

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FIFTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 3 May 2006**

**(Extract from book 5)**

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## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

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Cabinet Secretary .....	Mr R. W. Wynne, MP

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**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, Hon. C. D. Hirsh and Mr Somyurek.

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

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

**Rural and Regional Services and Development Committee** — (*Assembly*): Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Naphine 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

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

*Parliamentary Services* — Secretary: Dr S. O'Kane

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**FIFTY-FIFTH PARLIAMENT — FIRST SESSION**

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**Deputy 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. LOUISE ASHER

**Leader of The Nationals:**

Mr P. J. RYAN

**Deputy Leader of The Nationals:**

Mr P. L. WALSH

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Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
Clark, Mr Robert William	Box Hill	LP	Merlino, Mr James	Monbulk	ALP
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Helper, Mr Jochen	Ripon	ALP	Savage, Mr Russell Irwin	Mildura	Ind
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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



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**Wednesday, 3 May 2006**

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

## BUSINESS OF THE HOUSE

### Notices of motion: removal

**The SPEAKER** — Order! I wish to advise the house that, under standing order 144, notices of motion 127 to 138, 249 and 337 to 343 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

## PETITIONS

### Following petitions presented to house:

#### Racial and religious tolerance: legislation

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that:

1. Religious freedom essentially includes the freedom to teach, preach and propagate one's beliefs, and to express opinions about other world views. This applies to all religions, and certainly to the Christian religion where Christ commands His followers to propagate their faith — Matt 28:18–20.
2. The Racial and Religious Tolerance Act 2001 aims to outlaw vilification, but its enforcement places 'an intolerable curb on religious freedom' and threatens free speech itself.

In any case, the legislation is unnecessary in a community that has always had effective mechanisms for correcting intemperate or offensive statements (whether on religion, race or any other topic) — namely public forums in newspapers, open debate and discussion, talkback radio etc.

In view of the fact that the Australian constitution

forbids the making of any commonwealth law 'prohibiting the free exercise of any religion' (section 116), and

decrees that 'when a state law is inconsistent with a law of the commonwealth, the latter shall prevail ...' (section 109)

Your petitioners therefore request that the Racial and Religious Tolerance Act 2001 be repealed.

**By Mr LANGDON (Ivanhoe) (39 signatures)**

#### Water: fluoridation

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the Victorian government has moved to mass medicate the entire populations of Wodonga and Wangaratta by way of adulterating our drinking water with fluoride. The full facts of related health issues and suspected health issues have been withheld from the population.

In view of rebutting evidence and the omission of vital information in the information booklet your petitioners pray that the Victorian government acknowledges our opposition to mass fluoridation and refrains from adding fluoride to our water supply pending a referendum of the citizens of Wodonga and Wangaratta to vote on whether or not fluoride is added. The government to be bound by the results of such referendum.

Mass medication is in direct contravention of the 1949 Nuremberg Court ruling relative to compulsory medication. 'The voluntary consent of the human subject is absolutely essential' (Nuremberg Code).

**By Mr JASPER (Murray Valley) (1716 signatures)**

#### Planning: Maldon

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly that they strongly support Werner Lau of the Maldon Supermarket, and the Mount Alexander Shire in their endeavour to have the site for the proposed new supermarket at Maldon rezoned.

The petitioners therefore request that the government oversee the rezoning of the relevant land in Vincent's Road, Maldon from industrial to commercial.

**By Mr MAUGHAN (Rodney) (334 signatures)**

#### Courts: sentencing

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria requests that the Victorian government takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes, violent crimes against children, or violent crimes against vulnerable elderly people and calls on the Victorian government to impose minimum jail sentences for these habitual violent criminals.

**By Mr WALSH (Swan Hill) (32 signatures)**

**Tabled.**

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

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

## DOCUMENT

### Tabled by Clerk:

Victims of Crime Assistance Tribunal — report for the year 2004–05.

## MEMBERS STATEMENTS

### Spirit of Anzac schools competition

**Ms ALLAN** (Minister for Education Services) — I rise today to pay tribute to 10 outstanding young Victorians who all members of this house can be very proud of for the way they represented their communities and our state as part of the 2006 Premier's Spirit of Anzac prize tour.

The 10 students who represented Victoria are: Gervaise Christie from Horsham College; Seth Corbett from Vermont Secondary College; Mikael Dunlop from Drouin Secondary College; Veronica Finn, representing the Terang community, from Ballarat Grammar; Monika Mauger from Mooroopna Secondary College; Charley McGlinchey from Clonard College, Geelong; Megan Neyland, a Robinvale girl, now studying at Ballarat and Clarendon College; Sarah Noori who is now at Melbourne Girls College; Leah Parente from Penleigh and Essendon Grammar School; and Alexandra Whitford from the Victorian College of the Arts Secondary School, now studying at St Michael's Grammar.

I was very lucky to be the Victorian government representative and travel to Singapore, Vietnam and Japan with these students. I was accompanied by wonderful teachers in Wayne Smith and Cheryl Kerwick, along with tour coordinator John Coulson; Victorian RSL representative, Neil Slaughter; and historian Ross Bastiaan.

There were many highlights on the tour, but two particular highlights were the key role our students played at the commonwealth war graves cemetery in Yokohama, Japan, where the students laid wreaths in the presence of the Australian, New Zealand and Great Britain ambassadors to Japan, and the very simple but moving ceremony at the Long Tan Cross in Vietnam where 18 Australian soldiers lost their lives in the battle of Long Tan on 18 August 1966.

These 10 young Victorians have returned home to our state with new perspectives and a deeper understanding and appreciation of the sacrifice and service of Australian men and women during war, which make them great ambassadors in their communities and amongst their peers.

### Roads: Nepean electorate

**Mr DIXON** (Nepean) — I wish to take this opportunity to remind the government that it has neglected the electorate of Nepean's transport needs. At a recent meeting with members of my 2006 electorate youth council they, like the previous nine councils, all complained about the cost, frequency and availability of public transport on the Mornington Peninsula for young people.

It is quicker and cheaper to travel to Melbourne by public transport from Geelong, Ballarat, Bendigo and the Latrobe Valley than it is from Rosebud. Because of the geography of the peninsula you can only travel one way for major entertainment, shopping, medical specialists and further education.

As my electorate is not part of the Met network, everyone travelling past Frankston has to pay two fares. No major road project has been started or completed by this government in my electorate. The Mornington Peninsula Freeway comes to a dead end at Rosebud, sometimes spilling 35 000 cars per day onto the two-lane Point Nepean Road, which is therefore often gridlocked, thereby destroying the amenity of the coastal strip. Emergency vehicles are then forced to travel on the wrong side of the road, endangering the thousands of people who cross that road to the beach.

Even the existing Mornington Peninsula Freeway has been forgotten by the government. VicRoads admits the freeway needs noise attenuation walls but residents are still waiting, despite many pleas. I urge the government to consider starting options to relieve congestion on the peninsula's arterial roads.

### Murrumbeena Primary School: water savings

**Ms BARKER** (Oakleigh) — I want to congratulate Murrumbeena Primary School for being one of the first schools in Victoria to sign up to the schools' water efficiency program.

I was very pleased to visit the school last Friday with the Minister for Environment, the Honourable John Thwaites, to present the school with a certificate of acknowledgement to recognise its involvement in this very important program to help conserve water.

The minister and I, along with school principal Heather Hill and the school captains, viewed just how easy it is to save water in a school when we inspected taps that had just been fitted with flow-control valves. It was quite amazing just how much less water can be used to wash hands and how simple it can be to ensure water savings by the fitting of these valves.

Prior to our visit, Murrumbeena Primary School was assessed by South East Water to determine the scope for saving water; the results have been prioritised and the opportunities listed. By just adopting the Priority One program's water measures Murrumbeena Primary School will save around 17.2 per cent of its water consumption, or 857 000 litres a year, and \$1285 per annum in water and energy bills.

Further opportunities are now documented for the school so it can look at even more ways to save water. The most important thing is that Murrumbeena Primary School has taken the first step. It has been audited; it has started to save water, and I am sure it will continue its efforts to minimise the use of our most precious resource, which is water.

Well done, Murrumbeena Primary School, and congratulations to the minister for initiating this program, which is the first of its type in the world and which could eventually add up to savings of 1 billion litres of water a year by all schools in Victoria being involved.

### **Australian Unity: branch closures**

**Mr WALSH** (Swan Hill) — The health insurance provider Australian Unity recently advised its country customers that many of its rural retail outlets are to be closed, beginning next month. This sent shockwaves through country communities. Australian Unity management claims that fewer members are using the branch offices and closures will enable funds to be invested in other service options. This sounds like corporate spin to me. Country people know that you cannot beat convenient face-to-face information and support and the opportunity to pay subscriptions and collect claim refunds at local offices. The alternative is grim; many country people are not comfortable with call centres. They do not like disclosing their credit card details to faceless staff over the phone or giving private information over the Internet. Customers are loyal to Australian Unity because of the local service provision, and they are willing to pay the increased premiums that fund that.

Australian Unity was formed in 1993 from the merger of the Australian Natives Association of Victoria and

the Manchester Unity Independent Order of Oddfellows. These organisations have a proud history going back to 1871 and 1840 respectively, and between them they have formed the backbone of the health insurance industry. Wiping out country access would be anathema to these forebears. The major banks have lived to rue the day they closed their country branches, allowing the Bendigo Bank to move in and clean up with its community banking concept. Australian Unity will lose many clients over this. I urge the board to overturn this bad decision that will harm our country towns.

### **Joyce Goodings**

**Ms LINDELL** (Carrum) — I would like the Parliament to join with me today in congratulating Joyce Goodings on being recognised with a 50-year membership of the Chelsea RSL women's auxiliary. Joyce joined the auxiliary in 1956 and served as president for 3 years, as senior vice-president for 16 years, as junior vice-president for 3 years, as secretary for 2 years and as a committee member for 31 years. She was awarded life membership of the women's auxiliary in 1977, presented with a gold badge and certificate of merit in 1983 and a 40-year certificate of merit in 1996.

Over her time, Joyce has given unselfishly to the women's auxiliary of the Chelsea RSL. When I spoke to her on Anzac Day after she had received her award she told me she had enjoyed all 50 years of her contribution. In the broad sense of volunteerism she is a wonderful example of people putting in to their community and gaining so much in return. The work of the auxiliary is very much appreciated by the RSL, and I congratulate her on this award.

### **Multimedia Victoria: consultancies**

**Mr KOTSIRAS** (Bulleen) — I stand to condemn this lazy and inept Bracks government for wasting \$120 000 per month on information and communications technology consultants. This splurge of taxpayers money to carry out tasks that should usually be the role of government-employed public servants shows that the Bracks government just cannot manage.

What is the role of Multimedia Victoria if the majority of the work is done by outside consultants? Multimedia Victoria failed to manage the Telecommunications Purchasing and Management Strategy (TPAMS). The whole project was late and over budget, and there is no evidence to suggest that the government has saved any money as a result.

While the number of public servants has increased in the last seven years, this has not stopped the government using consultants. The Bracks government has spent more than \$2.8 million on consultants over two years to provide advice to the Minister for Information and Communication Technology in the other place, Marsha Thomson. What is more alarming is that only 1 out of 42 consultancies used by Multimedia Victoria and the Office of the Chief Information Officer went out to public tender.

It is a sign of an uncaring, arrogant government that does not provide the opportunity for all Victorian businesses to tender for government work. As part of the Liberal Party's policy, guidelines would be changed to allow fair access to government contracts. Marsha Thomson must immediately step in and stop using consultants. If she has no confidence in Multimedia Victoria — —

**The SPEAKER** — Order! The member should refer to the minister by her appropriate title.

**Mr KOTSIRAS** — She should ensure that she employs public servants who actually know and do the job.

### **Rural and regional Victoria: health professionals**

**Mr MAXFIELD** (Narracan) — I rise this morning to congratulate the Minister for Health, the Treasurer and members of the Bracks government in country Victoria for their lobbying and successful efforts in getting the federal government to come up with some additional places for medical training in rural Victoria. The \$30 million promised by the Bracks government to help with building facilities to house those medical trainees in universities will certainly go a long way to helping to deal with the problem of the shortage of doctors in country areas.

Of course the federal government still has to do more. We have seen a situation in the last year where 300 doctors came through the system, but 500 doctors retired, resulting in a net loss of 200. At that rate we will soon have a backlog of people wanting to see doctors throughout Victoria, particularly in country Victoria. Our campaign has certainly been successful, but there is a lot of work still to be done. We still do not have enough training places and we are still going backwards, even with the new places that have been allocated.

We have a similar problem with dentistry. We know there is a waiting list to get access to dentists around the

country, both in the private and public systems. Why? Because we cannot get enough dentists trained. The federal government's absolute refusal to fund enough dental places around the country, particularly in country areas, is creating a huge burden and affecting the health of those who need work done on their teeth. The federal government should be condemned for its refusal to fund those places.

### **Buses: Nightrider service**

**Mr SMITH** (Bass) — Members of the Bracks government use this house to espouse the misguided opinion that Victoria is a good place to live, work and raise a family, but they do not go on to say, 'Except in the south-east growth corridor' where public transport is appalling.

The Minister for Transport would be aware that the Nightrider bus only extends to Dandenong and does not go further into the growth corridor. Why? Because this socialist government does not care about the kids in Berwick, Narre Warren, Beaconsfield, Officer or Pakenham, and I have not heard any of the local pinko members asking for this service to be extended to their areas.

How are the kids meant to get home? The government says, 'Do not drink and drive', but it does not give them an alternative for getting home from Melbourne. There are about 47 000 living in the city of Casey as well as many who live in Cardinia shire. Kids in those areas cannot get home after a night out in Melbourne.

The minister must provide an alternative for the young people; or is he happy to have them remain on the streets of Melbourne and Dandenong and be at risk at night? The Nightrider bus service has been a great success since it was introduced by the Kennett government, and the Bracks government should have this service extended. The minister has to get his head out of the sand, start to have a look at some of the kids and provide services for them.

### **Patricia Walsh**

**Ms BEARD** (Kilsyth) — I would like to pay tribute to a great friend and neighbour, Patricia Walsh, known to all as Pat. Pat was born in Bentleigh on 16 June 1932 and died at her family home in Kilsyth on Saturday, 15 April 2006, on her and Paddy's 43rd wedding anniversary.

Pat was at her happiest when surrounded by her children, grandchildren, and of course her beloved Paddy. She was an enthusiastic member of the Labor

Party, and her softly spoken outrage was easily displayed on any issues of unfairness. She and Paddy were members of the Vintage Motorcycle Club, and while Pat never rode a motorbike she loved to travel in the sidecar while Paddy rode. Less than a fortnight before her death they went on a 150-kilometre ride.

Her funeral mass at St Peter Julian Eymard church in Mooroolbark was conducted by Fr Andrew Jekot and attended by about 400 people, including Dermot Walsh who travelled from Ireland to be there. Her friends, the Eymardian ladies, formed a guard of honour for her. After the burial Pat's husband and family made all welcome at the Tamworth Road family home which he built in the early 1960s.

Pat, with her gentle and loving personality, will be greatly missed by her family, members of the Kilsyth branch of the Australian Labor Party and her many friends. Pat's love and spirit live on through her eight beautiful children: Matthew, Paddy, Eileen, Angela, Danny, Rosie, Deidre and Nora, their partners and her 11 treasured grandchildren, Kane, Jade, Aaron, Siobhan, Brian, Robbie, Aimon, Kye, Corey, Jacinta and Bradley.

Goodbye, true friend, and sincere sympathy, love and support to Paddy and family.

### **Foxes: control**

**Mr SAVAGE** (Mildura) — Five members of Parliament in this place represent well over half the state of Victoria, and as a consequence we are very well aware of the problem of foxes in regional Victoria. The number of foxes has become an epidemic, and it is getting worse. The Department of Sustainability and Environment (DSE) — or whatever it is called this week — has completely lost the plot. Going back to ineffective non-liver baiting is a waste of time: the baits disappear but the foxes do not, whereas liver baits knock foxes off their feet in the paddocks. The fox bounty was a complete success under Minister Garbutt. The DSE should talk to farmers about how to bait foxes and not come up with contrived, bureaucratic and useless concepts.

On 13 April the *Hopetoun Courier* had a picture of a team of local shooters who shot 35 foxes in one night. When I drive around the electorate I see foxes hanging on fences, which is a very good indication that whatever is going on out there is not effective. I congratulate the event organiser at Hopetoun, Tim Ferguson, and his team, who were effective in killing 35 foxes in one night. The situation should be reversed so we have proper liver baiting, and we should bring

back the fox bounty. If we do not do something within five years, there will be no Mallee fowl left in Victoria.

### **Fuel: prices**

**Mr LONEY** (Lara) — The imminent federal budget is yet another opportunity for the Howard government to do something to ease the petrol price burden on ordinary Australians by reducing the excise on petrol. With petrol prices hovering around \$1.40 a litre, it was extremely disturbing yesterday to hear the federal Treasurer say that the government fears that petrol could reach \$1.60 a litre but that little could be done about it. This federal government is swimming in revenue from the excise levied when fuel was 30 per cent cheaper than it is now.

**Mr Smith** interjected.

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

**Mr LONEY** — It is certainly not being used for the better provision of services. At a federal level it is remarkable that the Howard government has recently cut funding for local government services. The federal Treasurer is allowing record fuel prices to hurt ordinary Australian families and is simply turning his back on them. A few days ago a letter from Miss A. L. Lord of Teesdale appeared in the *Geelong Advertiser* in which the writer asked why Mr Howard cannot drop petrol prices until such time as oil comes down. She also said:

This would ease the burden of high prices on petrol for the average workers and pension folk.

...

Wake up Mr Howard and do something for us for a change.

### **Warrandyte State Park: rangers**

**Mr HONEYWOOD** (Warrandyte) — It would appear that the member for Yan Yean has a fixation on announcing new buildings in the Warrandyte area, but unfortunately she refuses to acknowledge that we need appropriate levels of staff to man them. Whether it be the long-promised and long-awaited new Warrandyte police station or the equally long-awaited new rangers offices at Pound Bend in the Warrandyte State Park, it seems that these buildings now have to be paid for by an effective reduction in local police and ranger numbers.

Whether it be officers on long service leave or maternity leave not being replaced or local police officers and rangers being temporarily reassigned to fill in gaps elsewhere in Doncaster or north of the river, we now have a situation in which manning levels are way

down on what they used to be under the previous Liberal government. Of course police and Department of Sustainability and Environment staff are not able to speak out publicly on this dire situation. If they did, their careers effectively would be neutered by this control-obsessed government. Police and DSE staff are gagged in practice if not in principle; however, my community is paying a high price for these staffing reductions.

Just one example is the recent decision to discontinue locking the Warrandyte State Park gates at night. There are many entrances to and exits from the state park. This has raised universal outrage, not just from owners of abutting properties but also from the very effective Warrandyte Community Association. The association recently wrote to the member for Yan Yean about this dire situation and is still awaiting with interest her response. It also means that we have had an effective reduction from \$100 000 a year to only \$60 000 in the Warrandyte State Park budget, and after three years of underfunding weeds and pests are out of control.

### **Bentleigh Secondary College: 50th jubilee**

**Mr HUDSON** (Bentleigh) — Recently Bentleigh Secondary College celebrated its 50th jubilee. Bentleigh Secondary College is a wonderful demonstration of what public education is all about. In the early days the first 176 form 1 students were taught in St John's Church, in the East Bentleigh Community Hall and in the rooms of the football club grandstand. During those days trestles had to be put up each night and then dismantled at the end of the school day until permanent buildings were built.

Bentleigh is a shining light in the public education system and a school of which we can all be proud. In 2005, 83 per cent of the students received an offer of a place in a university or TAFE, and last year all 100 students in year 12 passed their VCE.

This year Josh Li Donni won the Prime Minister's Award for top hospitality student in Australia. The celebrations were kicked off by the Premier, who opened stage 1 of the school's redevelopment. On Sunday former staff and students had the opportunity to listen to the reformed June Leigh singers, led by the remarkable Mrs June Brown. Mrs Brown was a music teacher who joined the Bentleigh staff in 1960. Under her leadership the Bentleigh school choir entered and won a wide range of competitions and even cut their own long-playing record. We were also entertained by the astonishing African Drumming Ensemble which is probably unique in this state, together with the school's concert band.

Congratulations, Bentleigh Secondary College, on 50 years of outstanding service.

### **Ambulance services: LifeFlight helicopter**

**Mrs POWELL** (Shepparton) — I was recently contacted by Mr Chris Brooks, who was concerned that LifeFlight, a specialist, free helicopter service that transports critically ill children from rural and regional Victoria to Melbourne hospitals, will cease operation due to lack of funds. Mr Brooks knows first hand the importance of this service, because his baby son Samuel used this intensive care service recently when he was flown from the Goulburn Valley Base Hospital in Shepparton.

I contacted Mr Brett Rankin, the executive director of LifeFlight, and was told there is a \$400 000 shortfall and without this funding LifeFlight will cease to operate. The operating cost is \$2.5 million a year. Powercor, LifeFlight's major sponsor, contributes \$500 000; the state government provides \$250 000 a year, or 10 per cent as part of a tender process; the rest is from donations.

In response to a question yesterday the Premier said the government hopes LifeFlight can continue to fulfil its contractual obligations and is negotiating and working with the organisation to achieve this aim. The executive director of LifeFlight told me this morning that proper negotiations have not commenced and he would welcome discussions with the government. The Premier also stated that contingency arrangements are in place.

I am advised that the proposed replacement helicopter does not meet the government's own standards for the tender process; it is not instrument rated and cannot fly at night or in bad weather. The LifeFlight service does meet the government's standards; it is fully instrument rated and can and does fly at night. I urge the government to immediately begin negotiations with LifeFlight so that the lives of critically ill children in country Victoria are not put at risk.

### **Hastings electorate: achievements**

**Ms BUCHANAN** (Hastings) — The last fortnight has seen some major milestone achievements across the Hastings electorate. The first household in Balnarring was connected to gas, which signals the commencement of major economic, social and environmental benefits for this well-deserving community as part of the rollout of natural gas across this region.

Pearcedale Country Fire Authority (CFA), under the great command of Captain Kev Sullivan, celebrated both the handover of its new fire response trucks and the official opening of the station's extensions. Special mention must be made of member Ross Mitchell for the enormous facilities coordination role he has taken over the past few years. Many local businesses and tradesmen have donated their services and goods to Pearcedale's extension project, and I thank them for their fantastic community spirit in supporting the CFA.

The Minister for Community Services announced the funding of the Best Start program for Hastings, some \$400 000 over four years that will enhance services and support to local children from newborn to eight years old. The announcement was very well received by local support groups, council and parents at the Wallaroo Preschool and Child Care Centre in Hastings.

The duplication of the Frankston-Cranbourne Road in Langwarrin is continuing to progress smoothly, another multimillion dollar safety investment in the Langwarrin community that was further boosted with the recently reduced speed limit of 90 kilometres an hour along the very dangerous section of the Western Port Highway, a decision fully supported by local residents, police, trucking organisations and the CFA.

