not only cancelling programs, which is to the detriment

of their communities, but are looking at giving up entirely. The community house at Rochester has been running for three years with a voluntary committee and has had great assistance from the municipality and from the community. However, it has received absolutely nothing from the government and there is no indication that the government is going to help out.

It seems to me that the government should recognise the fantastic work of neighbourhood houses. Some 330 neighbourhood houses around the state are already funded, but another 30 are also doing great work but not getting any funding for their part-time coordinators. I ask the minister in the interim to take the necessary steps to extend the government's insurance cover to protect the 30-odd neighbourhood houses which are not currently covered.

### **Automotive smash repairers: insurer payments**

**Mr DONNELLAN** (Narre Warren North) — I raise a matter for the Minister for Small Business. The action I seek is for the Office of Small Business and the small business commissioner to investigate slow payments to smash repairers by insurance companies. I have been provided with invoices from Accent Smash Repairs of Mitcham, one of which dates back to February 2004. This invoice was for a third-party repair authorised by AAMI, but now that company does not want to pay. The invoice is for \$20 610, but instead of paying its bill, as it should, the insurance company has tried to harass the owner, their former client, into bringing the car in so they can pull it apart and find some small problem. At one stage the owner felt so harassed by a gentlemen from AAMI that he ended up threatening to take out an intervention order against the individual.

While these games have gone on, the small business operator, who had all the repairs approved and authorised by AAMI, is still waiting for the \$20 000-plus payment, which has been due since February 2004 — two years ago. Unfortunately this example is not unique. This is an ongoing exercise by the two major players in the car insurance industry to bring all smash repairers under their control. They wish to control the repair method to minimise costs, without ensuring that the professionals — the smash repairers — have their say. If you do not want to be a preferred smash repairer for AAMI and the Insurance Australia Group — which includes the Royal Automobile Club of Victoria (RACV) and CGU and other companies — life is very difficult as an independent smash repairer.

The other invoices I have include one from Accent to the RACV for some \$8492, which dates from

November 2005; one to CGU for \$13 908 dated December 2005; one to the RACV for \$6031 dated November 2005; and one to AAMI for \$5924. This is just one smash repair shop. This business does excellent work, but it will not become a preferred smash repairer for the large insurers because of the concerns they have over the repair methodology. Why do smash repairers need to act like a collection house to be in business? This is ridiculous. Insurers need to pick up their act and start behaving like proper corporate citizens.

### **Brushy Creek, Croydon North: flooding**

**Mr HONEYWOOD** (Warranty) — I wish to raise a matter for urgent action by the Minister for Water. I ask the minister to ensure that flood mitigation drainage works occur forthwith in Brushy Creek adjacent to Lee Ann Crescent, Croydon North. Some 50 homes were severely affected by massive flooding of Brushy Creek in February last year. This is the third occasion in recent memory that Lee Ann Crescent has been flooded by the overflowing creek and drains. Some insurance companies have indicated that they will not pay out again in the event of another flood.

Although Melbourne Water indicated at a meeting on site last year that the creek cannot cope with stormwater runoff during major rain events, a major subdivision development application for the Croydon golf course is being considered by planning authorities. This development will further impact on this same stormwater and drainage system. I ask the Minister for Water to raise this matter with the Minister for Planning to ensure that commonsense prevails, given the potential impacts on Lee Ann Crescent, which is adjacent to the drainage scheme.

The local Labor member for Kilsyth has washed her hands of active involvement in resolving this issue. Therefore I was delighted to be invited recently to meet with concerned residents in Lee Ann Crescent with our very conscientious candidate for Kilsyth, David Hodgett, a former mayor of the Shire of Yarra Ranges, who has a hands-on approach to meeting with constituents, unlike the current Labor member. I gave an assurance at the meeting that I would raise these issues in Parliament. Unfortunately the Labor member for Kilsyth has chosen not to do so.

In addition to intervening in the planning issue where we have Croydon golf course about to be carved up by this government — which claims to protect green areas — into pocket handkerchief-sized blocks of land, I ask the minister to assess the impact of the proposed development on the stormwater drainage system adjacent to the 50 affected residences. I also ask

Melbourne Water, through the minister, to do the right thing by the community and ensure that the commitments given to clear debris in the creek — logs, rubbish and shopping trolleys — are met and the debris is properly removed once a month, as per the previous commitments. This will ensure that next time we have a major rain event this type of disaster will not occur again.

These residents do not live in a very high socioeconomic area. By and large they all have mortgages and are struggling to ensure that they retain ownership of their wonderful homes. They have put time into their wonderful gardens. They need some reassurance that, having bought these properties on the understanding there would not be large subsequent developments further up Brushy Creek, they will not be encumbered by the appalling situation of the creek regularly flooding. As I said, the local member of Parliament, the member for Kilsyth, has done nothing to help them.

### **Child care: Yan Yean electorate**

**Ms GREEN** (Yan Yean) — I raise a matter for the attention of the Minister for Children. The action I seek is that she and the Office of Children investigate ways in which the state government can make it easier for Victorian families to access affordable, quality child care, particularly in the city of Whittlesea.

When I am out and about in my electorate, time and again I speak with mothers and fathers who approach me and tell me how difficult it is to be faced with trying to access child care. This is particularly true of families living within the city of Whittlesea, which is part of my electorate. Residents of the rapidly growing Plenty Valley growth corridor — particularly in the suburbs of Mernda, Doreen, Whittlesea, Epping and South Morang — are finding it particularly difficult.

Whittlesea mums tell me that there is no community-based child care at all in the area and scant council-run places. They tell me there is no centralised waiting list for child-care places in the city, and it seems to me that Whittlesea council must have no true indication of the level of unmet demand for child-care services in the area. This means that we just do not know how many families are missing out on this important service. It also means that it is time consuming and very difficult for families to phone around and find the small number of places that are available.

The Yan Yean district has the youngest electorate in the state, and a rapidly growing one. It is largely made up

of new homes and young families, and it is crucial that these families, many of whom have just bought their first home and are starting family life, be provided with child-care services so that both parents have the option to work. With International Women's Day less than a week away it is timely to consider the impact the shortage of child care is having on families, and particularly on the women in the city of Whittlesea. Many mothers have told me of their desire to return to part-time or full-time employment, but also of their inability to do so until their children are older, because it is either near impossible to find their children suitable care or the cost of care is so much that working is not worth their while.

It seems to me that both the federal government and the local councils are not taking on their full responsibility to meet their obligations to families in the growth corridors. As a state government we are doing our bit for school-age children through funding new schools and school upgrades. However, government responsibility for our children does not and should not begin at five years of age. It is not good enough to leave children under five years of age to the mercy of market forces. Our children are too precious for this. I urge the minister to do all in her power to find some solutions for mums, dads and children in new growth suburbs.

### **Snowy River: environmental flows**

**Mr INGRAM** (Gippsland East) — The matter I raise is for the attention of the Minister for Water and relates to the delivery of environmental flows into the Snowy River. The action I seek is for the minister, through the government's shareholding in the Snowy Hydro Ltd — while it lasts — and its position as a joint signatory to the Snowy River water licence and other Snowy scheme agreements, to force Snowy Hydro to deliver environmental flows in a manner that will actually benefit the environment. I seek leave to incorporate a graph into *Hansard* which I have presented to the Speaker and the leaders.

*Leave granted; see graph page 522.*

**Mr INGRAM** — This graph shows the megalitres of water per day that flow into the Snowy River downstream of both the Jindabyne Dam and the Snowy River's confluence with the Mowamba River at the Dalgety Weir. Since Snowy Hydro has rediverted the Mowamba aqueduct environmental flow back into Jindabyne Dam, the Snowy River's life-support system has been basically switched off.

It is clear to see from the graph of the flows that go down the Snowy that the river has lost all its daily

variability. When thunderstorms occur at the top end of the river, the water no longer goes down the river. Basically Snowy Hydro is stealing the environmental flows that the taxpayers of Victoria and New South Wales have paid \$350 million for. This is an absolute disgrace! The government needs to make sure it forces Snowy Hydro to deliver the real environmental benefits that the government and taxpayers have paid for.

Members can see from the graph that on 23 and 24 February there was a thunderstorm that raised the flows into Dalgety just slightly. In the headwaters of Mowamba, there was quite a decent rainfall. That water has gone back to Jindabyne Dam and has been stored there; it has not been delivered into the river. As everyone knows, the environmental flows are required to be delivered to meet the needs of the river environment, to provide a range of flows and to provide a stimulus for plants and animals, including the movement of fish. Because of the flat flow rates that have been delivered, it is basically like an irrigation channel. This is not delivering the environmental benefits that everyone expected.