Flotilla 4 of the Australian Volunteer Coastguard celebrated the official opening of its new accommodation in Hastings, and I want to note the successful negotiations by member Ron Shepherd and Western Port Marina manager, Irene Hoe. In the Hastings electorate the Bracks government has been getting on with the job of making this region the best place to live, work and raise a family.

### **Australia's Open Garden Scheme**

**Mr THOMPSON** (Sandringham) — I congratulate Australia's Open Garden Scheme for organising a very successful and productive gardening weekend on 11 and 12 February. Twice the expected number of people visited these gardens. Most of the participating gardens were from the successful 2004 productive gardening competition, the prizes for which were presented at Parliament House.

Productive gardeners are the pioneers in maintaining a cultural heritage tradition with important health, social and environmental benefits. In particular I congratulate Mark Dymiotis of Hampton for the productivity and diversity of cultivation taking place in his garden and for his strong commitment to promoting the traditional everyday diet of Greece and Mediterranean countries; Tony and Lina Siciliano, who brought the Italian

countryside to their Keilor East backyard, as well as their extraordinary Australian hospitality, and their small farm on which they produce prize-winning wine and olive oil; Jenny Bunnnett of Middle Park for her diverse and productive garden; Cecilia Morris of Black Rock for her small but productive and aesthetic garden; Wendy and Danielle Schieven of Bulleen for their beautiful and very productive garden; and the North Melbourne Community Gardens for its celebration of the diverse talents and cultivation skills of Australian gardeners from many different countries of origin.

Australia's Open Garden Scheme has been highly successful. Ever since the first 63 gardens opened in 1987, the scheme has been showcasing some of Australia's best gardens. The scheme is a self-funding and not-for-profit organisation dedicated to promoting — —

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

### **Yarra Glen: Values and Vision project**

**Mr HARDMAN** (Seymour) — I rise to congratulate the interim township group of Yarra Glen for its dedication and quality work in producing the Yarra Glen and district Values and Vision project.

On Sunday I attended the launch of that project and the election of the office-bearers. The Bracks government helped the group by funding this important project in part. It was great to hear community members' recognition of the Shire of Yarra Ranges, which gave a great deal of assistance to the interim township group while still allowing the community of the district to drive the project and to get it to completion.

This has resulted in the community's ownership of the report and of the direction in which it takes Yarra Glen into the future. Yarra Glen and the district is a growing area and many people know about the pressures Yarra Valley's growth is placing in areas like this. Hundreds of Yarra Glen residents took part in the community survey, and without their participation the report would not have been as successful as it is.

On Sunday the new Yarra Glen township group was elected, and it was great to see a diverse group of caring community members who will work to see the values and visions of Yarra Glen — as expressed in the document — implemented. There were many individuals who worked to see Yarra Glen and district Values and Vision project through to the launch. They all need to be congratulated. One special mention is of

Malcolm Calder, the chairperson, who was given a great deal of praise for his work.

### **Nino Randazzo and Marco Fedi**

**Mr CARLI** (Brunswick) — On 9 April elections were held in Italy. These were the first elections where there was a decision to allow expatriate citizens around the world who are part of the massive Italian diaspora not only to vote but to vote for their own representatives. Those representatives included 12 deputies and 6 senators.

I would like to congratulate Nino Randazzo, former editor of *Il Globo* newspaper, playwright and author, and Marco Fedi, who was a welfare worker and also a community activist, on their victory and their election to the Italian Parliament. They are both residents of Moonee Valley. They now represent the largest electorate in the world, which includes Australia, Asia and Africa. They are both very prominent in the Italian community.

I must say the overseas vote was decisive; it essentially went to the centre-left parties. Of the six senators elected, four were from the centre-left, one from the right and one is an Independent. That led the centre-left to have a majority of one senator in the Italian Senate. The expatriate vote was decisive for the formation of the new Romano Prodi government in Italy. I would like to congratulate Nino Randazzo and Marco Fedi and, of course, Romano Prodi.

### **Eltham Lacrosse Club**

**Mr HERBERT** (Eltham) — I rise to congratulate members of the 2006 Australian men's lacrosse team on their selection in the national team and to wish them well in the 2006 world series being held in Canada. This year a staggering 15 of the 23 players chosen for the national squad are Victorians, which speaks volumes for the organisation of the sport in Victoria.

In particular I would like to congratulate the six team members from the Eltham Lacrosse Club: Ben Flemming, Tim Fry, Darren Nicholas, Keith Nyberg, Daniel Stiglich and Nathan Stiglich. It is the first time since 1972 that so many players have been selected for the national team from one single club, and this reflects Eltham's dominance in the sport.

The Eltham Lacrosse Club has a proud history, with its senior men's team being the current Victorian champions, having been victorious in back-to-back grand finals over the past two years. The Premier will recall that the Eltham senior men's lacrosse team

defeated his Williamstown boys late last year in an epic battle. Team members of both clubs will now set aside their rivalry and be united in their fight to bring the championship home to Australia. Four of the team members selected come from the Williamstown Lacrosse Club, which is also a tremendous effort.

I wish the Australian lacrosse team the best of luck, and I am sure that the Eltham lads will play some sensational games and make their club, their state and their country proud.

**The DEPUTY SPEAKER** — Order! The member for Bayswater has 1 minute and 5 seconds.

### **Wantirna: community bank**

**Mr LOCKWOOD** (Bayswater) — Wantirna Mall serves a great community in my electorate. It is located in an area known as the triangle and includes parts of Wantirna near Mountain Highway, Wantirna Road and Boronia Road. It has a great range of shops and services providing everything from pizza to pastels. From the op shop to restaurants and coffee shops, a bakery, a bottle shop, a supermarket and legal services — it has the lot. The one thing it lacks is a bank. Every community hub needs a bank, and the people of Wantirna have set out to establish the Wantirna community bank, ably assisted by Bendigo Bank Ltd.

The community bank has a great board — Judy Blizzard, Alan Burney, Ellie Heald, Sharon O'Malley, Bob Scott, Tom Spiesser, Julie Spithill, Gary Tor, Rowland Ward — and it is chaired by Garry Grace. The prospectus is out, share subscriptions are flowing in and the premises are ready to be developed. The community needs a total of \$730 000 to get its bank off the ground, and it is about halfway there. More subscribers are needed. The people of Wantirna and nearby suburbs are urged to get behind this great project. They just need to get hold of the prospectus and decide if they want to get involved.

The bank is designed to secure banking services in the mall. It will help the community better manage local capital and enable it to share in revenues generated by its own bank. Profits can be returned to the local community through dividends to shareholders and projects identified and agreed to by the community. The Wantirna community around the mall needs a bank. Every shopping mall needs a bank to remain viable.

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

**MATTER OF PUBLIC IMPORTANCE****Government: performance**

**The DEPUTY SPEAKER** — Order! The Speaker has accepted a statement from the member for Malvern proposing the following matter of public importance for discussion:

That this house condemns Labor's mismanagement of Victoria, particularly in the areas of transport, health, education, infrastructure and taxation.

**Mr DOYLE** (Leader of the Opposition) — What we need desperately in Victoria is a way forward — a plan to take us forward. What we need is a vision for the future, particularly in infrastructure.

Government is a very precious gift, as I think members from both sides of the house know. We have now had seven years that have been characterised by mismanagement and by lost and wasted opportunities. There is no plan — there is no way forward — from the Bracks government. It consistently confuses a plan or vision with the everyday business of government. Yes, governments build roads, open schools and build hospitals; that is what state governments do every day of their tenure. What we do not have from this government is a clear way forward — a clearly set out plan for Victoria's infrastructure for those front-line services, and also for areas like taxation.

I will run through a few of the things that need to be put on the public agenda for discussion by the government of the day, because, to be honest, many of these projects, which are necessary for the future prosperity of the state, will travel through both colours of government. Where is the plan to connect the Eastern and Tullamarine freeways? There is not much point having a freeway that stops right at the city edge. In building CityLink, the Kennett government provided links to the freeway system that were so clearly lacking before. You could see those freeways coming in and just stopping at the city's edge. One of the glaring omissions now is the connection of the Eastern Freeway to the Tullamarine Freeway.

Covering the Jolimont rail yards has been a long-term plan. The original vision of this city ringed with gardens is quite extraordinary when you think of cities around the world. That is one thing we could plan for generations hence, but it is not even on this government's agenda.

We need a duplication of the West Gate Bridge, as it is already at capacity. When there is an accident on that bridge or the Bolte Bridge, traffic banks up not just for

kilometres but for tens of kilometres. Deputy Speaker, you would know from your electorate and from the people of Geelong that the issue of central importance to them is this duplication so they can move more quickly to and from Melbourne and from Melbourne to the west of the state. I am not sure whether that should be a bridge or a tunnel, to be perfectly honest. I would need to see all the figures on which is more feasible and the time line either could be completed in.

In the meantime, why is there not a plan to dedicate half of one non-peak side of the bridge to peak-hour traffic? We have done that for years on Queens Road, with the use of the central lane switching depending on whether it is the morning or evening peak. For goodness sake, it is done with witch's hats on the Sydney Harbour Bridge! Surely it is not beyond us to at least relieve the congestion on West Gate Bridge by dedicating half of the non-peak side of the bridge to the peak-hour flow. That would require roadworks at each end, but at least it would give us some breathing space — I presume, for the next decade — while we plan the duplication. But there is no conversation about that.

We need to upgrade the city loop. That does not necessarily mean adding an extra track or an extra level, but it does mean putting back on the agenda the upgrading of signalling so that we can improve the headways through the loop. We are not running at world's best headways through the loop. Upgrading the signalling would improve efficiency on the suburban network more than any other single reform of the rail network. Yet that was taken off the agenda by this government. One of the reasons the trains run late and that we do not run them as often as we should into the suburban network is because of the limitations of the underground loop. A simple upgrade of the signalling in the loop would improve the efficiency of the entire network.

I am glad the Deer Park bypass is on the agenda and that there has been federal money committed to it, but why did the state government not spend the last couple of years acquiring the land along that corridor with the money it said was already on the table? If it had done that knowing that the federal government was always going to come to the party, then we could have started work on the Deer Park bypass. Instead we are bogged down by a year's worth of acquisitions that could have been done — and I think it is only about \$1.5 million's worth of acquisitions along that corridor — but it will take time to do and therefore although the federal money is now on the table, we are still delaying starting that bypass because the government did not act to acquire the land when it had money on the table. The Dingley bypass seems to be off the agenda altogether.

I will not go into the terrible tragedy at Trawalla but it is also astonishing that around this city and throughout the state we have problems with level crossings — not just safety problems but problems of infrastructure. We all know that probably the worst intersection in Melbourne is Springvale Road with Maroondah Highway in Nunawading. That is because there is no grade separation at that level crossing, so trains cannot run as frequently as they should, and when the trains do run the boom gates come down and the traffic banks up at that awful intersection. There seems to be no plan on the agenda to not only remove the worst of these level crossings but look at what we do for level crossings across this city and in fact across the state.

When one looks at the Monash Freeway one needs to look at the way people move and how those patterns have changed. Coming down through my electorate, the freeway can be perfectly clear for a good clear run into the city but if one goes 10 or 15 kilometres further out there will be a traffic jam as people move to their places of work at either Kingston or Dandenong. What we need to look at is an extra lane on the Monash Freeway, particularly where people are moving further out rather than just close to the city.

We need to look at country roads and bridges, and that is why we propose to match Roads to Recovery funding. I am very disappointed that the Bracks government has already ruled that out; it has already said it is not going to match that. The problem is that local government is not able to provide that infrastructure for its constituents from its rate base or income. The state government has to help local government deliver good local roads and local bridges.

I have heard about the western wedge in Geelong — in your patch, Deputy Speaker — for the last 10 years, yet there is still nothing being done to develop that very important part of Geelong.

Only yesterday we heard from the Minister for Water about the eastern and western treatment plants, yet we still have 18 sewage outfalls to the ocean but with no plan to close any of them. The Minister for Water will not even release the pollution figures for the Gunnamatta outfall. At one stage the master plan was not to upgrade that plant and reuse the water but to build a pipeline 2 kilometres further out to sea, just to put the waste out there at a cost of more than \$60 million — which is totally ridiculous.

Yes, these are big plans — the eastern and western treatment plants are huge — but we need to look at how we can upgrade those, capture that water and reuse that resource which is now so scarce across — —

**Mr Nardella** — What is your policy?

**Mr DOYLE** — I will tell the member for Melton: our policy is actually to close the sewage outfalls to the ocean, including at Gunnamatta, whereas the policy of the member's party is to continue pumping sewage into the ocean. I am delighted to inform the member not only about Liberal Party policy, but also his own!

**The DEPUTY SPEAKER** — Order! We will now return to having the debate through the Chair.

**Mr DOYLE** — Thank you, Deputy Speaker, I am delighted to do so. We need to think about one of the biggest projects in Victoria. What are we going to do to replace Hazelwood? The licence on the Hazelwood power station has been extended but we now know that it will come to the end of its life in 25 or 26 years time. It provides 24 per cent of base load power in this state. Where is the plan to replace Hazelwood? In this very chamber the Victorian Employers Chamber of Commerce and Industry had a summit to look at infrastructure issues and they — —

**Mr Nardella** — They sold it off!

**Mr DOYLE** — I do not notice the government buying it back.

**Mr Nardella** interjected.

**Mr DOYLE** — Like selling off Snowy Hydro? We cannot quite work out whether we are for or against privatisation on the benches opposite, can we? Members on that side of the house are very brave when the Treasurer is not in the chamber.

We need to work out what we are going to do to replace Hazelwood, but it may be in partnership with that dreaded private sector, which the side now in government distrusts so much. I repeat: what are we going to do to replace Hazelwood?

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The member for Malvern, without assistance from the government benches.

**Mr DOYLE** — Thank you, Deputy Speaker, but I would hardly call it assistance — if I may be so brave!

Where is the plan to replace Hazelwood? Should there be a conversation in this state about nuclear power? Should we put that on the table and discuss it?

*Honourable members interjecting.*

**Mr DOYLE** — I thought so — the old Labor man would come out. But if it is not nuclear power, then is it brown coal? Because if it is brown coal, then what we need to do is work out how we can make it more environmentally friendly. Although we have a God-given resource of brown coal for many hundreds of years, we know it is wet and we know it is dirty. I can tell you now, the replacement for Hazelwood is not going to be wind turbines. They are not going to be replacing 24 per cent of base load power. It is not going to be wind turbines, it is not going to be geothermal and it is not going to be gas-fired. What the government needs to work out, if it is going to use that precious resource in the Latrobe Valley, is how it is going to do it in a way that is environmentally friendly. There is not even a discussion of that.

When I look at the way forward that is needed and at the mismanagement of this government and the lost opportunities, two things really strike me. Last week the Premier went out to Dandenong and made an announcement that the government actually made four years ago, upon which it has done nothing, but he went out there and made the announcement again anyway. We provided him with the old press releases. He could have just substituted his name for Mary Delahunty's and made the same announcement! The government has done nothing but it made the announcement again. As he stood in Dandenong, to one side of him was the Scoresby freeway — the greatest lie perpetrated by this government on the electorate of Victoria.

**Mr Nardella** — It is being built.

**Mr DOYLE** — 'It has been built!' the member for Melton tells me. I suggest he goes out there and has a look.

One million people in the eastern suburbs who are directly affected by that toll will not forget the letter that was sent to them before the last election, telling them they were going to get a toll-free Scoresby. It was a solemn promise, hand-on-heart, by Steve Bracks; a lie. It is a simple as that.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The member for Burwood and the member for Melton know that persistent interjecting is against the standing orders.

**Mr DOYLE** — On one side of him was the Scoresby lie; on the other side was the farce rail. What a debacle! Originally we were told this was going to cost \$80 million; then it was \$550 million; then it was \$750 million; and now it is in excess of \$1 billion. And what for? So that we can have trains that run between

2½ and 4 minutes faster on those lines. In fact, at the moment they cannot even run at 160 kilometres an hour. The government has done all this work and it still has not been authorised to run trains at 160 kilometres an hour. For that \$1 billion, imagine what the government could have done for the lines coming in from Pakenham, Werribee or Watergardens, and what they could have done for Ballarat, Bendigo, Geelong and Watergardens travellers.

The government talks about \$1 billion for a third track between Caulfield and Dandenong. But did it even investigate whether timetabling or passing loops might have been an alternative? No; we just get an announcement. It has not done anything yet, it is just an announcement. When you look at what they do, you see that every single time their decisions are characterised by reannouncement and mismanagement. They have not even run the trains on times on the Frankston, Cranbourne or Pakenham lines for at least a year. By the way, 'on time' means — —

**Mr Nardella** — After you sold them off!

**Mr DOYLE** — You did have the opportunity to buy them back. You did not do that, did you? Remember, it was you who signed the contracts with Connex this time, not us.

**The DEPUTY SPEAKER** — Order! The member will address his remarks through the Chair.

**Mr DOYLE** — Again, there is that terrible confusion on that side saying, 'The awful private sector', while also saying, 'By the way, we will take your money and sign the contracts'. But the trains have not run on time in over a year. By the way, 'on time' is not on time; they get 6 minutes grace. As a matter of fact, I caught one from my local station this morning. It was 5 minutes late. It was not a terrible imposition, but it was not on time. It will not be recorded as late because it is within that 6-minute window.

Whenever you look at these projects that are run by the government, you find mismanagement and you find that they are over budget and over time. I go back to your electorate, Deputy Speaker, because the last thing I want to mention is the Geelong bypass. The government cannot even decide where the bypass is going to meet the Surf Coast Highway. I have to tell you, the government has to make it as far west as possible. It has to make it so that it includes Deakin in the footprint of Geelong. It has to make that decision quickly, because Deakin is making decisions now on a new medical school; it is making decisions about its own entrance and the way it presents itself to Geelong

and the world. The government cannot even decide where that road is going to meet the Surf Coast Highway, and that is what it needs to do.

I will look with interest at the results of the investigation into the terrible tragedy at Trawalla when they come out, but where is the plan to remove the level crossings which are unprotected? We still have nearly 1500 unprotected level crossings — —

**Mr Nardella** — You sold them off.

**Mr DOYLE** — We sold off level crossings? Really!

**Mr Nardella** interjected.

**Mr DOYLE** — And you are continuing in that vein.

**The DEPUTY SPEAKER** — Order! Through the Chair!

**Mr DOYLE** — Can I just remind the member for Melton about the Snowy Hydro: how is that going?

**The DEPUTY SPEAKER** — Order! The debate, through the Chair!

**Mr DOYLE** — How did you vote on that one? Or did you not get a vote?

**The DEPUTY SPEAKER** — Order!

**Mr DOYLE** — Our tram services continue to be diabolically late. Forty-three per cent of the route 16 trams — the ones that go to the University of Melbourne — are late. They are late chronically and consistently. They cannot even run the system as it is. In fact, what they have done now — —

**Mr Nardella** interjected.

**Mr DOYLE** — You are the one who signed the contract with them, remember?

**The DEPUTY SPEAKER** — Order!

**Mr DOYLE** — It is just amazing. They want their Connex and they want to eat it too, and I am afraid you just cannot have that. You are either asleep in your party room meetings or you do not quite understand what is going on there. I suspect it is a bit of both.

**The DEPUTY SPEAKER** — Order! The member for Malvern, through the Chair!

**Mr DOYLE** — The final point I want to make is that what this state desperately needs is a plan to take us forward — a way forward. We do not ever get that

from this government. We do not ever get a conversation about what Victoria needs in terms of infrastructure for the next generation and the generation after that. They are too concerned about organising whether the member for Richmond or the member for, I think, Mulgrave will be the next — —

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

**Mr STENSHOLT** (Burwood) — The member for Malvern, the Leader of the Opposition, is clearly out of touch with what is happening in Victoria — in every part of Victoria, actually, every part of Melbourne, every regional city and every country town. Victoria today is the place to be and the place to live and raise a family. We have seen six light years of good economic management and investment in social services in Victoria. We have seen six years of good governance and good management.

Evidence of that good management is everywhere, even in Malvern — and I note that the member for Malvern has done his trick and shot through. We can see it in our schools. We can see it in our hospitals. We can see it in our police stations and our businesses. The member was trying to perpetrate the myth that we have no relationship with the private sector. Let me tell you that we have very good relationships with business — small business, medium-sized business and large business. We are driving business in Victoria, and we are driving business investment. You can see the change in our streets. What do we have here in Victoria? We have more nurses, more doctors, more police, more teachers and more educational support staff.

What else do we have? We have more police — and I am sure there are more police at the Malvern police station. We have more people at our railway stations looking after the stations. We have more judges and more courts, and we have a sixth Koori court opening just this week. We have more national parks. We have marine parks now. The member for Sandringham should be very grateful for that, and I am sure he is really positive about that. We have 250 000 more people being treated in our hospitals annually. We have more people having elective surgery here in Victoria — an extra 12 000. We have more jobs and a better TAFE system.

We have 50 hospitals being rebuilt. We have smaller class sizes. We have more ambulances. We have more money for mental health — \$279 million. Dental health services have been restored. They were absolutely butchered by the federal government and what did Kennett do? He did nothing in terms of our dental

services. We have more community health centres. We have better water saving campaigns. We have improved water management and recycling practices. We have a stronger approach to graffiti.

We have fewer deaths on our roads. The member for Malvern is going around in one of these brightly coloured cars pretending he is against speed while giving completely the opposite impression. I am sure the shadow Minister for Transport should be ashamed of himself.

What else do we have? We have massive investment in infrastructure — more than twice as much per year than the previous coalition government. Of course they are not a coalition anymore: the Liberal Party and The Nationals are fighting each other at the moment. Who is standing against you at the next election? You are fighting against each other. There is no unity there, just complete disunity. On our side we have a focused, unified approach. What else are we delivering here in Victoria? There are more people, and we have fewer taxes.

*Honourable members interjecting.*

**Mr STENSHOLT** — We have more migrants. We have more transparent government. Members may laugh about the taxes but I will explain that a little bit more in the future. We have excellent economic growth here in Victoria. We have budget surpluses and a AAA rating. We have record building approvals and low unemployment.

As I mentioned, this evidence of good governance and good management is found everywhere in Victoria, even in the seat of Malvern. The member for Malvern tried very hard during the seven dark years of the Kennett era to get the roof of the Malvern Primary School fixed up. Did he succeed? No, he did not. Who fixed up the school that John Cain went to? It was the Labor government. We fixed up the roof. It cost nearly \$400 000, and it was fixed up not by the member for Malvern but by the Bracks Labor government.

What else is happening in Malvern? The Malvern Valley Primary School was rebuilt after a fire. What happened on the day of the fire? The Labor upper house member was there at 7 o'clock in the morning. As the member for a neighbouring electorate, I was there at 8 o'clock in the morning. When did the member for Malvern get there?