When the two premiers released the environmental flows the community and the leaders and other dignitaries expected that flow to remain in the Mowamba, providing a natural headwater to the Snowy River. That has been turned off, to the great concern to the Snowy River communities downstream. The government needs to make sure that as part of its negotiations with New South Wales it establishes the Snowy River scientific committee and makes sure that environmental values are protected in the Snowy River downstream.

### **Hills Community Gardens Committee**

**Ms LOBATO** (Gembrook) — I raise a matter for the Minister for Victorian Communities. The action I seek is for the minister to favourably consider an application made by the Hills Community Gardens Committee for funds under the small volunteer grants. The Hills Community Gardens Committee was formed as a result of the work performed by the Cardinia-Casey Community Health Service in identifying the social, physical and economic needs of residents living in and around Cockatoo. It was quickly realised by the committee that one glaring issue was social isolation, which stems from several elements, including unemployment.

The Cardinia-Casey Community Health Service, along with other community members and the committee, researched a great deal of information that led them to conclude that the community gardens would provide

much benefit to the community. It was considered that the gardens would improve the health and social support of the population by providing a central meeting place and a focal point to stimulate interest and encourage participation. That in itself would alleviate one major issue of social isolation.

The Shire of Cardinia has supported this concept by allowing the use of the land. There has also been a demonstration of support by many other local organisations, which have been very willing to assist given the benefits it would create for the community. The small volunteer grants have been a fantastic assistance to the many organisations in the electorate of Gembrook that have received them. This includes small volunteer community groups and many friends organisations.

The Hills Community Gardens Committee has further plans to develop the site into a complete social hub. I congratulate the Cardinia-Casey Community Health Service, the Cockatoo township committee and everyone involved. I reiterate my support for the project and wish it much success. I also wish to congratulate the Minister for Victorian Communities. These grants are an excellent initiative by the Department for Victorian Communities, because they provide much-needed support to our very valued volunteers. I call on the Minister for Victorian communities to support this worthy community development project.

### **Inner East Community Health: Kew Junction site**

**Mr McINTOSH (Kew)** — I have a matter for the attention of the Minister for Finance in another place. The matter I wish to raise with the minister involves the appalling state of the old Kew police station and courthouse complex at Kew Junction. I notice the former Minister for Police and Emergency Services has just entered the chamber. This is a critical matter that he and I have had many discussions about in earlier months.

The action I seek from the minister is that he accept the last remaining community proposal for the use of the site. Inner East Community Health is seeking the transfer of the land so the buildings can be fully renovated and converted into a new, modern, bulk-billing medical practice with facilities which can also be used by the community. The old Kew police station and courthouse complex has been vacant and rotting away since the police moved out into the Boroondara police station in 2002. Following this, we faced the all-too-familiar experience we have come to expect of the Bracks government, which is that it is just

merely looking into it. It has now been three years. In December 2003 the *Progress Press* reported that the buildings were to be auctioned in June 2004, with the government hoping to grab \$4 million from the sale. Since then there has been nothing available publicly about what will be happening with the police station.

The courthouse and police station complex was built in the 1880s and is heritage listed. It can only be rejuvenated in a way that is beneficial to the whole community, consistent with its heritage listing. The longer this goes on, the more expensive it will be to renovate these buildings, even just to a habitable condition. Most importantly, I have spoken today with Rod Wilson, chief executive officer of Inner East Community Health Service, and I have had numerous conversations with him about this in the past. He tells me that the proposal is still on foot and that it is still with the government, waiting to be accepted. Certainly anecdotal evidence would suggest that Inner East Community Health Service has the last remaining community proposal. It has done detailed planning and provided detailed financial plans and material to the government. Accordingly it should be accepted.

The alternative, of course, is to flog it off on the market for \$4 million, but given the government's proposal at Kew Cottages, which is going to involve \$1 billion worth of a land grab of some 27 hectares of land, then it would seem to me to be disingenuous if this government did not return one small part of land in Kew for community use. I urge the government to take this on board and to transfer the land to the Inner East Community Health Service for it to renovate the facility as a community health centre.

### **Sewerage: Mount Macedon**

**Ms DUNCAN (Macedon)** — The matter I wish to raise is for the attention of the Minister for Water. The action I seek from the minister is to ensure appropriate funding is available to implement recommendations that may arise from the feasibility study by Western Water.