**Ms Beattie** — What time?

**Mr STENSHOLT** — He swanned in somewhere around lunchtime. At least we know what is going on,

even in the seat of Malvern. Even if 60 per cent of the people of Malvern do not know who their local member is, we know where Malvern is. We know it has Holmesglen TAFE. We are supporting the TAFE system. The Liberals almost destroyed the TAFE system. They had it down on its knees and we have resurrected it. We have put strength into it. We are supporting our young people. We are providing them with training in our TAFEs, and particularly at the Holmesglen TAFE. We support it even though it is in the seat of Malvern. That is what the Bracks government is doing. We have vision on skills development — there is no vision in the opposition. They had no vision in government except cutting and cutting. We are implementing our vision and we will continue to do so.

What are we doing in terms of the economy in Victoria? Victoria has the strongest economic performance in Australia. We have outstripped every other state over the last five years in absolute terms. This is a hallmark of good management. Gross state product in Victoria has grown by 21.4 per cent, while Australia-wide growth has been 20.9 per cent. What other measures of good governance and good management do we have in Victoria? We have the highest living standards.

The Age/CommSec prosperity index shows that Melbourne has outstripped Sydney in living standards. It shows that the average Melburnian is 6.5 per cent better off since the beginning of 2000, compared with a rise of just 1.6 per cent in Sydney. We love the Melbourne-Sydney rivalry but it is good to see we are outstripping Sydney almost four to one. We also have the strongest building approvals. For the last 49 months, seasonally adjusted, we have had more than \$1 billion in building approvals. We had the highest number and value of approvals of new homes in February of all the states; we are outstripping New South Wales in that regard. We had a record \$6 billion of non-residential building approvals in the 2005 calendar year.

As we all know, Victoria is the place to be. Victoria's population increased in 2004–05 by 793 persons per week — that is for Melbourne. That is greater than Sydney with 573, Brisbane with 640 and Perth with 446. As we know, and I am sure the members of the opposition and The Nationals would appreciate this, the population of provincial Victoria grew by 1.3 per cent in 2004–05. This outstripped the Australian average and was the highest growth in 15 years, including the seven dark years of the Kennett era.

What else do we have here in Victoria in terms of good management? There were more first home buyers in

Victoria than in any other state in 2005: 41 116 first home buyers received the grant, 178 more than New South Wales and the highest of any state. There are more new jobs here in Victoria. For the first time ever there are 2.5 million people employed in Victoria — it is actually 2 500 100. Since the Bracks Labor government was elected, 309 700 jobs have been created, translating into about 14 per cent growth.

Business confidence is also up here in Victoria. The most recent Victorian Employers Chamber of Commerce and Industry survey showed an increased number of respondents anticipating stronger growth over the next year, up 7 per cent in this quarter alone. Similarly the Sensis *Business Index*, which came out on 28 February, showed that confidence in small and medium enterprises was up over the quarter.

We are really focused on this: we are focused on supporting the whole of Victoria, including business, and on making sure that we manage the Victorian economy properly. You can see a contrast in comparing the record of the Kennett era with the record of the Bracks era. Let me take unemployment as an example. What was it like at the time of the coalition government? The Liberals and The Nationals are out of coalition now. They hate each others' guts and are fighting each other. But when they were last together in government the unemployment rate peaked at 12.3 per cent and averaged 8.6 per cent in the six years to October 1999. Under the Bracks labour government it has averaged 5.9 per cent, and in April this year it was 5.3 per cent. In regional employment — —

**An honourable member** interjected.

**Mr STENSHOLT** — You would be very interested in regional employment. More than 80 000 people obtained employment in regional Victoria — double the increase in the number of people employed in the last six years of the Kennett government. Under the Kennett government, unemployment in the regions peaked at 13.8 per cent.

There has been a massive change in terms of building approvals. The Kennett government averaged \$1.7 billion in building approvals in its last six years in office, compared to \$3.3 billion under our government. The member for Malvern talked about infrastructure. How can we even listen to that? We have spent \$11.2 billion in our first six years in government, almost double the amount of money, \$6.1 billion, spent in the last six years of the Kennett government. We have spent massively on infrastructure all around Victoria, as I have explained already. Fifty hospitals have been rebuilt, and I am sure some of my colleagues

will go into some of the details in the various other sectors.

Under the Kennett government Victoria had the second-highest number of state taxes — 22 in 1999–2000. Now we have the second lowest, and the lowest on the mainland, at 16. Only Tasmania has a lower number. Let me talk a little bit more about taxation. Revenue in Victoria has grown about 29.7 per cent since 2000–01, and the rate of growth in the Victorian economy has been 35 per cent, so our revenue growth has been less than the growth in the Victorian economy and much less than the growth in the commonwealth revenue, which is 35.1 per cent — that is, just over 5 per cent less than the growth in the Victorian economy and the growth in commonwealth revenue. This is money really well spent, as I have already explained, in terms of the areas it has gone to.

What have we done in terms of managing the taxation system? We have gone from having the second-highest number of taxes to the second lowest — 22 down to 16. We have abolished more taxes under the intergovernmental agreement than any other state. Payroll tax has been cut by 9 per cent, the second lowest in Australia, and that is about supporting business; land tax has been cut by \$1.8 billion — \$823 million in the last budget and \$1 billion dollars in the year before; duty on non-residential leases has been abolished; financial institutions duty has been abolished; the duty on quoted marketable securities has been abolished; the duty on unquoted marketable securities has been abolished; the duty on mortgages has been abolished; the bank account debits tax, the BAD tax that we all used to have on our statements, has been abolished; business rental duty is to be abolished on 1 January 2007; we have had the same rates of stamp duty on property that were there before; and the maternity leave exemption on payroll tax became effective from 1 January 2003. All of this has been done in a context where we have been absolutely duded in terms of GST revenue, receiving only 85 cents in the dollar back on what Victorians pay. We pay \$9.4 billion in GST but only receive \$7.8 billion back — and we subsidise other states to the tune of \$1.6 billion.

**Mr Ryan** — Only!

*Honourable members interjecting.*

**Mr STENSHOLT** — If you care for Victoria, you should think about that. We would like the taxes paid by Victorians to stay in Victoria and be spent on Victorian infrastructure and Victorian services, whether it be hospitals, schools, police or community services. The Leader of The Nationals should support that rather

than laughing about it. I am ashamed of the Liberals and The Nationals for not supporting those taxes being spent here in Victoria. I have mentioned what we are doing for first home buyers. We had more first home buyers last year than any other state, and we have extended concessions significantly under our system. We have added another \$240 million worth of concessions in Victoria.

The member for Malvern talked about business. I will very quickly mention that we have cut WorkCover premiums by 10 per cent, or by \$170 million, in 2005–06. In the last budget we cut them by another 10 per cent — that is, by another \$180 million. We have saved businesses \$350 million here in Victoria. These cuts are sustainable and responsible and return the average premium rate to the equal lowest ever, at 1.8 per cent. We did not muck up WorkCover; the Liberals and The Nationals did. We have fixed it up, and it is now in profit.

The management of Victoria is in good hands. We are making sure that Victoria is a well-managed economy and the pride of Australia. We have a vision for the future in terms of going forward with the Council of Australian Governments, and we will continue to do that.

**Mr RYAN** (Leader of The Nationals) — I have only 10 minutes to make this speech under the terms of the standing orders, so I do not want to go away from the issue, which is the fundamental purpose of my being on my feet. But after listening to the last contribution I cannot help but say that he sounded like a bloke talking about something out of *Ali Baba and the Forty Thieves*. Government members cannot believe how much money is in the cave, and they still cannot manage it properly.

Anyway, let us not go there, because I want to talk about health services in country Victoria and, more particularly, about a very important and iconic state government institution, — namely, Rural Ambulance Victoria. This is a specific example of where this government is failing to serve the interests of country Victorians. It is a big component of the health system and vitally important to all of us who live outside Melbourne.

I pay due regard again to the wonderful work of the paramedics. They do a fabulous job on behalf of all country Victorians, but it is the organisation and administrative issues that are causing ongoing concerns. I specifically refer to questions of bullying, the application of the non-emergency patient transfer system and the way in which the ambulance community officers (ACOs) are being used — those

very good people who contribute to the work which is primarily done by the paramedics, but in circumstances where we need to have regard to the extent to which they can help.

I started to talk about these issues in a grievance debate on 8 February; I did so again on 5 April. The government was completely dismissive of the concerns I raised, as was Rural Ambulance Victoria (RAV). Now the government has announced an inquiry, which is testament to the fact that the government understands it has a problem and is moving to deal with it. I say ‘deal with it’ in the sense that the way this government does things is not to resolve them necessarily but rather to deal with it in the sense of being rid of it by getting it off the front pages of the newspapers. That is the nub of the commentary I want to make today.

What the government has done in announcing this inquiry into RAV is to sell short the people who are at the pointy end of the stick — that is, those who have been troubled by the issues that have given rise to the necessity for the inquiry to be conducted.

What the government has done is to announce an inquiry by the State Services Authority. It has done that in the face of the call by The Nationals for a truly independent inquiry to be conducted by a judicial entity such as a retired judge or a senior barrister. There are problems with what the government has done, and I want to outline some of them today. Those problems deal with the nature of the inquiry, its scope and particularly the protection of those who may be prepared to give evidence at, or assistance to those conducting, the inquiry.

There are three types of inquiry that are available to the government under the Public Administration Act. The government has chosen to have an inquiry under section 50 of the act, which is known as a systems review. Time is against me going through it with careful analysis, but in essence a systems review looks at, just as it sounds, the systems of the way in which a department interacts with other government departments and the way in which it conducts its own affairs.

The outcome of the inquiry does not have to be tabled in Parliament. I grant that the Premier has said that the outcome will be made known, but there is no obligation for it to be tabled in the house. We do not know what will actually be delivered to us as a result of this inquiry as opposed to that which goes to the government in the first instance.

A systems review under section 50 which the government has undertaken is completely inappropriate to the needs of RAV. It could have had a special inquiry under section 52 of the same act, and that inquiry would have been more extensive in that more extensive powers are provided under section 53, headed 'Powers of special inquiries'. They allow for the use of sections 14, 15, 16 and, very importantly, 21A of the Evidence Act. The significance of that is that there is a much better capacity in that form of inquiry — that is, a 'special inquiry' — to access all the documents that are pertinent to doing the job properly.

Most importantly, under section 21A of the Evidence Act the people who give evidence or come forward are granted privileges and immunities in relation to what they contribute to an inquiry conducted under that section. At the moment under the systems review presently being conducted by the government there is no such indemnity, privilege or immunity being offered to the witnesses who come forward. The special inquiry would have been better than the systems review that is being undertaken by the government.

There could have been a special review undertaken under section 56, this being a review that the Premier can call for. In that instance extensive powers are set out and section 57 details all those powers available to special reviews and in many instances they replicate those that could have been undertaken through a special inquiry.

The net result is that we have the prospect of an absolute whitewash. A systems review is to be undertaken by the government under section 50, which is by far the weakest form of inquiry that could be undertaken. It bears no resemblance to the form of review that should be undertaken to do justice to the people who are concerned about the issues that I initially raised in the house and which are said to be the subject of the inquiry now being undertaken by the government.

In addition to all of that, there should be the protections available to witnesses under the Whistleblowers Protection Act. How can it conceivably be that the government, through the State Services Authority, is asking people to come forward to assist the inquiry when not even the protections available through the Whistleblowers Protection Act are being offered to those people who contribute to the way this inquiry is being conducted? It means that we have a lightweight undertaking that will not do the job and will not fulfil the requirements of an inquiry to the extent to which it should be undertaken.

The other feature of this is the scope of the inquiry itself. After it goes through its terms of reference — and I have them here; eventually the inquiry will have regard to the making of recommendations regarding:

The appropriate employment processes, management processes and structures ... under section 15 of the Ambulance Services Act 1986.

Section 15 talks about the objectives of ambulance services. It talks about responding rapidly to requests for help in a medical emergency, and so on. It is absolutely distant from the issues which should be the fundamental core of this inquiry. It has little, if anything, to do with the things that have caused the grief that over past years has resulted in people complaining to the government and RAV about the way they have been mistreated.

What we want is an inquiry which actually looks at the issue of bullying; at questions concerning sexual assaults; the way in which people have been advantaged through the operation of senior personnel in some places to enable mates to get work — and all the allegations that have been set out over the course of the past weeks and months. That is what needs to be investigated by a properly constituted inquiry.

In so far as the question of bullying itself is concerned, people are already worried about it. I have received emails from paramedics, saying, 'I am rather cynical about the process and the actions of this government as they are treating the process with contempt — for example, revealing the findings of the inquiry after the election. My big fear is payback from giving evidence against RAV as their history and culture is one of payback. I hope my cynicism is unfounded'.

Another email sent to me after inquiries had been made by a paramedic about the way in which this inquiry is going to be conducted states:

That person also informed me they would not be investigating individual complaints of workplace bullying that have not already been investigated. Uninvestigated complaints should be taken elsewhere such as direct to RAV, WorkCover or the Ombudsman. The SSA will only be investigating improper processes/procedures by RAV in previously completed investigations.

These people are being asked to contribute to an inquiry which does not accommodate the needs that it should by way of investigating these issues properly and which is not going to investigate the issues in any event. We get down to the core question: who will come forward to be involved in an inquiry in relation to bullying when they cannot be satisfied that if they go ahead and give that sort of assistance, they will not be bullied? That is

the key point. The key issue is that the government has not set up a truly independent, proper, judicial inquiry to deal with these issues. This is but one specific example of the failings of this government in looking after its responsibilities to Victorians.

**Mr CARLI** (Brunswick) — I found it extraordinary while listening to the member for Malvern talk about mismanagement, particularly of the transport infrastructure, given the transport mess we inherited in 1999. We had gross mismanagement in that period. In 1999 we discovered public transport contracts that were so unviable that National Express, which had put up tens of millions of dollars in bonds, came to the government, basically threw the keys on the table and said, ‘We are out of here. These contracts are unviable, we cannot work with them’.

We renegotiated viable contracts. More importantly, we made government the central agency for the planning and investment in the system. We gave the government the role of managing the public transport system. The previous government did not do that. It basically said, ‘We will just take it apart and the market will look after itself’. What a mess that was — what a level of mismanagement!

We also inherited a public service that had lost all its officers with expertise in running public transport. They had all gone; they were all packaged out and lost to the public service. It was demoralised and did not have the expertise. We had to rebuild the management of public transport in this state. We had chronic underinvestment in all areas of transport — not just public transport but roads as well — and we had to deal with that. We had to put the money back into public transport and into the road system. We had to reinvest in all the amenities that are important to transport — interchanges, park and rides, bicycle tracks, the whole works — because the dollars had not been spent; they had been taken out.

We have had some great results since 1999. This is a great state, and without doubt it is a better place to raise a family because we have centred our changes on families and on ensuring that everyone can benefit from public investment and good management of our transport system and infrastructure.

To give members a sense of the achievements since 1999, the death toll on Victorian roads is at an all-time low and road safety has never been better. We are not talking about over the last 10 or 20 years, but we now have the lowest toll since we started taking figures on the road toll in this state — and we have had that for three years in a row. That is an extraordinary result. We have achieved that while the opposition has constantly

criticised and attacked us for those measures which have delivered such a great outcome.

We have upgraded our country rail network, and The Nationals have been very much opposed to it. But we have upgraded a system that had been allowed to be underinvested in for 120 years. We have secured those regional links for the future. It is not about simply delivering a faster service; it is about securing those links. When we were in opposition we did not expect to find that the regional country rail system was in such a poor state. We did not anticipate the level of investment that would need to take place, but we have secured it not for one generation but for the next two generations. We have secured that investment in the long term so that our families and the children of our children will have a decent and reliable rail service to our provincial centres.

We have made extraordinary commitments to public transport, and bus services have been a key part of them. My interest and work within government is to secure bus services for both country Victoria and metropolitan Melbourne. Why is that? The reality is that the majority of people in Melbourne do not have ready access to our rail and tram systems, and if we are to provide public transport for our outer suburbs and those areas that are not being serviced by our fixed rail, we have to improve our bus services. We have done that in a number of ways that have increased the bus network in terms of the local feeder services, both in country Victoria and the outer metropolitan area. We are talking about over 8 million kilometres of extra services, which is an extraordinary investment and the biggest investment in decades in our bus system.

We have also built and continue to expand our SmartBus system, which originated along Springvale and Blackburn roads.

**Mr Andrews** interjected.

**Mr CARLI** — I hear the interjection from the member for Mulgrave, that it goes into his electorate and he has seen the result. In two years there has been a 40 per cent increase in patronage on Springvale Road, and most importantly, the majority are full-fare-paying passengers. It is an extraordinary result. That system will be expanded to Wellington Road — that is at the planning stage — and a Warrigal Road service is now being introduced. The system will continue to increase. We will build bus orbitals which will supplement the radial tram and train systems in metropolitan Melbourne. We have also increased services in country Victoria, including more services to meet improved rail

services in our provincial centres and country towns so that when a train arrives there is a bus there to meet it.

We have reinvested in roads. Under the Kennett government there was chronic underinvestment in our road system, as you, Deputy Speaker, would be aware. Since 1999 there has been an investment of over \$3 billion under the Better Roads program, including \$1.5 billion in regional areas. This is a massive reinvestment in our main arterial system. But that is not all. We have under construction the Craigieburn bypass — —

**Ms Beattie** interjected.

**Mr CARLI** — The member for Yuroke, who is sitting next to me, is cheering me on, and why not? Craigieburn bypass is a great accomplishment of this government, likewise the Hallam bypass, the Geelong bypass and the Tullamarine–Calder interchange upgrade at one of the most significant bottlenecks in the Tullamarine–Calder transport corridors. The continuing duplication of the Calder Highway is an ongoing project which has seen major improvements.

We are planning and building for the future of our public transport and roads, but the opposition, which has no policy and a history of mismanagement in these areas, comes along and makes accusations against the Bracks government. I find it extraordinary that opposition members have the gall to come into the house and make such accusations.

We have also extended the tram network to Box Hill, and Docklands has a new service. In my own electorate we have a program called Think Tram, which is about ensuring that trams have better access to space and priority on the roads so that their efficiency and reliability improves. There have been improvements in those areas, and we are continuing to roll out a program to ensure that trams are doing better.

We have refurbished trains, we have new rolling stock, we have new country trains — —

**Mr Mulder** — Don't talk about country trains in here.

**Mr CARLI** — We now have train drivers that we did not have — —

*Honourable members interjecting.*

**Mr CARLI** — We have introduced discount public transport in the form of the Sunday Saver ticket. We have extended concessions to cover all health care card holders. To ensure that the needs of low-income people

are addressed we have introduced reduced prices for the tertiary student concession card.

An area in which I have a particular interest in this state is cycling, and we have seen 750 kilometres added to Victoria's network of arterial bike lanes. We have new planning laws to ensure that at the end of a trip there are facilities for showering and securing bikes. We have introduced new bike lockers at some of our principal railway stations. We have also introduced the TravelSmart program, which has increased public transport use, cycling and walking in communities in which it has been applied.

These are all good news stories, and they demonstrate the strong management of our transport assets in this state.

**Mr MULDER** (Polwarth) — I rise to speak on the matter of public importance that asks this house to condemn Labor's mismanagement of Victoria in several areas, including transport. That is the matter I will concentrate on, and I will pick up some of the issues raised by the Parliamentary Secretary for Infrastructure. It is amazing that, after almost seven years in government, the parliamentary secretary is still not prepared to understand or even contemplate taking responsibility for the transport system that is running today.

Talking about contracts that are not working and contracts that have failed, can I just remind the parliamentary secretary about the Connex contract, under which Connex is having to pay massive fines — another \$5 million — at the moment. That is the contract that was signed behind closed doors by the Bracks Labor government. The Premier said at the time that he accepted full responsibility for the performance of Connex under this contract. This is his government's contract, not the Liberal Party's contract. The Bracks government had every chance, if it had wanted to, to take it back or do what it wanted to with it. The government took it over, and now it is being run into the ground.

Then there was the transfer of the Freight Australia lease to Pacific National, which was once again lauded by the Labor government and approved by the Treasurer and the Minister for Transport. They lauded the fact that once this went through all the issues relating to access and all the issues relating to fair pricing would be dealt with, all with the approval of the government of the day. Look at the absolute mess we have today.

Even when the fast train project is completed, if it is ever completed, negotiations on the access regime for Victorian passenger trains and what that is going to cost the state will not have been finalised. So we now have a lessee with control of the track, and the minister will have to go to with his hat in his hand and ask, 'What are you going to charge us to maintain those tracks to a 160-kilometre-an-hour rating?'

V/Line, another one of this government's corporations that claims it is not subject to freedom of information laws in this state, hides behind all sorts of brick walls to make sure no-one can work out what is going on. Up to 30 per cent of its trains are running late under the Bracks Labor government's operational regime. These are all situations that have been set up, operated and run by the Bracks Labor government.

I come to the tragic accident at Trawalla and the attempts by the government of the day to accuse the Liberal Party of trying to politicise it. It is amazing what history reveals. If we go back to the *Herald Sun* of 9 February 1998 we see an article that says:

Work on dangerous rail crossings was being based on political, not safety criteria, it was alleged yesterday.

Only 6 of 26 railway crossings earmarked for upgrades during the Mitcham by-election last year were in non-government seats, opposition transport spokesman Peter Batchelor said yesterday.

Do not talk to the Liberal Party about politicising accidents! People in those areas want and deserve answers on these very serious matters. I have a number of quotes here, but I will not go through them all as they relate to the Minister for Transport, whose remarks are already on the record. He has politicised these issues in the past, and it is not good enough for the minister and the Premier to try and take that line with the Liberal Party.

The Minister for Transport features again today in the *Herald Sun*, which reports that he:

... is keen to hold more events like the taxpayer-funded party he threw to celebrate the Bracks government's rail projects.

The article continues:

New documents released under freedom of information laws ... reveal the cost of the event was almost \$15 000 more than previously known, with spending by government agencies taking the bill to \$184 131.

That was a party involving Thomas the Tank Engine and a whole host of clowns, umbrellas and balloons. It was held at Southern Cross Station for the minister to celebrate a project that was not even complete. It cost \$184 000, about the cost of upgrading a level crossing.

Do not tell me this government knows how to handle money, and do not tell me it spends the state's money wisely — and yet the minister is prepared to do more of the same.

I come back to the terrible accident that happened on Friday. The government is doing all it can to block an independent investigation by the Australian Transport Safety Bureau, even though the government's own legislation says that the chief investigator may ask a commonwealth official to investigate an accident or incident. He can do it, so why will he not do it in this case? That is the issue. What has the government got to hide over this accident? That is what we want to know. Each and every time there has been a serious train accident in Victoria and fatalities have resulted, the Australian Transport Safety Bureau has been brought in to investigate it.

The families of the deceased and those who survived that serious accident deserve an independent investigation, and they should get it, unless the government of the day has something to hide. It is an absolute disgrace. We know very well that the agencies involved — the VicTrack corporation, V/Line and VicRoads — all fall under the jurisdiction of the Minister for Transport. The minister wants to use his own bureaucrats in his own department — he has been rubbing shoulders with all these people — to conduct an internal investigation and to turn his back on the independent process. That is what needs to happen and that is what the people of Victoria want — and, by hell, that is what they deserve!

The opposition will not back away from this issue. We know very well that the Rail, Tram and Bus Union representative in that area, Mr Bassett, said there have been several near misses on that line. How many of those have been investigated, and how has it come about that no action has been taken? That is another issue that members of the opposition want to pursue. I will tell government members that we will follow the Minister for Transport down every hole he wants to go down.

We will not back away until we get the truth about what happened with this issue and why the Premier has insisted that the Australian Transport Safety Bureau, along with the minister, should not be allowed to investigate the very serious accident that occurred at Trawalla. I have been up to have a look at the site. I have also looked at a number of the other crossings along the Western Highway, and I know what people face in those areas on a day-to-day basis. I have faced it myself in the past.

**Mr Nardella** interjected.

**Mr MULDER** — You would not know. Go and crawl under the rock where you belong! An outline of the investigation that should take place into Friday's tragic accident at Trawalla brings into question the processes currently used for railway protection. As I said earlier, we must use the Australian Transport Safety Bureau to go through the process and carry out a full investigation into this matter. The investigation must include not only the level crossing where the Trawalla accident occurred but other level crossings where the train lines run parallel to the Western Highway and which do not have boom gates or flashing-light projection. That is the issue that I looked at. I can see that they are very dangerous crossings, and their safety must be assessed as part of the investigation into the Trawalla accident.

The investigation must include time-and-motion studies that indicate how many seconds a heavily laden truck and trailer, a school bus or a car and trailer would take to move from a stationary position at the stop sign to clearing the track on the other side, as against the first clear sighting of an approaching train from Ararat. Based on a back-of-envelope calculation, I would say that from the time I stopped at that stop sign and looked up, a train could have been at that level crossing in 5 or 6 seconds. I would also say that a heavily laden B double truck would struggle to get across that crossing in that period of time. Is there a problem with auditing these level crossings, and have these crossings got under the guard of those who perform the audits? They are questions I would be asking.

I would also be asking whether local conditions, such as heavy fog or heavy rainfall, form part of the assessment process. According to the document I have in front of me, they do not. However, we know there was a serious accident involving a truck and a school bus about 30 or 40 metres away from that level crossing due to heavy fog. You would think that when the accident was looked at someone would have looked across at the railway level crossing and said, 'Could we have the same sort of tragedy there?'. That was not done, and it needs to be investigated.

We have to ensure that the V/Line corporation, which has continually claimed that it is a private corporation and not subject to the freedom-of-information (FOI) law of this state, forms part of the police investigation so that all the documents and evidence that relate to the train crash are provided. I am not sure how much V/Line is or is not going to cooperate with this process, but in the past it has steered clear, claiming that it is not

part of the FOI process and does not come under the law in that regard. That needs to be fully investigated.

We also need to have a look at the colour of the new V/Locity trains. Grey, green and blue blend very easily into a country landscape. That issue needs to be looked at, because a number of level crossings along the farce-train corridors will not have flashing-light protection. That is where those trains are running, and the issue has to be addressed as a matter of urgency.

**Ms BEATTIE** (Yuroke) — It gives me great pleasure to speak on this matter of public importance (MPI). When I first saw the wording of this MPI I thought that someone in the Liberal Party office — one of the people who are leaving — had put it together as a joke; but no, it was absolutely serious.

Particularly in education, it is very important to know not only where we are now but also where we have come from since 1999. We all know that the Kennett government absolutely gutted education and training in Victoria. They are not just words; they are backed up by actions. The previous government sacked 9000 teachers and closed more than 300 schools. Class sizes rose, and government schools were badly neglected. Teachers were not recognised as professionals. The Kennett government hated teachers and gagged them. They were not allowed to say anything under that government's heavy hand and faced the threat of getting the sack. Not only was the education system decimated, but it was mismanaged as well.

The Bracks government has worked hard and invested strongly to repair the damage, but we are not satisfied and will continue the fantastic work we have been doing. We have boosted funding for Victoria's education and training system by more than \$5.7 billion since we were elected in 1999. Victoria's students and teachers are now enjoying the benefits of that investment, and you can see better schools, smaller class sizes and a greatly improved education system. I am not alone in saying that; all the statistics indicate that is so.

I want to talk about some of the fantastic programs that we have put in place. I have to say that even the opposition recognises that we are doing a fantastic job, because the former shadow minister for education, the honourable member for Doncaster, has realised that he is not going to go any further and has jumped ship too. That is recognition of the great work this government is doing. Opposition members are all jumping ship and leaving it to us.

The government has reached its goal of reducing class sizes. We have put 6000 additional teachers and other staff back into the system. Those on this side of the house all know about the data that was recently released, which shows that the government has achieved and even exceeded its target of having an average class size of 21 students in the years from prep to grade 2. That was a promise we made when we were elected, and that promise has been delivered — and we will continue to deliver.

We know that the years from prep to grade 2 are critical in establishing those key areas of numeracy and literacy, so we have invested heavily in resourcing our schools in those years. I know that the shadow Treasurer, who is at the table, is particularly attracted by statistics and numbers, so he will be interested to hear that the average size of prep-to-grade 2 classes is 20.8 students, and it has been below 21 since 2003. This is a huge improvement on the average class size of 24.3 when we came into government. But 24.3 was not the worst number under the previous government, because during its time in office the average class size in the years from prep to grade 2 reached a peak of 25.1 in 1997. The figures for the time the opposition was in government are absolutely disgraceful.

The Bracks government is putting the money in and getting the results. The average class size across all government primary schools is now just 22.4 students. This is the lowest average since records started being kept in 1973 — another new record low. In 1999 primary schools had an average of 25.4 students per class, and now it is 22.4. This shows that this government is delivering and getting the outcomes. Literacy and numeracy performances at all levels are at or above national benchmarks. We are committed to providing a broad range of educational opportunities and pathways. We introduced the Victorian certificate of applied learning (VCAL) to allow students to incorporate vocational training into their senior studies. More than 10 000 students enrolled in VCAL courses last year. We have encouraged schools to develop centres of excellence in specialist areas, and we have supported schools by providing the best educational outcomes for our students.

We have put policies in place, and this is what we see. We saw the last speaker for the opposition stand up and bluster for 10 minutes, as though bluster can get you votes. Bluster does not get you votes; good policy gets you into government. Opposition members just do not have that. They are too lazy, they do not do the work, they do not have the policies, and they are in such disarray. This matter of public importance has been put forward by the Leader of the Opposition.

**Mr Nardella** — Where is he?

**Ms BEATTIE** — Where is he? He is not even here! Since this matter has been put forward only one person from the opposition has been here at any one time. Once the opposition leader wound up all his troops and left the chamber, there has been only one opposition member at a time present in the house — and that is disgraceful.

I will get back to education. We increased the educational maintenance allowance for eligible families by more than 50 per cent — from \$127 for primary students to \$205. We have reinstated nurses in secondary schools. We have funded welfare officers in 450 primary schools. We have the best schools, and we need the best teachers. We have restored professionalism to teaching. We respect teachers and we want to keep ensuring that we attract and keep the best and brightest to teach our children.

The proportion of fixed-term teachers has increased by more than 2.5 per cent since 1999, and we all know that is what former Premier Kennett and his ministers held over teachers — a short-term contract. The 2005 teacher workload survey showed that face-to-face teaching time for secondary school teachers decreased by 1.43 hours. That is a really good thing because they are taking time out for professional development and to do the work. They are not as stressed as they used to be.

Need I tell members anything more than what the government has put into capital investment. Since we were elected in 1999 we have put an additional \$1.6 billion into education and training capital infrastructure. More than one-third of all our schools have now had major capital improvements. I know that each member on this side of the house, and even members on the other side of the house, can point to big capital projects in those areas.

I want to end on non-government schools. We are committed to government schools, but we are also committed to the non-government sector. The head of Catholic Education, Susan Pascoe, lauded the new agreement that was reached; and of course we saw the smiling face of the Archbishop with our education minister and our Premier when that package was announced, so we are not being lauded by just the government sector; the independent sector and the non-government sector are applauding us as well.

All in all, we have a great school system. That is why Victoria is the place to be; a great place to raise a family, a great place to educate our children, and we will continue with the great work we are doing. As I

said earlier in my contribution, standing up and screaming and yelling for 10 minutes, trying to yell the loudest, does not replace good policy work. Until the opposition can get policies into place it will never match the Bracks government, which works hard continuously to make sure all Victorian children are given the best possible opportunity to excel in Victoria and to be the best possible citizens they can be. We will continue with that work. We will continue investing; we will continue the great work we have done. The Bracks government cares about Victorian schoolchildren.

**Mr CLARK** (Box Hill) — In addressing this matter of public importance this morning I want to talk particularly about the issues of infrastructure and taxation. It is clear that under the Bracks government, infrastructure planning has fallen into a shambles. The government rejected the recommendation of even its own Infrastructure Planning Council for the need for a detailed and proper forward estimates proposal setting out where exactly infrastructure is going to head over the years to come. It has been planning its infrastructure — if ‘planning’ is the right word to use — on a year-by-year basis. Even a few years out on the forward estimates program, more than two-thirds of the money the government says it will spend on capital works is still listed as an unallocated provision for future allocation.

It is no wonder that bodies such as Engineers Australia are tearing their hair out over the inadequacy of planning for future infrastructure provision in Victoria. It is no wonder that the Auditor-General is criticising the government for failing to relate its planning back to its own professed objectives.

To add insult to injury, we have ministers like the Minister for Education Services going around trying to tell the community that simply because the government opens a long-awaited new school on the suburban fringe, somehow the opening of that new school on the suburban fringe reduces the need for maintenance and refurbishment of existing schools in established suburbs. Right across my own electorate of Box Hill schools such as the Surrey Hills Primary School, Box Hill High School and Koonung Secondary College have been waiting years — being kept in the dark — for long-needed maintenance and upgrades. That is in stark contrast to the record of the Kennett government when, to cite my own electorate by way of one example, every government school but one received either an upgrade or major maintenance during that period. The one school that did not was a new, totally rebuilt school that was opened early in the term of the Kennett government.

If you look at what is happening out there in the community rather than listen to the rhetoric that comes from members opposite, you can see that infrastructure in this state has been badly neglected. To make that point even more clearly, let me refer to some recently published figures from the Australian Bureau of Statistics that expose the falsehood of the claims being peddled by the Treasurer and his parliamentary secretary about the level of infrastructure investment in this state. I refer to the ABS figures on gross fixed capital formation by state governments. For those who want to look it up, it is catalogue no. 5512.0, government finance statistics, Australia.

I refer to the figures published earlier this year that cover the period up to 2004–05. Those figures show that despite the claims by the Treasurer and his parliamentary secretary, the gross fixed capital formation by the Victorian state general government sector is lower in 2004–05 than it was in the final year of the Kennett government. In the final year of the Kennett government, 1998–99, gross fixed capital formation in Victoria was \$1.559 billion; in 2004–05 it was \$1.471 billion — a fall over that period in contrast to the claims coming from the Treasurer and his parliamentary secretary.

To make matters worse, the ABS figures are in nominal dollars. They do not take account of rising price levels or of the growing economy. Let me also make the point that these figures relate to gross capital formation, and over that period of time the depreciation needs of the state have also grown steadily. If you look at the net contribution to increasing the capital stock in Victoria for 1998–99, you see that net contribution was \$783 million. In 2004–05 it had shrunk to \$331 million. In other words, the net contribution to capital formation in this state under the Bracks government has halved. They are not my figures but those published by the ABS. Those numbers bear out the experience in the community that for all the trumpeting of the government, there are serious areas of neglect in our capital provision, not least of all in schools and in transport infrastructure.

Let me now turn to the issue of taxation. Again, we had bland claims by the member for Burwood earlier on in the debate today. His constituents in the electorate of Burwood need to be aware of the fact that as parliamentary secretary he has failed to stand up for them and their needs. The small businesses in Burwood, the self-funded retirees and other small investors in Burwood are suffering because the member for Burwood has failed to do his job as parliamentary secretary to bring about genuine tax relief.

One of my constituents wrote to me recently about her land tax bill, and the anguish that she felt was clear in her words:

It seems as though the government is never satisfied with taxing us . . . We have never been on the dole and have paid taxes religiously all our lives, and yet it seems it will never be enough.

This is the cry of anguish that comes from so many small businesses and small investors who are the backbone of our economy.

I refer to a plea of desperation that has been posted on the web site of the Glen Isla House country house and bed-and-breakfast facility on Phillip Island:

Recent massive increases in state land tax by the Victorian government could potentially threaten the future of this beautifully restored historic property in its present form. Glen Isla House is unable to increase tariffs threefold — like the Victorian government has massively increased land taxes on our property over the past three years! Ian and Madeleine have preserved this heritage property for future generations, but it seems the government of Victoria seeks to tax us out of existence!

The Minister for Tourism and the Minister for Small Business can boast about what they are allegedly doing for tourism and small business in this state, but the reality is starkly different.

One only needs look at the long list of new and extended taxes and charges of the Bracks government to see what is going on. As for the gaming machine levy, the government has had three bites at that cherry, for a total being raised of \$91 million. Payroll tax has been extended to cover fringe benefits, eligible termination payments and leave allowances — that is raising an extra \$73 million a year. Payroll tax on apprentices and trainees is bringing in \$60 million a year more; stamp duty on mortgage-backed debentures is returning \$10 million more; stamp duty extensions on landholding bodies amounts to an extra \$60 million a year; payroll tax on employment agencies means an extra \$20 million a year — and then we have the water tax.

The Bracks government boasted about removing the catchment management authority levy, which raises \$14.3 million a year, but then replaced it with a \$60 million a year tax of its own. The parking tax will raise almost \$40 million a year and the land tax on trusts will raise \$6.5 million a year, and now the new house block services tax is scheduled to raise about \$66 million a year.

For all the government's boasting about tax reductions, the reality is starkly different — and that is not even to

talk about the various increases in tax and charge levels, such as those for motor vehicle registration, drivers licences, the general indexation of fees and charges, the halving of the pensioner registration concession, the metropolitan improvement charge increase, the mortgage registration and discharge fees increase, increased fees for Transport Accident Commission premium collections and the increase in the brown coal levy.

Earlier the member for Burwood boasted about tax reductions, but those he boasted about have all been funded by the GST financial institutions duty removal and the removal of duties on quoted market securities, non-residential leases, unquoted marketable securities, mortgage duty, debits tax and lease agreements. All of those were courtesy of the Prime Minister, John Howard, and the federal Treasurer, Peter Costello. No credit whatsoever goes to the Bracks government for taking those off, and indeed the Bracks government is dragging its heels in fully living up to the state's GST obligations.

The Bracks government's own tax removals can be virtually counted on the fingers of one hand and amount to a few million dollars a year. In the meantime it has massively ratcheted up other taxes, not least of all land tax, where its alleged reductions over the last two years have gone nowhere near offsetting even the effects of bracket creep on taxpayers on small and medium-sized incomes.

When you contrast the reality with the rhetoric, you see that our taxes have been steadily increasing, yet the Victorian community has virtually nothing to show for it. Our infrastructure has been neglected. It is not being properly planned, it is not being integrated with service improvements and services themselves are suffering, with the continued blow-out in waiting lists and waiting times in hospitals and with a continuing deterioration in benchmarks in education.

**Ms Pike** interjected.

**Mr CLARK** — I look forward to the Minister for Health, who is interjecting, finally getting her act together to deliver the long-awaited improvements to Box Hill Hospital, which will do something about reducing the waiting lists there; they have more than doubled in many aspects since the Bracks government came to office. If we want decent delivery of services in this state, we need proper planning and proper management, which we are not getting under the Bracks government.

**Ms GILLETT** (Tarneit) — It is with some pleasure that I rise to speak on this matter of public importance today. I rise with some pleasure because the proposition contained in the MPI, which is that the house condemn Labor's mismanagement of Victoria, is so demonstrably untrue.

For almost the last four years I have had responsibility as Parliamentary Secretary for Volunteers and Commonwealth Games. I would like to talk about the magnificent work that was undertaken for the games by so many people: people at the Office of Commonwealth Games Coordination, M2006, Victoria Police and in all of our government departments who worked so hard and so cooperatively to bring together what was a magnificent experience for all of those who attended either the sporting events or the cultural festival.

It was magnificent, too, for children in schools who participated in some wonderful curriculum activities around the games. Our artistic and creative communities did a magnificent job. Something like the Commonwealth Games is not deliverable by a government that is not highly competent in its management of such a complex range of activities.

As we all know, the Commonwealth Games were about so much more than sport, and it is to the credit of all of those involved that the games were such a thorough success. The games did not just happen for the couple of weeks in March. It had taken many years to deliver on time and on budget such a wonderful series of events. There was, of course, infrastructure development that needed to take place. There was the magnificent work that was undertaken on time and on budget around the upgrading of the Melbourne Cricket Ground. There was the fantastic development that now connects Birrarung Marr and the Melbourne Cricket Ground — the William Barak pedestrian bridge, which was on time and on budget.

Also, the games village was a major development in housing in the community; it has delivered some badly needed and long-awaited social housing. There was also the redevelopment of the Melbourne Sports and Aquatic Centre which next year will host the wonderful World Swimming Championships. All of this infrastructure work was completed successfully by the Bracks Labor government. To give credit where credit is due, the Kennett government mounted the successful bid to host the Commonwealth Games, but there is a vast difference between mounting a successful bid and producing by delivering the goods that were the Commonwealth Games.

In my community I have seen the wonderful effects of having a Labor government that concentrates so much on the things that are important to people — things like their health, the education of their children, public transport and infrastructure. When I was elected in 1996 it had been some 10 years since the community in my electorate had received any additional funding for its public transport bus network. It was not until the Bracks Labor government was elected that we received badly needed funds to improve and enhance our bus services.

We can all remember the long and bitter debate that took place to enable the community to secure funding from the federal government to have the Geelong Road upgraded, as was so badly needed. The Bracks government committed its half of the funding, but it was not until the federal government was ready to run up to an election campaign that it was dragged kicking and screaming to the party. Also, the historic first real work has been done on the upgrading of the Geelong railway line. This has produced benefits not just for the people of Tarneit but for the whole region. These transport improvements have been brought about, managed and created by the Bracks Labor government.

The improvements in health services in my electorate have been vast. In 1996 the community had no primary health care centre, but the Bracks government committed over \$10 million to create an integrated primary health care centre. You cannot have healthy communities without providing adequate primary health care. My electorate now has that, thanks to the Bracks Labor government. We have also been able to spend significant sums — over \$8 million or \$9 million — on upgrading not only emergency services but also palliative care and maternity health services at the Werribee Mercy Hospital. I am proud to have a hospital with staff as competent, caring and hardworking as those at the Werribee Mercy Hospital are for the community.

The establishment of the youth resource centre was a joint undertaking between the state government and the local Wyndham council. It has produced fantastic results for young people in the community. A whole range of services, including primary health services, are provided through that centre. Its establishment has been a magnificent achievement.

In education alone the Bracks Labor government has done a sensational job for the community that is Tarneit. Since 1999 over \$20 million has been invested in the physical infrastructure around our schools — another magnificent achievement. The one thing we do very well in a growth corridor is grow human beings,

but we need resources to look after their health, education and safety. The Bracks Labor government has delivered over the last nearly seven years. Over \$20 million has been spent on the physical infrastructure of our schools alone, not to mention the achieved reductions in class sizes, which have fantastic benefits for the educational outcomes of the primary school children. We have more teachers in our community than we have ever had before.

Members should compare the achievements of the Bracks Labor government with what its predecessor did — that is, sack teachers and close schools. I am not being boastful, but I think we can be rightly proud about our achievements in health and education, particularly in the growth corridors.

In terms of community safety, in the last budget the Bracks government committed to new and enhanced police facilities to the tune of \$6 million. I am also very proud that the Bracks Labor government has, for the first time, contributed \$35 million to help create an integrated response to family violence. Sadly, the family violence statistics for Tarneit are worrying, but this government has observed this worrying trend and has, for the first time ever, committed funds to help produce an integrated and multi-levelled approach to family violence. The Bracks government can be very proud of that.

It is terribly important that we do not think of infrastructure as just roads, bridges and hospitals but that we also think of social infrastructure and social strengthening. In this regard I am delighted to announce that the Heathdale neighbourhood renewal program has produced wonderful results for the community. The Bracks government is to be congratulated for producing such an innovative, practical and successful model for social infrastructure development as the neighbourhood renewal program.

I find it fascinating that an organisation such as the opposition, which is clearly struggling to manage itself, would mount a matter of public importance such as the one presented today. The Victorian people will look at the opposition and at how it is, or is not, managing itself, before they would ever consider giving it an opportunity to manage Victoria. As we read in the papers daily, the state of the opposition — that is, its current state of mismanagement — is not such that the Victorian people would consider giving it a chance.

**Mrs SHARDEY** (Caulfield) — I rise to speak on this matter of public importance:

That this house condemn Labor's mismanagement of Victoria, particularly in the areas of transport, health, education, infrastructure and taxation.

I wish to focus on the health portfolio.

The first comment I make is that since my appointment to the shadow health portfolio at the end of last year I have seen a litany of disasters in the health portfolio, which is probably one of the most important portfolios for the people of Victoria. Despite the minister's claims and the government's claims through its \$80 million advertising program, the Bracks government has failed to deliver on its promises. It is a great pity for the Victorian people who had such high expectations that when the Bracks government came to power it would deliver things it had tried to blame the Kennett government for.

What is sad is that today members of the government continue to cast responsibility for anything that goes or has gone wrong during the period of this Labor government, which is nearly seven years now, onto other people — in other words, to duck its responsibility. It is extraordinary that we continue to hear those claims seven years later.

In the health portfolio there are concerns about and there have been disasters in a large number of areas. I have a list of eight areas that I will try to make some comment about, but I doubt that time will permit me to cover everything. The areas are: the situation at Rural Ambulance Victoria (RAV), which is a total debacle that has been played out over previous weeks; the very worrying issues at Casey Hospital, with people blowing whistles to get help for those who suffer an emergency situation and other situations at that hospital that I will talk about; problems with the Royal Children's Hospital; problems with paediatric cardiology at Monash hospital; and false claims by the government about providing CT (computerised tomography) scanners at Horsham hospital — which turned out to be untrue.

Further problems in the portfolio include a stop-work meeting of doctors that is to take place tomorrow because the government has failed to negotiate properly with Victorian doctors — yet, nearly half a million dollars was blown on a party to celebrate the opening of a hospital. Everyone knows that money could well have paid for a lot of people to have their medical procedures conducted, and a lot of doctors could have been paid proper salaries. Many mental health issues are very concerning, and a report from the community visitors outlined a lot of those issues.