This study is looking at alternatives to septic tanks in the Mount Macedon area. It seeks to identify the best solution to the public and environmental risks caused by septic tanks and to look at sewerage service options. It will include extensive consultation with the local community. The minister has allocated \$25 000 to the study, and part of this will be used to complete a concept design. I ask the minister to continue to support the work of Western Water by financially supporting any functional or detailed design work that may result from the study.

Mount Macedon was selected for funding after a comprehensive analysis of needs across Victoria. An independent review identified a number of townships as priorities and Mount Macedon was one of them. The Department of Human Services, the Environment Protection Authority, local councils and the Municipal Association of Victoria all had input into this review.

Western Water is currently sewerageing Macedon, but we know there are issues with septic tanks in Mount Macedon, which was identified as a priority area. It is a difficult region with difficult terrain such as steep gradients and a lot of natural vegetation. This of course is what makes it such an attractive place to live. It makes it difficult for households to be connected to a traditional reticulated system. This study will enable the council and Western Water to look at alternative, innovative solutions to help landowners manage their household waste in a more sustainable way. It is likely that a traditional sewerage solution may not necessarily be the way to go.

There have been a lot of developments in septic tanks in recent years, and while sewerage is often the best solution in some locations, it may not be the only solution. That is what this study is designed to find out. I commend the consultation process that will be part of this study, and I ask the minister to support any future funding applications that may arise resulting from this work by Western Water.

### Responses

**Mr HAERMEYER** (Minister for Small Business) — The member for Narre Warren North raised allegations of slow payments to independent smash repairers by insurance companies. This is a very serious matter. Small businesses have very tight cash flows and they do not have the capacity that larger businesses have to carry debts for a period of time. Often it is a matter of survival for them. It is important that large businesses pay small businesses, contractors, smash repairers or whoever they may be in a timely manner.

Certainly the government recognised there was an issue with this in respect of the government's dealing with small business. That is why we put in place our fair requirement, our fair payments policy, which sees government departments having to pick up the interest if they pay small businesses' invoices late or outside the 30-day period. That has had a significant effect in reducing delays in payments to small business by government departments; it has had a very significant effect. It is something I would certainly like to see larger businesses take on.

The member raised a number of insurance companies including AAMI. I have to say that while I do not know the specifics of any of these particular cases — the member raised the issue of good corporate citizenship — I would like to commend AAMI for one thing, which is its sponsorship of the State Emergency Service. On that front it has demonstrated very commendable corporate citizenship. I will refer the matter the member raised to the small business commissioner.

This government set up the Office of Small Business Commission to give small business a voice. The small business commissioner in each of these cases will be able to examine the circumstances and to mediate and, if necessary, take matters further. Most matters which go before the small business commissioner are usually mediated in a very reasonable manner; it has been a great success. One of the big issues confronting small business — we have gone around consulting with it in preparation for the small business statement — has been the issue of big versus small. The small business commissioner gives small business someone who is actually on their side in dealing with larger businesses. Those matters will be referred to the small business commissioner. If there are any systemic issues here, as seems to be implied by the member for Narre Warren North, then the small business commissioner will pick up on them. I thank the member for raising the matter.

**Ms KOSKY** (Minister for Education and Training) — The member for Mulgrave raised a matter concerning the construction process at Wellington Secondary College. The member has raised this matter with me on a number of occasions on behalf of Wellington Secondary College. I am well aware of the needs at the school.

It is probably worth reminding the house that since we came to office we have built 28 new schools and 17 replacement schools as well as providing over 339 major renovations in schools. This basically means that one in every three schools around the state has had capital improvements since we have been in office, which I think is a very good record.

I am pleased to advise the member for Mulgrave that Wellington Secondary College can proceed to the planning stage. This means that the school can now work on the detailed design for its building project, with the focus on delivering the best educational outcomes for the students.

**The DEPUTY SPEAKER** — Order! The minister for the Arts, responding to matters raised for the Minister for Planning by the member for Hawthorn; for

the Minister for Local Government in the other place by the member for Rodney; for the Minister for Water by the members for Gippsland East, Warrandyte and Macedon; for the Minister for Children by the member for Yan Yean; for the Minister for Victorian Communities by the member for Gembrook; and for the Minister for Finance in the other place by the member for Kew.

**Ms DELAHUNTY** (Minister for the Arts) — I will, with great attention to detail, Deputy Speaker, pass on the adjournment requests from those members to the ministers you have outlined. Bring on the Commonwealth Games!

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 3.41 p.m. until Tuesday,  
28 March.**

Snowy River @ Dalgely Weir - Mean Daily Flows