A further issue is the hospital waiting lists. Although the Minister for Health tries to make claims about waiting lists, she knows full well that this government in fact has not cut waiting lists since 1999; I will talk about those figures later.

The first issue concerns the absolutely extraordinary allegations about Rural Ambulance Victoria. They cast doubt on this government's capacity to manage an ambulance system for country residents. There have been allegations of corruption, bullying, low staffing levels, jobs for mates, forgery, sexual harassment charges against managers, and numerous stories of poor response times. The RAV has no proper computer-aided dispatch system — it still uses pen and paper, as in a Third World system. We are the only state in the country that does not have a computer-aided dispatch system, yet the money was allocated.

The Public Accounts and Estimates Committee said that the country ambulance service needed a computer-aided dispatch system. The money was provided, but part of it was just blown away — and what have we got in its place? Nothing! This situation with the RAV is an absolute disgrace.

I will talk about just one of the issues. It concerns the story of a young man who had an awful accident at a football match. I quote from the *Warrnambool Standard*:

The screams [of ] under 14-and-half footballer Mitchell Howe filled the small town's recreation reserve after his hip was torn more than 10 cm out of its socket.

The Nullawarre 12-year-old had to wait more than an hour for an ambulance to arrive.

The youngest member of this team is thought not to be able to continue playing football, which he loves playing, and worse than that: when the ambulance crew took Mitchell to South West Healthcare's Warrnambool hospital it was notified there was no orthopaedic surgeon on duty to help this young boy who was in terrible pain.

There also was the debacle of the RAV manager who was up for allegedly forging signatures to get jobs for his mates. Even though he was allowed to resign he continued to use an RAV car and even had a petrol card to fill the car with petrol. The minister learned about that in this place and was forced to take action, but she did not seem to know what on earth was going on.

The community thought it was absolutely laughable that the emergency buzzer system at Casey Hospital for calling doctors and nurses to assist a patient when there was either a cardiac arrest or a failure to be able to

breathe could not be heard; nurses were allocated whistles — if you please! — to blow, should there be an emergency. Everyone thought that was totally ludicrous. There had been plenty of time for the system to be fixed, and the staff were obviously deeply concerned about it — so concerned that one of the staff was actually prepared to go public. That exemplifies the lack of capacity of this government to really manage the truly difficult and important things in our hospitals system.

If one listens to 3AW, and most people in this place probably do, at 7.00 a.m. some startling things are told. The other morning we were informed — —

**Mr Andrews** — Is that the member's research, the 'Rumour file'?

**Mrs SHARDEY** — I am told that the 'Rumour file' is only allowed to publish those things which are found to be true, but — and I think this is serious and not something to laugh about — a complaint was made that the deceased are wheeled past the hospital cafeteria on their way to the mortuary.

If the minister learned about this for the first time by listening to the 'Rumour file', I hope she has done something about it because I do not think any of us would like to think that that would be really happening. I think such a suggestion should be of concern, and I hope the minister takes it seriously.

There are other things relating to the provision of services at the Royal Children's Hospital which I think should be taken very seriously. We saw the dreadful sight of what is a Third World kitchen on the bottom floor of this hospital that is supposed to provide services for the Royal Women's Hospital and the Royal Children's Hospital. That money has been allocated and still the kitchen has not been completed. There are instances of financial trouble at the Royal Children's, which the government tried to deny but which I know are true. There have been instances of paediatric cardiology outpatients at Monash Medical Centre coming under threat. Again the government has had to scurry around and try to fix that little problem.

**Mr Andrews** — Total nonsense!

**Mrs SHARDEY** — It is not nonsense; we know it is true. There was the issue of the government advertising that it provided a CT scanner at Horsham, but that was a lie because it belonged to Symbion Health. I have discussed the doctors stop-work meeting tomorrow.

Then there was the party — nearly half a million dollars blown away in one afternoon — to celebrate the opening of a hospital. That was an absolute disgrace. There was something like \$137 000 blown on advertising. I do not know how anyone in all conscience could do this.

Look at what is happening in mental health. The federal government is pouring \$1.8 billion into mental health in this country, but the state of Victoria cannot even give a commitment that it will match the generous funding provided by the commonwealth. There is in fact no commitment! If one looks at the community visitors report, one sees that it is absolutely scathing of the provision of services in community health in this state.

As to waiting lists, the target for the December waiting list was 39 507, but the actual waiting list is 40 783. Going back to December 1999, the waiting list was 40 301, and in June 1999 it was 40 153.

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

**Mr ANDREWS (Mulgrave)** — I am pleased to join this debate on this matter of public importance proposed by the member for Malvern. It is always a great pleasure to follow the member for Caulfield, but it always poses a dilemma: where does one start?

**Mrs Shardey** interjected.

**Mr ANDREWS** — Let me start with the Koroit, Macarthur, Clunes, Elmore, Mortlake, Lismore, Beeac, Birregurra, Altona, Mordialloc, Burwood and Essendon hospitals. They are the 12 hospitals closed by the Kennett government.

The member for Caulfield confuses the issue by using the word 'blame'. It is not a matter of blame at all; it is a matter of credibility. Those opposite have absolutely no credibility when it comes to matters of how we can build a better health system for the future, because their record is one of closing 12 hospitals, sacking 2000 nurses and slashing funding. It speaks volumes for their lack of credibility when they come into this place and propose a matter of public importance casting aspersions on the record of this government and claiming that it has mismanaged health, because that is their record. They do not try and defend their record; they simply say that we should not be talking about it because it is ancient history. It is not ancient history, because it speaks volumes for what they would do if they ever found themselves back in government in this state.

This government is putting more resources into our health and hospital systems. We have increased recurrent funding to hospitals by a massive \$2.3 billion — a 71 per cent increase in ongoing funding to our hospitals since we came to government, moving from \$3.5 billion to \$5.8 billion in the last budget. Here is a news flash: we do not apologise for having boosted funding. We do not apologise for having put \$2.3 billion of additional recurrent funding into our health and hospital systems. What has been the benefit of that money? We are treating 1.2 million patients per year, which is a quarter of million more than the number treated in the previous government's last year of office.

In terms of other critical services, we are treating over a million patients in our emergency departments each year. The performance of those emergency departments has been acknowledged as being the best in the country not by this government but by the commonwealth government in its own report on the state of our hospitals. That is a critically important thing for the future, given that so many people require urgent care in that particular part of our health system.

Furthermore, the Productivity Commission's recent report on government services found that Victoria has the best and most efficient hospital emergency departments in Australia. As I said, that is not me saying that; that is the Productivity Commission. So let there be no mistake that the performance in the key parts of our health system — indeed right across the board — is far better than it was in 1999. That is a direct result of the substantial funding boost that we have put into this important part of our overall services, which are important to the Victorian community. It has not happened by accident, and it stands in stark contrast to the previous government's record of closing hospitals, sacking nurses and cutting funding.

The member for Caulfield raised a whole range of issues. Time is against me in addressing all of them, but I have spoken about the record boost in ongoing funding. If you look at elective surgery waiting lists — and the member for Caulfield made some comments there — you can see that we are working very hard in terms of tackling them. In addition to our investment in recurrent funding — the \$2.3 billion I spoke about — special initiatives such as the \$30 million elective surgery blitz which was announced in last year's budget are designed to get those lists down further, and we have had success to that end. When you look at the number of people on elective surgery waiting lists — down by 638 since December 2004 and by 1005 from June 30 last year — again you can see that that has not happened by accident. It has happened because money

has been put into that part of the health system to directly deal with those issues.

That comes in the context of work force shortages in a number of specialist fields, a problem not just in Victoria but right across Australia and right across the world. In difficult and challenging circumstances we are putting in targeted assistance to deal with those measures, and the results are there for people to see. And it is not just about elective surgery, although there are thousands of additional procedures being performed. There are also 25 000 additional outpatient and allied health appointments, which is also important in terms of the overall patient journey. As I said at the outset, this government has a record of investment and fundamental achievement in our health system.

An area which is not often spoken about but which is critically important to the overall health of our community is dental services. Those opposite have a shameful record in apologising for their Liberal and Nationals colleagues in Canberra, who, it should never be forgotten, as one of their first acts upon being elected in 1996 slashed the commonwealth community dental program, costing Victoria substantial amounts of funding and adding absolutely to the time taken to get treatment.

However, under our government 47 900 more dental patients are being treated every year in community dental clinics than under the previous Liberal-National government. That is 47 900 more people getting treatment than under the previous government. It is a 41 per cent increase and a substantial boost. Just think how much more we could do in this important area of our health system if we had a genuine partnership with the commonwealth government. However, far from criticising their mates in Canberra for slashing the commonwealth dental program, those opposite offer nothing but ongoing support. The last commonwealth health care agreement took \$350 million off Victoria and was praised as a generous package by the Leader of the Opposition and all of those who follow him. Obviously more can be done in that area and a whole range of areas in health, and that is what this government is all about.

Capital is important. We have worked very hard to ensure that the spaces in which health services are provided are of a similar standard to our wonderful, dedicated staff. We have worked hard to improve health capital. In terms of capital works programs, we have invested \$2.4 billion in rebuilding Victoria's health system. Those projects include the Austin and Mercy hospitals and rebuilding suburban hospitals at Angliss, Northern, Sunshine and Dandenong. In my

own local community I was pleased last week to attend the opening of a new south-west ward as part of an overall \$50 million redevelopment of the Dandenong Hospital. There are about 60 additional beds there and an intensive care unit capacity. This is a wonderful facility which will help Dandenong Hospital further meet the great pressures being put on it.

Again, that is not simply talk. There is money there, a new ward has been opened, there are wonderful facilities and a great partnership with Southern Health and the people who live in that part of the world. This is a clear demonstration in a local setting of this government's priorities for a better health system. Moving on from that, there are the country hospitals in Kyneton, Stawell, Ararat, Geelong and Ballarat. It would be very clear to those country communities that this beats closing hospitals.

The member for Caulfield made a range of claims in relation to Casey Hospital. This is the first new hospital in Victoria in 20 years. The Leader of the Opposition often gets a bit confused about this and asks about the Northern Hospital. The Northern Hospital was built by the previous government but it had to close the Preston and Northcote Community Hospital to do it. In addition, let us never forget that the Casey Hospital would have been a private hospital if it had been built then. It is now a public hospital and a first-class facility for Melbourne's fastest growing area. It is a great credit to this government and will be of lasting benefit to the people who live in the city of Casey.

Moving on from that, we have commenced construction of a new women's hospital and cleared the way for a new Royal Children's Hospital. We are well under way in building super-clinics at Melton, Lilydale and Craigieburn. The Alfred centre for excellence in elective surgery is well under way. There is the subacute facility out at Knox and the radiotherapy centres in Geelong, the Latrobe Valley and Moorabbin. We are rebuilding the emergency departments at the Geelong, Bairnsdale, Shepparton, Monash, Williamstown and Werribee hospitals. I have visited many of those sites, and the staff and the local communities are delighted to see that investment. They can compare and contrast for themselves our record of investment with the record of abject neglect of those opposite.

The member for Caulfield made some comments in relation to mental health and the commonwealth government's \$1.8 billion funding package. We announced \$180 million last year on our own, just for Victoria. The previous largest increase in any one year in terms of federal government funding was

\$105 million. We did more for Victoria last year than the commonwealth government has done for the whole of Australia in 10 years. There is a fair bit of catch-up to be done there. We have achieved great things in terms of our mental health services. However, more can be done, more must be done and more will be done. The notion that we have done anything other than invest and bring about improvements in that part of the sector is just plain nonsense.

It is very clear. Those opposite have a record of closing hospitals, sacking nurses and slashing funding. Ours is a record of investment and fundamental achievement. We are about building a better health system to provide better care for the future. Those opposite have an appalling record. It is plain for all to see. This motion brings no credit to them. Can I end by saying that if they hope to get into government by using the 'Rumour file' as a policy development unit, heaven help them.

**Mr DIXON** (Nepean) — After that trip down memory lane with the previous speaker I wish to address the mismanagement of our education system by this government. Everywhere you look in the schools and education system in Victoria you see facilities, standards, discipline, choice and mismanagement. In the limited amount of time I have I will try to get across a lot of those areas.

This government has been in power for seven years and we know that 50 per cent of schools feel they are worse off, 75 per cent of schools say they need major upgrades, 92 per cent say they are inadequately funded and that schools have to raise — —

**Ms Kosky** — Source your research.

**Mr DIXON** — I will in a minute, don't worry. They say they need to raise funds for the basics. Schools and parents should not be raising funds for the basics; that should be to provide extras for schools. But 92 per cent of schools are saying they need to raise money for their basics. Eighty-three per cent of schools need to replace inadequate equipment. These are not the extras but the everyday equipment needed to run excellent educational programs in these schools. There is a huge need to find qualified specialist teachers in many areas of this state, especially in country areas and the western suburbs.

The minister challenged me to source my information, and I will. I am not being political about this. This information came from the Australian Education Union which surveys the schools each year. In this case it surveyed 500 schools directly through the principals. These principals are able to say this without fear of

retribution, of which there is always an undercurrent in our schools. They will not speak truthfully to the opposition, to the media or their school communities because they are afraid of retribution. In this survey they were able to express their comments and their feelings directly to the union, and the union has now published the results. This is 500 principals. This is what is happening in our schools. This is the real picture. It is not a picture of spin from this government but a picture of the reality. The figures I have cited here are what I am picking up as I travel around the schools in Victoria.

We saw an interesting example recently when the soft drink issue was floated around as a bit of a distraction, I feel, to some of the — —

**Ms Kosky** — This is a serious issue

**Mr DIXON** — A distraction to some of the even more serious issues in education. The legs it was given surprised me. The complaint a lot of schools have about not being able to sell soft drinks is that it will affect the profit margins in their canteens, and in many cases they rely on those profit margins to prop up their school budgets. To me that is symptomatic of the problem: the canteens and the fundraising by the parents should be providing the extras, but they are providing the basics.

When this education union survey was released on the weekend the government came out and said it was not true, that it was spending lots of money on schools. It said that in its time in government it has rebuilt or built 42 new schools, and that is an average of 6 or 7 per year. That is what governments should be doing; that is what they should be about. Forty-two schools? The other areas of Victoria are asking about their schools. What about the other 1500 schools?

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Lindell)** — Order! The Minister for Education and Training and the member for Bulleen should stop their conversation across the table.

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Lindell)** — Order! I ask the minister and the member for Bulleen for some cooperation with the Chair.

**Mr DIXON** — I was in a country area of Victoria last week where the principals have nominated a school in their district where everybody goes. It is a great school. It is brand new. It has everything that opens and closes and the full gamut of specialist facilities. All the

visitors are taken through that school. The principal I spoke to said good on this school for having those sorts of facilities but what about their school? It is losing children because of the look of the school — you trip over the asphalt getting to the front door, past the broken fence and the peeling paint on the porch. There is an all-or-nothing approach to the haves and the have-nots. There are some haves and they have some fantastic facilities, but the number of have-nots is quite incredible.

A famous case which has had a lot of publicity down in the Geelong region, as a lot of members would be aware, is the Little River Primary School, which was discussed with me today on Geelong radio. It is a huge issue down there. This school has no permanent facilities at all. They want some answers. They want to know: are we doomed to this forever? Are we going to have to continue to fundraise to build a shed to have a class in or are we going to get a permanent school? What is our future? They cannot get an answer. No-one will have the decency to give them an answer and say, 'Sorry, in future provisioning in your area we do not think there is a place for your school'.

No-one is going to be honest enough about that. They are just led on and on. It is very hard for them to attract new students to that school because everyone is uncertain about its future. It is hard to attract students to that school because of its facilities — there is nothing permanent, nothing new and no promises of anything new. The principal cannot go out and say, 'It might be like this now, but we have great staff, a great curriculum, a great parent body, and next year we will start building a new school', or in two years time, to give them some sort of hope. There is no hope at all.

In my electorate there is Boneo Primary School, which is an even larger school with over 300 students and where not even the toilet block is permanent. The whole school is made up of portables. Again, no-one will give them an answer. That school has grown from 60 to 300 because it is a great country school and has great teachers, a great curriculum and is in a great location. Can they get an answer about the future? No way; no-one will give them an answer. No-one will say whether they are a priority. No-one will say whether they can stay on that school site. It is just tearing apart the parent body and the staff there. They want to know if they are going to be moved off the site, when they are going to get some funding and when they are going to get a permanent building.

They do not want a brand new \$12 million school holus-bolus. They want some permanent buildings. They want an admin block and some specialist

facilities. They are quite happy for their classes to be held in portables, because that is all they have known all their lives, but they want some permanent buildings. It is another example of an all-or-nothing approach. You get a school worth millions of dollars for all sorts of visitors to be dragged through, or basically you get nothing.

This lack of transparency and lack of future planning — there is future planning going on, but the schools are not aware of it — is a big and growing issue, and the \$600 million from the Snowy Hydro sale that is being talked about at the moment has added further uncertainty and built up tremendous hopes for schools. They all think, 'Perhaps our time will finally come'. But they are not being told. They are being told that they need to work out the future educational needs, in a physical sense, of the schools in their clusters, that that is where the capital funding will come from. On its own, that is a reasonable approach, but again all it is doing is delaying even further the knowledge, the forward planning and the ability of schools to forward plan.

A scenario was put to me recently by a cluster group. They asked if they would be funded if they found the status quo suited their educational needs. They have been told by the department that they will not be funded, that they have to merge or change to qualify for capital funding. I find that approach deplorable. It is a backhanded way of closing schools by forcing them to merge through not funding them.

In my final few seconds I want to say that if this government put as much effort into managing schools as it puts into its spin on our schools, we would not be debating this matter of public importance at all today.

**Business interrupted pursuant to standing orders.**

## STATEMENTS ON REPORTS

### **Education and Training Committee: promotion of mathematics and science education**

**Ms MUNT (Mordialloc)** — I would like to speak about the Education and Training Committee's inquiry into the promotion of mathematics and science education. The committee's report was tabled in March 2006. I see that the deputy chair of the committee is with us in the chamber, and I hope he agrees with what I have to say on this report. I preface my comments by thanking the other members of the committee, the staff of the committee, all the teachers, students, parents and members of industry and other groups who came to give

evidence to the committee. In the end we had an all-party agreed report with recommendations to make to the Parliament. We tried to keep our recommendations fairly short and to the point and to really focus on the areas we felt most needed attention in maths and science curriculums and other areas in our schools.

The committee found that our schools already do a great deal of work in the areas of maths and science. There is a really good curriculum, and lots of teachers and lots of schools have great programs in place for science and maths. Maths and science are becoming increasingly important not just in our schools but in our society, and they are critical to leading the way in a modern economy. Among the new sciences that I became familiar with, as much as I could with my non-scientific brain, were nanotechnology and the synchrotron. Visiting the synchrotron was particularly interesting for the committee, just to see the range of sciences on offer and their applications. It was also interesting to visit the universities and see the precincts that are growing around the sciences. In many ways we are leading the world in our science facilities and our approach to science. It is great to see there are some brilliant brains out there — absolutely brilliant.

Our education system has to keep pace with what is required for science and maths. We found that private industry is participating in some great programs in our schools. However, the take-up seems to be greatest in the eastern and south-eastern schools, and we found that perhaps more focus has to be put on the northern, western and regional areas of Victoria with these programs. We also found that children are very focused, involved and interested in primary school but tend to turn off in the middle years of secondary school. At around years 7 and 8 there seems to be a turn-off from maths and sciences.

Primary schools have a more hands-on practical approach and it becomes more academic as we move into secondary schools. We have to focus on how we can keep students actually engaged. The committee made a number of recommendations in its report, that I will not go into because I do not have the time, but they are focused on these areas. They are also focused on areas of curriculum, particularly in the Victorian certificate of education (VCE) to have an engineering focus in year 12 so that those students will go on to do engineering — mathematics and sciences — at university, thereby broadening and strengthening the mathematics and science production for industry. You can also do that through many TAFE courses as well as other courses.

I will not go through all the recommendations but they are all very good, and the committee hopes they will have a practical benefit to mathematics and science education in our schools. As I said, the committee believes the all-party agreed report is very good and hopes it will have a lasting benefit for the people of Victoria in the 21st century with its mathematics, sciences and technological innovations. Victoria is a very smart state, based on very advanced industries, and we have to keep track in our education system by providing for those industries.

### **Education and Training Committee: promotion of mathematics and science education**

**Mr DIXON** (Nepean) — I wish to make some comments on and give some thought to the same report that the member for Mordialloc spoke on. I commend the work of the Education and Training Committee. It is a good example of a bipartisan all-party committee that is working towards a common goal. The reference given to it was a good one but much work needed to be done on it. When people read the recommendations in the report they will realise it asks more questions than it answers, so much work needs to be done in this area. However, this report is a very good starting point.

One of the issues picked up by the committee and which is fairly well known in the education community is the lack of specialist teachers in mathematics and sciences, not just in Melbourne but especially in country Victoria. It is also a problem in certain geographic areas of Melbourne. We have known about this for a long while. I am not aware of large numbers of graduates coming out of our universities who are qualified to teach mathematics and science. The problem has been recognised but I do not think much has been done about it.

Perhaps the problem is such that we have to go right back to the school system. We are not encouraging, for all sorts of reasons — some of which have been picked up in the report — students to go to university to gain a Diploma of Education in mathematics and science. We are missing out by not encouraging them in our secondary schools because of the current approach which is turning them off mathematics and science, so they do not want to do further study and certainly do not want to teach in that area.

One of the issues raised is the huge change in sciences. The sciences covered in the curriculum and the names of the mathematical subjects and areas of science studies have basically been unchanged since I was at school. I think we need look at broader and more relevant definitions of what science and mathematics

are for the community. Then we need look, therefore, at how those subjects can be taught and what subjects can be covered in the schools.

We have an unbelievable shortage of a range of engineering disciplines in Victoria and Australia. Engineering, as a subject, is a way of teaching mathematics and science that I believe would be very attractive to many young people in the schools. That is an example of what needs to be introduced in the secondary schools curriculum.

Science, even more so than mathematics, will help re-engage many of our students in the middle years. The member for Mordialloc said that the hands-on approach seems to be a big thing in our primary schools, but it seems to have been lost and become more academic in secondary schools. To keep young people engaged, especially boys engaged in the middle years, science, engineering and other subjects could be hands on, practical and relevant, which can be a great way of keeping them involved in education and skilling them for further education training and future employment.

An issue brought up by the committee is the inconsistency across Australia, even in what the different mathematics subjects are called. I still cannot come to grips with it. I have had two children go through secondary school and I have one there now. If I were asked what mathematics subjects he is doing, I still would not know. I find it confusing and contradictory. I am talking about Victoria, but across Australia every state has a different label for various mathematics subjects; even though there may be the same label in two states, they are usually two different things and the content they are teaching is different. We cannot afford to have that in Australia. A national approach to that and a number of education issues need to be on the table. That issue has been picked up and identified by the committee and is well worth pursuing.

Professional development is another huge area that needs a lot of work — even more so in science and mathematics. We do not have the teachers out there who are qualified to teach them. We need teachers who are actually teaching in schools to be informed about and updated with what is going on, to know the best ways of teaching, what is new in the curriculum and how we can make it more relevant and practicable. Far greater emphasis needs to be put on professional development in mathematics and science.

### **Family and Community Development Committee: regulation of funeral industry**

**Ms NEVILLE** (Bellarine) — I am pleased today to make a further contribution on the report of the Family and Community Development Committee inquiry into the funeral industry. One of the things I have alluded to before is that the funeral industry in Victoria, but pretty much across Australia although some states have done more, is relatively unregulated.

One of the things the committee received evidence of was a survey undertaken by one of the peak industry associations with consumers. It basically found that overwhelmingly — around the 80 per cent mark — people believed there was regulation of the industry. For example, they believed there was regulation of the storage and transport of bodies, as well as the equipment and health and safety issues that are obviously associated with the industry. Obviously that is not the case. Some of the standards are set by the two professional associations that cover Victoria, but unless you are a member of those associations, and not all funeral companies are, the standards do not apply. There are also questions of enforcement of those standards.

One of the areas that the committee looked at was embalming. It is not a widespread practice in Australia, unlike in the United States of America. It is not something the committee wanted to say should be widespread, but there are certain times when embalming is an absolute requirement — for example, the transportation of bodies overseas. In Australia we do not have any requirements for training in embalming. It has some health and safety concerns surrounding it, but it is a complex and technical procedure that ensures you are able to better manage cases of infectious disease, where embalming is often used.

One of the committee's recommendations was it felt anyone who undertook embalming needed to have completed an embalming course. There are some already available and some funeral directors have undertaken that course but largely people who embalm are not covered by that training process. Many learn it on the job, which the committee recognised and said all of that should be fed into whether someone is qualified and that there should be prior recognition of those skills. However, anyone new coming into the industry needs to meet the criteria set out in the embalming course that is provided by some of the professional associations. However, in that context we talk about the possibility of a TAFE course being developed as well,

to support the practices and techniques required for embalming.

Obviously, funerals are not something that we as a community talk a lot about nor in fact do we want to know much about the details of what is involved in a funeral and the storage of bodies. However, recent events show us that where things go wrong it certainly exacerbates to a high level the grief of the families involved, so this is a very important issue. We unfortunately had evidence, which is documented in the report, of some fairly poor practices, particularly in relation to children and the concern felt over what had occurred during storage of the body of the deceased child. It is hard enough to deal with the death of a child let alone to confront and try to deal with issues related to a funeral company's poor practices.

These are very important issues which we as a community and as members of Parliament need to confront. I urge members to look at the report because it identifies a balance between having some standards without increasing costs to such an extent that some of our smaller reputable funeral companies, particularly in rural and regional Victoria, are costed out of the market. Consumers absolutely deserve the enforcement of minimum standards.

### **Public Accounts and Estimates Committee: budget outcomes 2004–05**

**Mr CLARK** (Box Hill) — I rise to speak on the report on the 2004–05 budget outcomes of the Public Accounts and Estimates Committee (PAEC), which was tabled recently. This is another report in which the committee continues its bipartisan efforts to bring better financial management and accountability to the state of Victoria.

I commend the work of the secretariat of the committee and say that I have been pleased to work on this report with other committee members from all parties. In a very genuine, sincere and bipartisan way the committee has put forward constructive proposals to improve the way this state is managed. It is regrettable, and I find it personally a source of increasing frustration, although other members of the committee can speak for themselves, that the recommendations and analysis of the committee that is put forward in this constructive and bipartisan manner is increasingly ignored by the Treasurer and others in government. The Treasurer is not the sort of person who takes kindly to advice or who seems to have a great deal of regard for other people's opinions, but I would say it would be in his best interest to — and I cannot understand why he does not — seize the recommendations of the PAEC and

adopt them with eagerness wherever possible, because they would certainly make the running of this state a lot better and probably make his job as Treasurer a lot easier.

In this, its latest report, the committee has highlighted continuing failings by the Bracks government, including a wages bill blowout of some \$266 million despite claims by the government that its wages target was met. The committee has pointed out that such overruns must be minimised in future, particularly in the context of a government wages policy that limits wages growth to 3 per cent. The committee has confirmed what we all know, that there are extended delays in the completion of many major projects. It has highlighted inadequate cost-benefit analyses for economic and employment programs within the Department of Innovation, Industry and Regional Development (DIIRD); it has raised doubts about the adequacy of safeguards surrounding a government guarantee of a bank loan to the operator of the Docklands film and television studios; it has exposed the secrecy and non-disclosure by the government of the cost of prison operations; it has pointed to the fact that one in three major rivers and tributaries in Victoria is assessed as being in very poor condition on the index of stream conditions, despite the government's claim that the index shows a good result.

The committee has also highlighted the fact that the Bracks government paid a performance bonus to every single senior officer in the Department of Justice and the Department of Victorian Communities in 2004–05, as well as to all seven executives of the Southern and Eastern Integrated Transport Authority (SEITA) and all six executives of the State Revenue Office. Good work deserves its reward but, as the committee points out, bonuses must not be allowed to become guaranteed elements of executive remuneration but instead need to be awarded, as the committee put it, 'on the basis of exception', for superior or exceptional performance. The committee has also recommended the same standard of reporting on senior executive remuneration in the Victorian government public sector as applies to listed public companies.

Perhaps most striking of all are the committee's findings and reports on government advertising. The committee's report catalogues a long list of government advertising and promotional campaigns in 2004–05, including \$122 000 spent on the so-called 'Batchelor party' by the Minister for Transport at Spencer Street station; \$42 860 spent on advertising the government's ban on cattle grazing in the Alpine National Park, which we all know was replete with doctored photographs; and \$135 171 spent on promoting new

colours for vehicle number plates. The committee makes clear in its report that the details it provides are based entirely on information provided by the departments to the committee and cannot be construed to represent the full expenditure on government advertising and promotion.

Most concerning of all, the committee found:

... the material provided by the Department of Human Services was inconclusive because it did not cover the \$458 000 information program regarding the launch and promotion of the Austin and Mercy complex.

The committee was contemptuously told by the government to go and have a look in the *Your Hospitals* report if it wanted more information. That is hardly a proper way for a government to treat an all-party, bipartisan committee.

### **Drugs and Crime Prevention Committee: strategies to reduce harmful alcohol consumption**

**Mr LONEY (Lara)** — I wish to make some comments in relation to the Drugs and Crime Prevention Committee's inquiry into strategies to reduce harmful alcohol consumption. This is an extensive report by this committee, on which it has done some exemplary work and certainly deserves praise for the report it has put together. It is a comprehensive report of some two volumes and many recommendations, but the part I particularly want to address is found in volume one from page 510 onwards, where it discusses the Geelong local industry accord.

The Geelong accord for the liquor industry came into being in 1993, and at that time it was a fairly groundbreaking initiative. It was brought into being to deal with a number of problems that had surfaced in Geelong at that time, particularly revolving around public drunkenness, violence associated with licensed premises, misbehaviour in nightclubs, under-age drinking and other elements that go to the things we see in licensed premises from time to time. These issues had become a particular problem in Geelong and needed to be dealt with in some way. The community response to that was to introduce a local industry liquor accord.

As I said, it was a groundbreaker at that time. Its aims, as pointed out in the report, were:

To maintain proper and ethical contact within all licensed premises and promote the responsible service of alcohol philosophy ...

To minimise or stop practices that led to rapid and excessive consumption;

To maintain a free and competitive market while eliminating as far as possible promotions and practices that encourage irresponsible service or consumption.

Superintendent Bill Kelly was a prime mover behind the local accord, and his work at that time certainly put in place something that worked very well for the community. It was indeed, as the report suggests, a very successful accord, because it had the commitment of all the stakeholders. Licensed premises within the town were part of the accord and so helped modify a number of behaviours that had been evident as part of the attempt to reduce the problems caused by drinking.

The report goes on to talk about the new Geelong accord that has been put in place. A similar type of thing has been attempted in recent times through the Geelong Nightlife Association, a good body of responsible people who maintain liquor outlets in Geelong. They have attempted to keep the accord and the sorts of practices promoted in it going throughout all the licensed premises. The committee report talks about the success of this initiative.

In one sense I do not concur with what the committee said in its report about the current accord, because unfortunately — and it is discussed elsewhere in the report — accords such as these are not mandatory. What we have seen in Geelong is a couple of licensed premises putting themselves outside the accord so that they can pursue the sorts of behaviours that the accord wishes to stamp out. The premises that are part of the Geelong Nightlife Association are being savagely let down by a couple of premises that wish to do all of the things with their pricing and promotion policies that encourage binge drinking and those sorts of behaviours.

We now have applications for extended trading hours from premises outside the accord. When the move was on they had curfews and lock-ins, as they are called, which have worked in Ballarat and elsewhere. As I said, we have a couple of players that are savagely letting down the local community by pursuing irresponsible behaviour. I hope that, as this report recommends, they get involved with the Geelong Nightlife Association and pursue the policies and practices of the accord. They should sign up to the accord — —

**The SPEAKER** — Order! The member's time has expired. The member for Swan Hill has 4 minutes and 50 seconds.

### Public Accounts and Estimates Committee: budget outcomes 2004–05

**Mr WALSH** (Swan Hill) — I want to make a brief contribution on the Public Accounts and Estimates Committee report on the 2004–05 budget outcomes that was tabled out of session last week, particularly the advertising and promotional expenditure section of that report.

It is interesting to look at a little of the history of this. The Auditor-General has done two audits on that topic in the last decade. The first report in the mid-1990s identified that guidelines for publicly funded advertising were in place in New Zealand and the United Kingdom. If you fast-forward to today, you see that although we have some very broadly worded guidelines that have been put in place by the Bracks government, there have been constant calls by The Nationals and in media commentary about having an enforceable code of conduct for government advertising. The Auditor-General is now reviewing that situation. It is interesting to see that section 4.3.3 in the report by the Public Accounts and Estimates Committee, headed ‘Enforceability of guidelines’, says:

Irrespective of the findings of the Victorian Auditor-General arising from the latest audit, the committee considers that the propensity for government advertising to attract recurring political and media controversy warrants the introduction of a framework in Victoria that strengthens the enforcement of the guidelines.

Obviously the committee, which contains nominated government members, feels that the Victorian government is currently not adhering very well to its own guidelines. Further on, under section 4.3.4, the report says:

There is a general absence of information dealing with advertising and promotional expenditure within the annual reports of departments.

Members of the house would well remember the infamous memo from the Minister for Education Services a couple of years ago in which she instructed the department to look for media opportunities and announcements for her to make so that she could raise her profile in that ministership. No doubt that created a lot of work within her department that was never ever costed under the issue of raising the minister’s profile, but equally it was probably not productive for the department given the work it was doing.

It is also interesting to see that the report talks about how:

... the committee’s principal objectives were to establish the amount and nature of funds directed by departments to advertising and promotion —

and I emphasise the word ‘promotion’

campaigns that were in excess of \$100 000 ... and to gain an insight into management strategies concerning relevance of outlays, attainment of value for money ...

I particularly emphasise the issue of value for money. If you think about some of the promotional and advertising programs, particularly the promotional programs, that have been run by departments over time that are not mentioned in this report, you will recall the party at Spencer Street station — which now, as everyone knows, has been renamed Southern Cross station and has the biggest roof in the Southern Hemisphere — where \$185 000 was spent by the Minister for Transport.

I noticed in the press recently that in thanking those who organised that party, the Minister for Transport wrote that he would like to do it again if he had the opportunity. I hope those sorts of things come out in future debates. Also, a party was held to celebrate and have a look at the synchrotron — but \$120 000 is over the limit, and I wonder what value for money there was for Victorians in that.

Also, in excess of \$400 000 was spent in promoting the opening of the Austin Hospital and Mercy Hospital for Women.

**Mr Stensholt** interjected.

**Mr WALSH** — But was \$400 000 for a party good value for money? If we go further into the report, it looks at particular programs run by the government. The Make It Happen in Provincial Victoria advertising campaign was all about getting people to go to country Victoria, and the web site was supposed to advertise jobs in country Victoria. But after The Nationals pointed out that virtually no jobs were advertised on that web site, finally the government went about having some jobs listed there so that people could understand the employment opportunities in country Victoria.

We can also look at the infamous debate about high-country grazing and the involvement of the mountain cattlemen. A doctored ad was put into the daily papers here in Melbourne. Was that good value for money or was it just spin by the government to try and justify its decisions? I think the Minister for Environment should hang his head in shame at the doctoring of that ad.

There is also the issue of the water savings program and the ads that are run in the daily papers on this issue. There was an ad containing two shots — one of the Fitzroy Gardens and one of a dry dam bed. I do not know how that actually gets the message through. Another advertisement showed a nice mountain view compared with a view of a fallow paddock in a cropping area, and they superimposed dead trees on that. If you look at that advertisement, you can see that whoever has done it has just reversed the superimposed bit. There is no factuality to the photo at all. This government is spending a lot of money on advertising — but it is false advertising.

**The ACTING SPEAKER (Ms Lindell)** — Order! The time set aside for consideration of parliamentary committee reports has expired.

## FINANCIAL MANAGEMENT (MISCELLANEOUS AMENDMENTS) BILL

### *Second reading*

#### **Debate resumed from 30 March; motion of Mr BRUMBY (Treasurer).**

**Mr CLARK (Box Hill)** — The Financial Management (Miscellaneous Amendments) Bill amends the Financial Management Act 1994, which has been in operation for almost 12 years and is one of the major early reforms of the Kennett government. That act was a huge step forward on what went before it. It was legislation that I was pleased to have been involved in as parliamentary secretary to the Treasurer of the time, and I would also pay tribute to the work of the head of the accounting policy reform unit in Treasury at the time, Mr Jim Brumby, someone who is well known to the current Treasurer.

The Financial Management Act has largely stood the test of time. Built on it have been two further sets of major Kennett government reforms: firstly, the move from cash to accrual accounting, based on accounting standards — the generally accepted accounting principles (GAAPs); and, secondly, the move from program budgeting to output budgeting and enhanced performance measurement.

The current government has also built on the Financial Management Act to some extent, and it has retained accrual accounting based generally on accepted accounting standards, including the move to international accounting standards. Unfortunately government members have, by legislation, given

themselves the power to depart from generally accepted accounting standards whenever it suits them.

It is an even greater matter of regret that while the current government has paid lip service to the concept of performance measurement and accountability, it has failed to carry through with the reforms initiated by the Kennett government, which were only partly implemented at the time we lost office. Indeed performance measurement and accountability have rapidly gone backwards under the current government, as embarrassing performance measures have continually been dropped and as weak and/or complicit treasurers and finance ministers have allowed their ministerial colleagues to dispense with public performance accountability, virtually at will.

The bill before the house makes a series of minor technical amendments on matters of detail. The opposition supports the bill as far as it goes, but it does not go very far. It is typical of the Bracks government's emphasis on spin that the opening and concluding paragraphs of the second-reading speech consist of grand — and I must say somewhat stilted — rhetoric that bears little relationship to the contents of the bill and shows every sign of having been copied and pasted from a tract of word-processed boiler plate. You only have to look at such phrasing as:

The bill reflects the government's interest in ensuring that legislation relating to public finances is current, effective and internally consistent —

in other words, they need to update the bill. The final paragraph of the second-reading speech is:

The proposed amendments will support sound governance and are in line with the government's commitment to responsible financial management.

That is hardly a profound conclusion in summing up a series of highly technical and detailed amendments.

Let us look at some of the detail of the bill. It provides direct authority to the Minister for Finance to give ministerial directions regarding accounting practices and other matters rather than those directions being authorised indirectly by regulation. It allows revenue from the various items rather than the cash received from those items to be credited to various expense items — that is, so-called annotated appropriations. This change of definitions simply reflects the move from cash to accrual accounting.

The bill provides for an estimate of departmental carryovers to be included in the budget papers and for final carryovers to be determined after the end of the financial year. This is a change that is consequent on

the move to having May budgets each year. Following on from that, the annual financial report will report on amounts that have been carried over to the next financial year.

The bill allows the budget estimates statements that are to be provided to the Parliament to be provided before the appropriation bill is before the house, which is intended to authorise current practice. This is a matter that gives rise to the only query that I wish to raise in relation to the bill, namely that clause 8, which implements this measure by substituting a new section 40(2) in the Financial Management Act 1994, provides that:

- (2) The Minister must cause the statement to be laid before —
- (a) the Legislative Assembly on or before the day on which the second readings of the annual appropriation Bills are moved ...

While I understand that the aim is to allow budget papers to be circulated in this house before the minister actually delivers the second-reading speech on the appropriation bill — which is of course what currently happens — in fact the way the amendment is drafted the budget estimates statement could be circulated on a day prior to the day on which the second reading of the appropriation bill or bills takes place. I question the reason for that and whether it is appropriate to leave open that possibility, even though I cannot see any particular reason why that might want to be done.

The next amendment is that the bill makes clear that leases or licences can be given over surplus Crown land, not only over surplus buildings or structures. This is another amendment that is intended to authorise current practice.

Finally the bill allows regulations to be made more generally than at present on matters relating to financial management and reporting.

The key issue about this bill is not so much what is in it but what it fails to do. The government's failures in proper financial management accountability have been documented in increasingly forceful terms by the all-party Public Accounts and Estimates Committee, of which I have the honour of being a member. The most recent report of that committee on the 2004–05 budget outcomes documents not only specific failures and defects in good management by the government in the 2004–05 financial year, to which I have referred previously in this house, but also a series of failures in proper management and accountability by the government.

In particular the report documents the lack of parliamentary scrutiny over budget appropriations and deplores the government's rejection of a series of very constructive recommendations that were made by the committee in its report on the review of the Auditor-General's report on parliamentary control and management of appropriations. The report is scathing in its criticisms of government annual reports, using such phrases as:

... 'public relations' document (with the emphasis on 'good news') rather than being true instruments of accountability.

The committee finds:

... key elements of good performance reporting are either absent or not adequately addressed.

I would commend to all honourable members, not least of all the Treasurer and his parliamentary secretary, a careful reading of pages 37 to 38 of that report and the very substantial detailed assessment later on which backs up those summary findings.

The tragedy of all this is that we as a community could have so much better than we do from our governments in terms of performance and accountability. There is a much better way of doing things, and it could be done with bipartisan support if only the Treasurer and the Minister for Finance in the other place had the humility, the commitment and the commonsense to realise it.

This is something that is realised unanimously by the members of the Public Accounts and Estimates Committee. It is embodied in the consistent recommendations coming from that committee, and if the government were sensible and were acting in good faith it would seize on and quickly implement the vast majority of the recommendations of the PAEC. If it did so it could do it in a way that gave it credit instead of being subject to increasingly justifiable criticism for ignoring the committee's many sensible recommendations.

There are so many different ways in which the management and accountability of state government could be improved. Good management is not just about looking after money, it is about how the resources of the community generally are raised and are used to best meet the needs of the community in both services and infrastructure. There is scope for a wide range of reforms to how government is managed to achieve better decisions made in a more open way and better services and infrastructure to meet the community's needs and priorities.

Those reforms can be summarised as falling into five key areas. We need a focus on what services and

infrastructure government is actually providing and not just on how many dollars are being spent, and we need to make sure that focus is taken as far as it possibly can from the perspective of those who receive the services. In other words, citizens need to know what the government is doing translates into what is available for them. We need to make sure as far as possible that when we in government announce what government is doing, or is about to do, we describe what is going to take place in terms of services, improvement or infrastructure, not simply in terms of dollars being spent. In our private life we seldom boast about how many dollars we are spending on the assumption that bigger is better. In our private lives we talk about what we are achieving within as few dollars as possible. The government needs a similar reorientation.

We need to plan effectively for the future, not just with nebulous vision statements but with plans that are developed after proper assessment and public dialogue, which are integrated across government, specify projects and priorities year by year and avoid both overcommitting and under providing for future generations. We need a government that is open, thorough and frank with citizens about its performance and the condition of government finances. The community will back government if it has confidence that the government is being frank with it. The community knows that difficult decisions need to be made about priorities and choices within government. People resent it when they are kept in the dark and the government turns up on budget day and delivers a budget as if it is pulling rabbits out of a hat.

In a similar manner citizens need to feel that they have ownership of the decisions government makes on their behalf, that they have proper and genuine opportunities for input rather than the Claytons consultation that was inaugurated by former Premier Joan Kirner and has been continued under the current government.

We need to drastically reorganise the internal operations of government to achieve what I would refer to as coordinated responsibility. In other words, you have to get the different parts of government working together as a coherent whole but with the scope to do their jobs with accountability for their performance. We need to respect the professional skills of public office-holders, and we need to have a commitment to provide a high-quality service to citizens and to other recipients.

Those are not just grand principles, they are matters on which specific detailed reforms can be implemented, such as providing clear, readily available specifications of the range and standard of services that citizens can

expect to receive from governments and government-funded services and such as having a detailed, published multi-year forward plan for government that sets out when new capital works projects will be built and new and improved services introduced, and how they will be paid for, with ongoing input from independent experts on the state's future infrastructure and service needs.

We could benefit from a dedicated infrastructure fund that would better manage the resources that are used for infrastructure and other capital works and which would help ensure that departments and public bodies are properly funded for maintenance, repairs and replacement of equipment and other capital items and which would avoid the annual bunfight over slivers of capital funds that occurs at present.

We need to allow citizens to have an informed say about priorities for extra spending or tax cuts. We need to provide better access for citizens to government, financial reporting and performance management information. In that regard we need to harness the enormous potential of the Internet to make information better available on a readily accessible and low-cost basis. Last, but certainly not least, we need honest disclosure and explanation by government of funding arrangements underlying government announcements involving spending, instead of the current fudging we repeatedly get from the government making announcements that reannounce the same funding, pretending it is new funding each time.

They are some of the principles that should be reflected in a bill such as that currently before the house. They are certainly the sorts of principles and reforms that will be implemented under a Liberal government. It is regrettable that instead of this far-reaching reform that is necessary and could be achieved on a bipartisan basis, the bill before the house makes only a series of limited and technical amendments.

**Mr RYAN** (Leader of The Nationals) — The Nationals do not oppose this legislation. It comprises some basic elements that form part of the government's ongoing financial administration. The amendments are to the Financial Management Act, which was initiated by the former government back in 1994 and which has been a foundation document for the operations of government both then and since.

The prime elements involve an expansion of ministerial powers to enable the minister to give further directions to a public authority. At the moment the minister can give a direction to a public authority or its chief financial officer only on a matter covered by the

regulations. If the Governor in Council passes a regulation to this effect, you have a double-barrelled process, and it seems unnecessarily convoluted. The amendments will address that.

There are also some amendments regarding the issues of accrual accounting and around the operation of section 29. There is the question of the tabling of documents in that the clerks have asked that the act be amended so the budget material that is needed under section 40 may be tabled in both houses simultaneously in lieu of the present requirement whereby it cannot be presented in the Council until that house receives the actual appropriation bill from the Assembly.

The final issue regards the leasing of Crown land. At present section 54 authorises the minister to grant a lease over surplus government buildings on Crown land. Someone has tumbled to the question as to whether that provision also extends to the balance of the land upon which the particular structure happens to be located. The amendment ensures that there is provision for the leasing of the whole of the land as opposed to that upon which the structure concerned may stand.

These are a series of amendments that are not opposed by The Nationals. Of recent times I have had occasion to correspond with the Minister for Planning about the prospect of some additional Crown land being available for the use of a local group within my electorate which does wonderful work in the presentation of some historical aspects of that great part of Gippsland in the area of Foster, so I suspect this amendment and the provision itself will be used for the better use of that land in times to come. The Nationals do not oppose the legislation.

**Debate adjourned on motion of Mr STENSHOLT (Burwood).**

**Debate adjourned until later this day.**

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

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Rail: Trawalla accident

**Mr DOYLE** (Leader of the Opposition) — My question is to the Premier. The Premier claimed yesterday that the reason he cannot ask the Australian Transport Safety Bureau to investigate the Trawalla tragedy is that it only investigates accidents on

interstate rail lines, and I ask: given that the Australian Transport Safety Bureau has investigated, at his government's direction, four state rail line incidents — at Benalla, Epping, Spencer Street and Footscray — what is the real reason he will not call in the Australian Transport Safety Bureau?

**Mr BRACKS** (Premier) — I thank the Leader of the Opposition for his question. In this case we have a coroner's investigation, which is quite different.

*Honourable members interjecting.*

**Mr BRACKS** — Could I point out to the opposition leader that the coroner investigates when there is a death, and regrettably there were deaths on this line. There was not a death on the other lines, and that is the difference. The coroner, as an independent — —

*Honourable members interjecting.*

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

**Mr BRACKS** — The coroner has the independent capacity to undertake an independent investigation. I have full confidence in the coroner in undertaking this investigation on behalf of the rail network and the people of Victoria.

### Public transport: government initiatives

**Mr NARDELLA** (Melton) — My question without notice is to the Premier. I refer the Premier to the government's commitment to improving the public transport system, and I ask the Premier to detail for the house the most recent example of the government's delivering on that commitment.

**Mr BRACKS** (Premier) — I thank the member for Melton for his question. The member for Melton is right to say that we have a commitment on this side of the house to reinvest in — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The level of interjection is far too high. I ask members to be quiet to allow the Premier to answer the question.

**Mr BRACKS** — Again I thank the member for Melton for his question. As he indicated, it is true that this side of the house has a commitment to investing in public transport, extending services and also ensuring that we are prepared for what is currently happening — that is, because of economic prosperity and population growth, there is a demand for new services, new capacity and new investment as well.

To that end the government will be releasing a transport livability statement before the state budget. The statement will take into account the products of a 21 per cent increase in the growth of our economy over the last 5 years, the fact that our population growth levels are the highest we have achieved for some 30 years, and of course the fact that we have a record high number of people in work — 300 000 more people are employed — who are therefore commuting to work and wanting to access what is great about Victoria more broadly, which is our livability. We will make sure we are preparing for the future by planning for the next 10 to 20 years, ensuring that we have adequate investment in public transport.

As part of that I was very pleased today to be with the Minister for Transport in releasing one component of our transport livability statement — that is, ensuring we have the right personnel and the right training for that personnel to increase the capacity and frequency and reliability of our service in the future. I am very pleased that our government has been able to allocate \$15.4 million of new expenditure towards the training of 180 new train drivers in Victoria. These 180 new train drivers will work on both metropolitan and country networks: 120 will be trained for the metropolitan network and 60 for the country network. The drivers will undertake either a 71-week course for the metropolitan area or a 104-week course for the V/Line service in country areas. There will also be a facility for former drivers who wish to return to service, who will come back by undertaking a 13-week refresher course.

This will probably be the biggest single increase in training for train drivers that Victoria has seen for more than a decade. When the system was run down seven years ago we saw drivers leave the system, but they have been coming back in record numbers. Not only that, even more will come back as we run these refresher courses and new training.

We met today with some trainee train drivers at Flinders Street station. They are a great group of young people who are getting ready to finish their course — and they are about a third of the way through it. I am looking forward to seeing the next batch of 180, who will be trained over the next three years, finishing their courses, operating in the system and making sure we have a more reliable, frequent and better service in the future.

### **Seniors: motorised scooters**

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier. I refer to the 2003

parliamentary inquiry into improving safety for older Victorians, in which motorised scooter use was identified as an issue by VicRoads management. I further refer to the government's response to the inquiry in saying, 'There appears to be no evidence of major safety problems associated with these devices', and I ask: given that two country Victorians have tragically died in the past six weeks from collisions with cars while using mobility scooters, what is the government going to do to improve safety for older Victorians who rely on these devices for mobility, particularly in rural and regional Victoria?

**Mr BRACKS** (Premier) — I thank the Leader of The Nationals for his very good question on an issue that should be of concern to all people in Victoria — that is, how we organise to improve accessibility for people with disabilities who rely on public transport and other means of transport and how we can upgrade stations and upgrade access into both public transport and other facilities in Victoria.

We are committed to continuous improvement in this area and already, as you can see in the metropolitan transport system, we have seen considerable improvements. Our government is committed to making further improvements as well on the metropolitan system —

**Mr Ryan** — On a point of order, Speaker, on the issue of relevance, the question was related to mobility scooters, and I ask the Premier to answer that question.

**The SPEAKER** — Order! I understood the Premier was addressing his comments to mobility scooters.

**Mr BRACKS** — Yes, indeed, it is all about accessibility, it is all about design, it is all about platforms and how they are designed to ensure that motorised scooters can get easy access onto trains and a whole range of other services. We will ensure that we continue to improve accessibility for people who are relying on motor scooters. We have done so in the past, and we have got more to do. Of course we will be making more announcements in the future, both in our budgets and in other areas as well.

### **Public transport: government initiatives**

**Mr LIM** (Clayton) — My question is to the Minister for Transport. I refer the minister to the government's commitment to improving Victoria's transport system and ask the minister to detail for the house what planning is under way to address the transport challenges into the future?

**Mr BATCHELOR** (Minister for Transport) — I thank the member for Clayton for his question. The member for Clayton, like many people who represent outer metropolitan areas, understands the importance of public transport and the importance of a good road network. That is why, as the Premier said, we have injected some \$5.4 million into the training of train drivers. It was a terrific experience to be at the platform down at Flinders Street today with a whole host of train drivers, both men and women, who are undertaking that task — —

**Mr Perton** — Which station was that? Did the minister catch the train or a limousine?

**The SPEAKER** — Order! The member for Doncaster will cease interjecting in that manner.

**Mr BATCHELOR** — In terms of our plans we have really undertaken a very thorough and comprehensive — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The level of interjection is far too high in the house. I ask members on both sides of the house to be quiet to allow the minister to answer the question.

**Mr BATCHELOR** — The government has undertaken a very comprehensive and thorough process as part of the planning for this transport mobility statement. We have used that to determine what projects will be included, and we have done that because transport is one of the key reasons why Melbourne has been given awards — no. 1 or no. 2 — as one of the most livable cities in the world. We know that Melbourne's population is growing — —

**Mr Mulder** interjected.

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

**Mr BATCHELOR** — We know our population is growing, our transport infrastructure is ageing and that more people are using it, so that poses some really specific challenges for the transport system. There is a need to address these issues, which is why we are preparing for a significant statement on transport.

Today we can ensure that the statement will include a comprehensive examination of transport issues that face Melbourne and Victoria. It will concentrate on identifying priority projects for now and into the future, and it will contain significant funding commitments now and in the years ahead.

Importantly this statement will be about a long-term funding strategy for upgrading and improving Victoria's transport infrastructure — its transport network. We should not underestimate the significance of this statement or the significance of the challenges we are facing. For decades governments in Victoria have failed to rebuild our transport infrastructure. The simple fact of the matter is that transport infrastructure projects are often expensive; they take a long time to implement and they cause some inconvenience to the community, so as a result our predecessors have always put the upgrades that are needed into the too-hard basket.

This government has already demonstrated its preparedness or its willingness to undertake significant investment in transport infrastructure. These include extensions to the tram network in metropolitan Melbourne, our revitalisation of the regional rail network, the new transport facility at Southern Cross station and the extension of the metropolitan train lines — —

**Mr Plowman** — On a point of order, Speaker, the minister is clearly reading from a document. I ask the minister to table the document.

*Honourable members interjecting.*

**The SPEAKER** — Order! Is the Minister for Transport reading from a document?

No, he is not. I remind members of what is appropriate parliamentary language and I ask them to behave accordingly.

**Mr BATCHELOR** — I was outlining how we have upgraded the transport system both in regional Victoria and in metropolitan Melbourne; such as the extension to Sydenham — —

**Mr Smith** interjected.

**The SPEAKER** — Order! I have already warned the member for Bass about using unparliamentary language. I ask the member to apologise or I shall remove him from the house.

**Mr Smith** — Because I called him a liar?

**Questions interrupted.**

## SUSPENSION OF MEMBER

**The SPEAKER** — Order! I suspend the member for Bass from the house for half an hour.

**Honourable member for Bass withdrew from chamber.**

**Questions resumed.**

**Mr BATCHELOR** (Minister for Transport) — We have extended the metropolitan electrified rail network out to Watergardens, or Sydenham, and we are currently extending the electrified metropolitan train system out to Craigieburn. These are just some of the examples that we have undertaken in recent times as part of our strategy to improve our public transport infrastructure.

What we need to do now is to understand that the tasks ahead relate to improving the core element of our transport infrastructure to address the capacity issues and to ensure that the public transport system can continue to serve Melbourne and Victoria, now and into the future. That is what we will do.

### **Rail: rural and regional crossings**

**Mr MULDER** (Polwarth) — My question is to the Minister for Transport. I refer to the revelations by Bob Bassett from the Rail, Tram and Bus Industry Union that there have been a number of near misses on the Ararat–Ballarat line, and I ask: given the tragic deaths in the Trawalla accident, will the minister order WorkCover to interview Mr Bassett and immediately investigate whether these near misses were reported and fully investigated and why these near misses did not result in level crossing upgrades?

**Mr BATCHELOR** (Minister for Transport) — As I indicated to the house and the member for Polwarth yesterday, there are a series of independent investigations currently under way into this tragic accident, and any and all relevant information will be examined by those investigations. I refer the member for Polwarth to section 129UA of the Transport Act, which provides very extensive and broad-sweeping powers for these investigations to undertake and examine any relevant matters, and they will do that.

If there is a matter for the Victorian WorkCover Authority to additionally investigate, it will do that. That is the subject of another minister's responsibility, but unlike the member for Polwarth I am not going to be ordering investigations by the coroner, the police, the transport authority or WorkCover to investigate any elements of this. I am not going to be ordering what they can and cannot investigate. I say to the investigators that they should —

**Mr Perton** interjected.

**The SPEAKER** — Order! I have already spoken to the member for Doncaster once about inappropriate interjections. I ask him to cease interjecting.

**Mr BATCHELOR** — I say to all those authorities and agencies that are investigating —

**Mr Mulder** — On a point of order, Speaker, on the matter of relevance, the question I asked relates to a number of near misses prior to the Trawalla accident, not the Trawalla accident itself. I ask you to ask the minister to come back to answering the question relating to the near misses prior to the accident.

**The SPEAKER** — Order! I understood that the minister was responding on broader issues rather than the specific one.

**Mr BATCHELOR** — I indicated yesterday that the agencies would be able to investigate any relevant matter that they chose, and we would encourage them to do that. I do not believe it is appropriate that these agencies or individuals, whether it is the WorkCover authority, the coroner, Victoria Police or the train safety experts from public transport in Victoria, should be subjected to the sort of overt political interference that has been exercised here. I absolutely reject that as a way of dealing with this most important matter, the tragic death of people on our rail network.

### **Planning: Melbourne 2030**

**Mr PERERA** (Cranbourne) — My question is to the Minister for Planning. I refer the minister to the government's comprehensive planning policy and ask him to inform the house of the potential effects of abandoning the government's strategy.

**Mr HULLS** (Minister for Planning) — I thank the honourable member for his question. The Bracks government has established a very important planning framework which provides for the long-term environmentally sustainable development of our cities and also our regions. This plan strikes the right balance. It is a plan to prevent urban sprawl and ensure that families in all parts of the state have access to the things that they need, such as job opportunities, services, schools, hospitals, transport and the like.

**Mr Thompson** — On a point of order, Speaker, the minister is reading from a document. I just wonder if he could table it.

**The SPEAKER** — Order! Is the minister reading from a document or is he using notes?

**Mr HULLS** — No, but I am about to.

**The SPEAKER** — Order! The minister has responded that he is not reading from notes.

**Mr HULLS** — Our policy has been firmly endorsed by a whole range of groups. I will quote from — —

**The SPEAKER** — Order! To clarify for the house, when the minister has quoted from the document, the member for Sandringham can ask him to table it.

**Mr HULLS** — As recently as yesterday the Municipal Association of Victoria said, and I quote from a document:

Councils generally support the long-term vision for Melbourne as set out in Melbourne 2030.

...

... To be successful, any metropolitan strategy requires a sustained commitment from not only the incumbent government but future governments.

The Property Council of Australia was quoted yesterday in the *Australian Financial Review*:

Ms Cunich said the property council had been active in the debate about Melbourne 2030 but was not in favour of discarding 'a very good policy'.

She goes on to say:

Indeed, you would have to travel far and wide to find anyone critical of the underlying policy fundamentals.

The Victorian Council of Social Service has said:

Melbourne 2030 has solid fundamentals and shouldn't be scrapped.

The Urban Development Institute of Australia is reported as saying in the *Australian Financial Review* of 2 May:

No policy should be set to satisfy minority views, and you've got to have the overall picture in mind ... We think 2030 in terms of the overall picture is fine.

So there is an overwhelming endorsement of the government's planning policy.

The result of scrapping Melbourne 2030 would be open-slasher development and sprawl. We would see the ravaging of the precious foothills of Mount Macedon, the Dandenongs and the Mornington Peninsula. We would see families living in isolated, unplanned communities where they had to use a litre of petrol to buy a litre of milk.

That appears to be exactly what the opposition's planning policy is all about. They call it a plan for all,

but it is a plan for sprawl. That is the reality — it is a plan for sprawl!

**The SPEAKER** — Order! I ask the minister to return to answering the question.

**Mr HULLS** — The Bracks government does recognise the importance — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Leader of the Opposition to stop interjecting in that continual manner across the table. It makes it very hard for other members and those in the gallery to hear the minister responding.

**Mr HULLS** — The Bracks government does recognise the importance of having a consistent — —

**Mr Thompson** — On a point of order, Speaker, it is a ruling from the Chair that answers to questions should not be read. I believe the Minister for Planning misled the house before when he said he was not reading from a document — a review of the film footage would establish that he read every word!

**The SPEAKER** — Order! It is the history of this house that when such matters are raised the Speaker asks the member speaking if he or she is reading from a document or using extensive notes. The minister inferred he had not been reading from a document. He has quoted from some documents, which are available for members if they wish to see them.

**Mr HULLS** — We understand the need for a consistent planning policy. Nowhere is this more important than along Victoria's coastline. We recently delivered our coastal spaces strategy.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members on the government bench, particularly the government front bench, to be quiet and allow the minister to answer the question.

**Mr HULLS** — We recently delivered our coastal spaces strategy, and I was pleased to be with the Minister for Environment, who was Acting Premier at the time, in releasing such a strategy. It is all about containing townships along the coast and protecting the beauty of our coast. Some very difficult decisions have to be made when you have a policy such as this. At the time of the launch we made a very difficult but correct decision about a proposed development at Point Lonsdale known as the Stocklands development. We

made that decision because we believe that development along our coast has to be contained.

A number of views were expressed in making that decision. Certain people expressed the view that it was the right decision. Certain people said we should use the powers we have to ensure that that proposal does not go ahead and is not put on exhibition. Other people have said as recently as yesterday that this matter should have been put on exhibition and should have been given the go-ahead. There were two completely different views; I can understand that with planning. The trouble is the two completely different views came from the member for Hawthorn and the Leader of the Opposition.

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister has been speaking for some time and I ask him to conclude his answer.

**Mr HULLS** — In conclusion, it would be a disaster for Victorians, a disaster for Victorian families and a disaster for the Victorian environment if the plan that currently exists — Melbourne 2030 — was scrapped. That is what the opposition wants to do.

### Government: expenditure

**Ms ASHER** (Brighton) — My question is to the Premier. I refer to the Minister for Transport's statement —

**Mr Perton** interjected.

**The SPEAKER** — Order! I warn the member for Doncaster. The member for Brighton is trying to ask a question.

**Ms ASHER** — My question is to the Premier. I refer to the Minister for Transport's statement in an email to the Spencer Street station open day organisers that he looks forward 'to participating in future events and opportunities' and to the Deputy Premier's comments that wasting \$450 000 of taxpayers money on the Austin and Mercy hospital open day was 'worthwhile', and I ask: how many more parties are planned and how many more taxpayers dollars will be wasted under the Premier's government?

**Mr BRACKS** (Premier) — I thank the Deputy Leader of the Opposition for her question. I can understand why the Deputy Leader of the Opposition would not want the reopening of the Austin and Repatriation Medical Centre to be known widely, because we remember what the opposition was

planning to do with that hospital when it was in government — it wanted to privatise the hospital and sell it off to the highest bidder. Our election to government stopped that in its tracks. We have invested in the biggest investment in a public hospital in the Austin and Repatriation Medical Centre in our history.

Likewise, we can understand why the opposition did not want the Southern Cross Station redevelopment known — it did not want to invest in rail. It closed rail lines, closed services and sold off the system, and it did not want to see it again.

It is important that the public has faith in public services. The Austin is an outstanding success, and our investment in public transport will go down as one of the great legacies of a great period of government.

**Mr Thompson** — On a point of order, Speaker, it is a requirement that answers to questions be relevant. The question related to how many more parties were planned, and the Premier did not address that question.

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

### Road safety: government initiatives

**Mr LANGDON** (Ivanhoe) — My question is to the Minister for Police and Emergency Services. I refer the minister to the government's commitment to reduce deaths on Victoria's roads, and I ask the minister to detail to the house how the government's policy is delivering on that commitment.

**Mr HOLDING** (Minister for Police and Emergency Services) — I thank the member for Ivanhoe for his question and his interest in road safety matters. As he is a member of the Road Safety Committee I know he, like many other members of this chamber, takes very seriously the measures this government is taking to reduce road accident trauma and fatalities on our roads. We are very pleased and proud that in the last three years this government, along with Victoria Police, VicRoads and Victorian motorists, has been able to deliver the three lowest road tolls in Victorian history. This year the road toll is running at something like 107 deaths in the first four months of the year. That is 107 deaths too many. Nevertheless, it is something like 25 deaths below the number for the same period last year.

This government takes very seriously the things it can do to further reduce the impact of road trauma on Victorian roads. One of the impacts of road accidents which is often understated is not the headline fatality rate but the cost of trauma caused through injuries on

our roads. Statistics show us that for every 1 death on our roads there are something like 17 injuries. The number of injuries this year is about 8 per cent lower than the number for last year. We will continue to do everything we can to reduce the impact of road fatalities and road injuries on Victorian roads.

We have already significantly increased our targeting and our efforts to reduce drink-driving. We have increased the penalties for drink-driving, and Victoria Police has increased its deployment of strike teams to respond to drink-driving on Victorian roads. In a world first we introduced a random, roadside drug-driving testing regime. That was a response to the very serious concerns this government had about the impact of drug-driving on Victorian roads. That trial has now become a permanent feature of Victoria's road safety arrangements, and the range of drugs we test for has now been increased. We now test for speed, ecstasy and cannabis, which means Victorians are taking very seriously the impact of drug-driving on Victorian roads.

However, the greatest cause of road fatalities and road injuries continues to be speeding motorists. This government makes no apology for its ongoing efforts to get motorists to slow down. All the international and national research available to the Victorian government tells us that the faster you travel the more likely you are to be involved in a road accident and the more severe that accident will be. If we look at the US transport studies, they tell us that speed is a factor in 31 per cent of road accidents.

If we look at a very significant University of Adelaide study, it tells us that in 60 kilometre-an-hour zones for every 5 kilometres faster that you travel you double the risk of being involved in an accident. A significant Norwegian study, which was a worldwide review of 98 transport studies, tells us that when the mean speed of motorists decreases, the severity and the frequency of accidents goes down and, logically, that when speed increases, the number of accidents increases, as does the severity of those accidents.

That is why this government makes no apology for the tough approach it is taking in relation to speeding motorists. That is why we introduced 40 kilometre-an-hour speed zones around schools. That is why we reduced the default speed limit on roads in built-up areas in Victoria to 50 kilometres per hour. That is why the Transport Accident Commission is running its very successful Wipe Off 5 campaign. That is why this government will not contemplate measures which send a message to motorists that they should travel faster on Victorian roads. That is why we do not accept the declaration of a 10 per cent tolerance — —

**Mr Ryan** — On a point of order, Speaker, this is an important issue, but the minister has been speaking for more than 4 minutes, and I would ask you to have him conclude his answer.

**The SPEAKER** — Order! I uphold the point of order. I ask the minister to draw to a conclusion.

**Mr HOLDING** — That is why this government will continue to focus significantly on getting motorists to slow down. Our policy is very simple: we want motorists to wipe off 5. We know the Liberals' policy is to encourage motorists to tack on 10. That will never be our policy. We know that the Liberals' policy will cost lives, it will cause injuries and it will lead to greater trauma on our roads.

### **Rural and regional Victoria: casemix funding**

**Mr RYAN** (Leader of The Nationals) — My question is to the Minister for Health. I refer to the system of casemix funding for public hospitals, and I ask: will the minister guarantee that no country hospital will suffer a reduction in its funding as a result of any changes which may be made to the casemix funding formula and its application?

**Ms PIKE** (Minister for Health) — I thank the Leader of The Nationals for his question. Casemix funding is a mechanism for making sure that we have an equitable allocation of funding right across the state for the different procedures that are undertaken in hospitals. There have been some changes in the allocation of funding, particularly to small rural hospitals, in recent times that have actually taken those hospitals out of the casemix funding system and given those smaller rural hospitals a global budget and much more capacity to determine the allocation of that funding, whether it be to emergency, surgical or primary health services.

Other larger hospitals are still within the casemix funding system. Casemix funding is evaluated on an annual or biannual basis to make sure that the costs embedded in casemix are actually keeping pace with changes in the costs of providing procedures — for example, for some procedures in the past, people would have had to have overnight stays or use certain kinds of equipment and — —

**Mr Ryan** interjected.

**Ms PIKE** — I am getting to that. In more recent times, with change in practices, an overnight stay is not required; therefore, the costs allocated to that particular procedure have to change. We are now proceeding, I think, on our 12th or 13th evaluation of casemix

funding, and what I can absolutely guarantee is that there will be no reduction in casemix funding to rural hospitals as part of that process — —

**Mr Ryan** interjected.

**Ms PIKE** — I will just finish my answer before I deal with the interjection. I can guarantee that there will be no reduction in funding for rural hospitals, either within or without the casemix funding process. I reiterate to the house that under this government every single hospital, every single year, has received an increase in their budget for health.

*Honourable members interjecting.*

**Ms PIKE** — Every single hospital, every single year, right around the state. Instead of pulling money out of the health system, ripping resources away, decimating the system, sacking nurses and closing 12 hospitals, we have invested more money — 71 per cent additional funding over the last six years — into our hospitals. That is the legacy of this government, and that is the legacy we intend to continue.

### **Rural and regional Victoria: skills program**

**Mr TREZISE** (Geelong) — My question is to the Minister for State and Regional Development. I ask the minister to detail to the house the most recent example of the Bracks government's Community Regional Industry Skills program delivering jobs for regional Victoria.

**Mr BRUMBY** (Minister for State and Regional Development) — I thank the member for Geelong for his question. Earlier today in Geelong I was pleased to join the members for Geelong, South Barwon and Bellarine for another major announcement about jobs in the Geelong region. I was able to join with the managing director of SalesForce Australia, Kevin Panozza, for an announcement facilitated under the Bracks government's Community Regional Industry Skills program which will bring a new \$4 million call centre to Geelong and which will create 230 equivalent full-time jobs.

This new facility will be located at the waterfront. It will create, in terms of full-time and part-time jobs, hundreds of job opportunities — job opportunities for young people, job opportunities for students, job opportunities for retired people and job opportunities too for parents who have got kids perhaps at primary school and are looking for work between the hours of 10.00 a.m. and 2.00 p.m. or 10.00 a.m. and 3.00 p.m. SalesForce is Australia's largest outsourced call centre company. It has won successive awards for being the

best performed call centre operator in Australia. It has an excellent workplace culture, and we were delighted to procure this investment for Geelong.

We should think about this investment and the hundreds of jobs that will flow from it. It follows last year's announcement by the Premier of the relocation of the Transport Accident Commission to Geelong — 500 to 600 jobs in Geelong. That decision is proceeding ahead full steam, with expressions of interest closing for the building works last week. It is an exciting time in Geelong's history. In fact it is hard to think of a period in Geelong's history which has been more vibrant, more dynamic or more positive for that region.

**An honourable member** — 1963!

**Mr BRUMBY** — It is hard to think of a period since 1963 which has been more positive, more vibrant or more dynamic for Geelong! Think of some of the initiatives which go to make up Geelong as it is today: the completion of the Geelong Road, the construction which is under way on the Geelong bypass; the relocation of the Transport Accident Commission which is taking place; the resurgence and redevelopment of Avalon, spearheaded by Jetstar and facilitated by the Bracks government; and the announcement by the federal government that a medical school will be located at Deakin University — and I might say that announcement was made by the federal government less than two weeks after the Premier announced that the Bracks government was prepared to put up to \$30 million into capital works building facilities. Natural gas is being extended throughout the Bellarine Peninsula. There is the huge investment which has gone into Grace MacKellar, the huge investment into Skilled Stadium and the new jobs that have come recently through Rip Curl, Quicksilver, Modern Olives and Air Radiators.

I will finish my answer today with one little statistic about the success of Geelong under the policies of the Bracks government. Over the 12 months up to the end of March 2006 Australian Bureau of Statistics data shows that for the Barwon western region there have been 4499 new jobs generated. One might say, 'Is that a lot of jobs?'. It is a lot of jobs. I give a point of comparison.

For that region during the last six and a half years of the Kennett government the total number of new jobs created was 5044. Here we are, after 12 months of the Bracks government's strong supportive policies towards growing Geelong, supporting infrastructure and supporting the development of Geelong, and just under 4500 jobs have been created — which is almost

as many jobs created in 12 months as in the last six and a half years of the Kennett government. We are delivering for Geelong. Today's was another great announcement, and I am sure there will be more in the future.

**EQUAL OPPORTUNITY AND  
TOLERANCE LEGISLATION  
(AMENDMENT) BILL**

*Second reading*

**Debate resumed from 6 April; motion of  
Mr BRACKS (Premier).**

**Opposition amendment circulated by  
Mr McINTOSH (Kew) pursuant to standing orders.**

**The Nationals amendments circulated by Mr RYAN  
(Leader of The Nationals) pursuant to standing  
orders.**

**Mr McINTOSH (Kew)** — This bill has a number of facets. While the opposition supports the bill, it will move a very minor amendment to the religious purpose provisions. As a point of clarification on the government's intention to clarify the definition of 'religious purposes' to include the words 'conveying, teaching and proselytising' a religion, the opposition will move to insert therein the word 'defending'.

I also note that The Nationals will move a range of amendments to remove the religious tolerance aspects of the bill. That, in effect, would make it a racial tolerance bill. That caused me some concern, and I clarified the matter with the Clerk. Notwithstanding my personal view that it would be a substantial amendment to the act, the Clerk has indicated that it is permissible that the amendments come before the house on this occasion.

The opposition will support the amendments that the Leader of The Nationals has circulated and will move today. At the end of the day if those amendments are lost — that is, the amendment to be moved by the opposition and those to be moved by The Nationals, which would remove the religious aspects of the Racial and Religious Tolerance Act — the opposition will support the bill. The reason is that the opposition takes the view that it is very hard to divine a precise indication or consensus from all sides in relation to this bill, and even in relation to the amendments it is hard to divine a consistent thought through all the groups.

I have met with a range of different groups that collectively represent a certain view of the world, and I

have met with individuals and had a range of correspondence. It is pretty hard to think of a bill that has engendered more concern or interest than this bill, certainly during my seven years in this place. A staggering amount of information has been brought to bear upon me and also upon other members of the opposition.

Having said that, whatever else you can divine from different groups and individuals who have strongly held beliefs about the act and the bill, it is felt that the bill in many cases will improve the situation. Many groups that are not so enthusiastic about the Racial and Religious Tolerance Act see the bill as not taking the ball further backwards. That is the view of the opposition. We believe we can improve the bill by our amendment to include the word 'defending' in relation to a religion. We do not think that is a backward step in the legislation.

In my concluding remarks I will deal with The Nationals' amendments that would effectively take the religious aspects out of the act. While it may remain a religious tolerance act, it will only deal with racial aspects.

In relation to the racial aspects, my personal observation is that everyone in this place is about building a community. We have different views on politics — whether it is a Liberal, Labor, The Nationals or Independent view of the world — but in relation to the basic building blocks about fabric, we accept that we have a multifaith and a multicultural community. Anything we can do in this place that will bring communities together and maintain a very good tolerance level for the vast majority of people in the community is to be commended.

The problem is: do we do it through this legislation or through the amendments? I am not troubled by the amendments in the bill. The opposition has been consistently troubled over the last few years by the operation of the act. It is a view that may receive a different level of support or acknowledgement, but I for one say that every single person in this place, as far as I am able to observe, fundamentally believes we need a tolerant, more diverse society that is accepting of different views, races and religions. None of us would want to deliberately or unintentionally denigrate people on the basis of their race or their religious beliefs. Sometimes those are merged and it is difficult to define precisely what that means in relation to some individuals. However, I believe that is fundamentally what we in this place want to do. We differ, perhaps, on the way we get there and on our views of the way the

legislative framework that supports that fundamental proposition should be structured.

One of the things that has troubled me in the last few years, and certainly in recent cases, is the civil aspect of this bill in relation to the Equal Opportunity Commission. A headline case involving the Catch the Fire Ministries is the subject of a Supreme Court appeal of a decision of the Victorian Civil and Administrative Tribunal (VCAT). It is effectively sub judice, and we necessarily cannot go into its details, but the nature of that case highlights concerns held by many members of this Parliament, and those outside it, about the operation of this bill. Fundamentally, the opposition acknowledges that every one of us in this place wants to achieve a more tolerant community if we can, but the underlying fabric and foundation of this bill may be misconceived and may lead to an outcome contrary to what would be our universal objective in this place.

Having said that, as I said earlier, the bill does three essential things. It is important to elaborate on what the bill does to the racial and religious tolerance legislation and to the equal opportunity legislation. First and foremost, it strengthens the mechanisms available to the Equal Opportunity Commission when making a decision based upon a complaint. It does not apply universally to perhaps an own-motion inquiry of the Equal Opportunity Commission, because there has to be a complaint. While it goes beyond the Racial and Religious Tolerance Act and can apply to all aspects of the work of the Equal Opportunity Commission, a complaint must be laid.

The second thing that is very critical here is that it can operate only as part of the investigative process to determine whether to not allow a complaint to proceed — that is, to dismiss a complaint. The powers only relate to the Equal Opportunity Commission's seeking documents or the attendance of any person to enable that decision to be made. What is different is that while that power did exist, it was always a voluntary power. There was the word 'may'. This new legislation introduces an element of compulsion, and that compulsion means that if the Equal Opportunity Commission, on the basis of a complaint, formed a view that might lead it to dismiss the complaint, then it is able to demand that people attend and produce documents. It is of course subject to an important qualification in the bill — and I will be seeking clarification from the minister in this regard — that there is no reasonable excuse for not providing such documentation. What is a tad unclear is the meaning of the words 'reasonable excuse'.

I note in the Equal Opportunity Act that there is an overriding provision in section 204 that provides a right against self-incrimination. One of the things I will be seeking from the minister is clarification on whether 'reasonable excuse', which is the defence for not producing documents or not attending, incorporates that overriding provision in section 204, which is the right against self-incrimination, or whether it is a separate right under 'reasonable excuse' so that one can exist separately and distinct from the other. In any event, I seek clarification from the minister and I hope that the minister, in summing up, will address the issue of whether 'reasonable excuse' includes a right against self-incrimination. The opposition certainly reserves the right, if it does not get the clarification from the minister, to seek to amend the bill along those lines in the upper house. It seems to me axiomatic that it would follow, but I seek that clarification.

I should also note in relation to the impelling powers that the current act provides the chief conciliator with the power to require people to attend and produce documents for the purpose of conciliation. Interestingly enough, this legislation — and I agree with it — puts a qualification on that to say there needs to be a reasonable excuse. Again, that same general qualification in relation to complaints before the Equal Opportunity Commission applies in relation to the chief conciliator.

There are some misconceptions as to what 'religious purpose' includes, which arise directly out of the case of Catch the Fire Ministries. There is the prohibition on vilification on religious grounds and there are a number of exceptions including for artistic, academic and religious purposes. That of course was the subject of substantial debate at VCAT. As that is subject to an appeal to the Supreme Court, we are a bit limited in discussing that case, but it was something that drove the government to clarify the meaning of 'religious purpose'. The opposition takes the view that it improves the clarity and does not necessarily make it any harsher, if you like. The words 'conveying', 'teaching' and 'proselytising' should have 'defending' added so that when someone is defending a religion, that is for a religious purpose. I would seek the support of all members of this house that amendment at least to this bill.

I also note, as an aside, that the word 'defending' be incorporated into 'proselytising', but — and this is perhaps a more academic defence — someone should be entitled to defend their religious beliefs.

I note also that Her Majesty the Queen is known here in her other realm and territory as the Queen of Australia.

In the United Kingdom one of her titles is Defender of the Faith. It seems to me to be a sensible amendment to incorporate that into the legislation. That came out of discussions with a number of people. The word was suggested to the opposition by outside parties, and I just mention that as an aside.

The third aspect of the bill I want to talk about is the tightening of the procedural provisions of the Victorian Civil and Administrative Tribunal (VCAT) when it deals with unmeritorious complaints that have been dismissed by the Equal Opportunity Commission. It is a further safeguard against the long and turgid processes that we have seen in some of these cases. To eliminate that VCAT will now have the ability, where an unmeritorious complaint has been ruled on by the Equal Opportunity Commission and one of the parties wishes to appeal to the tribunal, to dismiss that application on the papers rather than going to a full-blooded hearing. Another way of saying it is that VCAT is being given the power to give leave. You will require leave to appeal to VCAT in respect of a complaint under the racial and religious tolerance legislation. Whether leave should be granted can be determined by VCAT at its discretion on the papers. If it wants to take submissions or hear evidence in relation to the matter or otherwise, it will be entitled to do so.

Again I think that is an improvement on the original legislation. Accordingly, whatever else may happen, the opposition supports those sensible amendments. Certainly our own amendment, which includes the words 'defending a religion' in the religious purpose test, should also be incorporated. Religious tolerance legislation, which is a matter for real debate, changes and metamorphoses every day. I have certainly had a roller-coaster ride over the last few weeks as I have dealt with a large number of groups and individuals, and all of them have made very valid points in relation to this legislation.

Perhaps I should start by saying in relation to the provisions on racial vilification that while there might be residual concerns about process or otherwise, I think everybody accepts that race is something that can be treated quite distinctly from religion. Any vilification based on race is abhorrent in the extreme. It is certainly something the opposition would never support, and that aspect of the bill does not cause the opposition concern.

I want to say again from the outset that any form of vilification in relation to religion is abhorrent to members of the opposition. Like everybody else in this house we want to see a more tolerant, a better balanced and a better accommodating community that accepts that there are differences, there is diversity and there are

different religions and different groups that all have a valid role to play in our community. Nothing I say will detract from that; it is just a question of how you get there.

The opposition acknowledges that there is a fundamental tenet upon which the Racial and Religious Tolerance Act is based. That fundamental tenet is the acknowledgment in its purposes of a fundamental right to freedom of speech, a very noble sentiment in itself. We know that traditionally freedom of speech is something that is historically ingrained in our culture. It is certainly ingrained in this place, and it is ingrained in the democratic traditions and values of this country that are embodied both in this place and outside. Everybody is celebrated for their differences and for expressing their own views — but there are sometimes limitations on freedom of speech.

In relation to defamation laws or the incitement provisions in the Crimes Act about causing harm, freedom of speech has to be curtailed to some extent. But as much as possible we should be encouraging people to express their opinions and their ideas and to provide information. That right should be available to every single citizen, in whatever manner or form, subject to acceptable limitations. They sometimes change, adapt and metamorphose over time, but it is a fundamental tenet, and that is what this bill acknowledges. It acknowledges that there is the fundamental right to freedom of speech.

There is, however, no acknowledgment in the act of freedom of religion, and many would say there is a distinction between freedom of speech and freedom of religion. While freedom of speech relates to opinions and ideas, and the ability to freely circulate and discuss information on different matters, freedom of religion is something that we all know historically has developed quite distinctly from freedom of speech. I note that even in the international covenant on human rights there is a distinct right to freedom of speech and a distinct right to freedom of religion. Freedom of religion is based on a belief and on something your conscience holds true, and it is also based on the ability to practise your religion both privately and publicly.

Again, we know perfectly well that freedom of religion is something that has to be subject to the social mores of the day, and it changes, adapts and metamorphoses over time. Something that would be offensive to the community and offend against the criminal law does not in any way provide the entitlement to go out and commit a criminal offence, but basically a person should have the freedom to be able to practise their religion.

One of the things that concerns me about racial and religious tolerance legislation is that it does not recognise that freedom of religion and freedom of speech are separate and distinct rights. There is a slight difference between freedom of speech and freedom of religion. The practice of religion, either publicly or privately, is a fundamental right. I may or may not subscribe to those practices, which is my entitlement, but, likewise, anybody in the community should be entitled to practise their religion to whatever extent they want. It would be substantive improvement to recognise in the legislation the difference between those rights.

Likewise it is a matter for concern that traditionally Victoria can stand proud on many aspects of its diversity and on the prevention of vilification or incitement. Although I was not in this place at the time, I was proud to be a member of the party when former Premier Jeff Kennett became the first political leader in this country to come out and condemn Pauline Hanson's racism, and it was a matter of real pride that I could stand behind Jeff Kennett. Whatever anybody's view of Jeff Kennett might be, he held his views passionately. When a lot of people were going to water for whatever reason, Jeff Kennett came out strong.

We have to constantly be aware of the fight against racism and vilification. One achievement of the Kennett government, which is probably little celebrated, is the introduction of the toughest incitement laws in the country. I think we can all be proud of the amendments made in the middle of the 1990s to the incitement provisions in the Crimes Act. At this stage it would be limited to the commission of an indictable offence by causing someone personal harm or causing harm to property. Whether that should be extended to vilification or disregard is something we need to debate. There should be a proper process through which the Parliament makes a statement that something is abhorrent to us as members of Parliament and to the vast majority of people in the community and should be part of the criminal law. That is the process we have normally undertaken.

One of the problems with the racial and religious tolerance legislation, and why the opposition supports the amendments to be moved by the Leader of The Nationals, is that the civil process through the Equal Opportunity Commission may have — and as we have seen, has had — a tendency to divide our community rather than bring it together. I know perfectly well that the Premier said he had a meeting across a number of different faiths and groups, but many of the Christian groups I have spoken to feel quite affronted by this legislation. They feel that their ability to practise their

religion in private and in public is significantly curtailed by this legislation.

As we have seen in the matter of the Catch the Fire Ministries — and I do not want to go into the merits of the case — there is a situation in which two people who have appealed to the Supreme Court face the prospect of being compelled by the legislation to apologise, and they may not take that step. Frankly I see no advantage in sending these two people to jail, because that would only continue to divide the community. We need to bring people together through this legislation.

My view is that we should not go down the civil route of asking tribunal members and judges serving on the Victorian Civil and Administrative Tribunal, in the Supreme Court or elsewhere to rule on matters that may have been the subject of historical conflict, physical as well as academic. Hopefully we have got over the issues of physical conflict and can deal with the academic. What is important is that in effect we are asking our judges and tribunal members to rule on whether one person is right and another person is wrong. If we are going to go down this route, my view is that there should be a clear statement in the Crimes Act of what is prohibited.

**Mr Lupton** interjected.

**Mr McINTOSH** — I hear the member for Prahran muttering behind me, calling it extraordinary. There is nothing unusual about this Parliament passing laws and putting into the Crimes Act the prohibition of certain conduct. I am sure the member for Prahran in his former years as a barrister would have looked at the Crimes Act and would have seen that we have prohibited anything from murder, to rape, to sexual penetration of a child, and that indeed we change that act quite often. It has not been unknown for us to change that act; we have prohibited certain types of conduct. Indeed, the most recent changes made were to create computer offences, because of the changing and evolving community.

We reserve unto ourselves the right to prohibit a certain range of conduct. My view is that the best way to achieve that is by way of a substantial amendment to the Crimes Act and to remove the jurisdiction of the Victorian Civil and Administrative Tribunal and the Equal Opportunity Commission in this matter. At the end of the day, religious vilification should be a serious offence, and we should be able to define clearly what we mean by 'vilification'. It is important that there should be a clear statement of what is and what is not permitted, and I do not think we have that here. It is

ambiguous and creates division, and for that reason we have to do something about it.

The Liberal Party remains committed to working with all of these groups to achieve an outcome that would provide a real measure of defining what is and what is not permissible in the community and to provide real sanctions for those who transgress the law. I think we should be looking at the incitement provisions in the Crimes Act. This should be clearly defined. We should be able to put a line under it and say, 'That is where it should be' and provide real sanctions. The Liberal Party remains absolutely committed to having discussions and consultations about — and in government would be more than willing to introduce — changes to the Crimes Act. It should be done in the incitement provisions of the act, if it is absolutely necessary, and should achieve a broad outcome.

To conclude, firstly I am proposing an amendment be made to the bill — that is, the inclusion of the word 'defending' in clause 9; and secondly, the Liberal Party will support the bill because many consider that it takes the ball a lot further forward and improves the legislation. Others will say, 'It does not actually do much harm, but on that basis we will support it'. The Liberal Party supports the overall operation of the act and The Nationals' amendments, and remains committed — and this is the endgame — to working with all groups and all political parties to achieve an outcome where, as legislators, we can define what is right and what is wrong so as to bring our community together, rather than divide it.

**Mr RYAN** (Leader of The Nationals) — The Nationals have always opposed the Racial and Religious Tolerance Act. We accept that it was introduced by the Labor government and supported by the Liberal Party, but The Nationals opposed it — and that continues to be the case. We believe that history has proved us right. We have always believed that the principal act was ill-conceived, unnecessary, likely to be divisive and that in its many effects it would be very likely to curtail freedom of speech. On each count we think we have been proven correct.

We take note of what has happened in the other states and jurisdictions around Australia which have considered the introduction of legislation of this nature. New South Wales considered it — indeed some legislation was introduced in the upper house of its Parliament with regard to it — but it was rejected. South Australia considered it, issued a discussion paper on it, but ultimately abandoned it.

Western Australia has also abandoned the prospect of the introduction of this legislation. In England legislation has been introduced, but the extent to which it has had to be modified is nothing less than astounding. In the end it included a protection of freedom of religion clause that reads:

Nothing in this (act) shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practising their religion or belief system.

Acting Speaker, I ask you — rhetorically, of course — how one can possibly accept that the introduction of laws of that ilk containing that form of convoluted language will do anything by way of addressing issues about the way in which religious freedoms operate within communities at large. But it is reflective of where this whole debate has gone. As I say, it is certainly reflective of the stance we took back in 2001 when the principal act was debated, that there is just no need for this legislation to have been introduced.

The bill, as has been observed by the member for Kew, does three things principally. It adds significantly to the capacity of the Equal Opportunity Commission and its ability to require people to attend, produce documents and otherwise participate in an inquiry regarding a complaint they may have lodged and which in the first instance the EOC has concerns about.

We think that the extension of that power, albeit it might be argued to the contrary, is draconian and unnecessary. We much prefer the original position that the commission always had the capacity — and, I emphasise, still retains the capacity — to invite people to produce documents or have further conversation about what the complaint might be, but we do not believe the extension of it to the point set out in this legislation is warranted. I know it can be argued that the existing provisions can perhaps in effect allow that to occur, but insofar as this particular amendment is concerned, we object to it.

The second thing the bill does is to tighten the provisions with regard to unmeritorious complaints, if I can use that expression. While we think it is fundamentally a sound idea, we also believe this is just another indicator of how the operation of this legislation has got out of the bag. That it should be necessary for the Victorian Civil and Administrative Tribunal to introduce this system, which effectively sifts the wheat from the chaff, is reflective of where the operation of this legislation has gone.

We support the general principle that a leave provision should be introduced, which would enable VCAT to decide the issue on the papers as to whether the complaint can proceed and should proceed. Nevertheless, it is our belief that it should not even be necessary.

The third element of the bill is the extension to the definition of 'religious purpose' contained within section 11. Again in the context of the totality of the legislation, if it were ongoing, then the amendment would follow a recommendation from VCAT and we would therefore accept that this amendment is pursuant to the terms of that recommendation, and we would understand why the government has sought to introduce it through this bill.

Finally, the Liberal Party has introduced an amendment. We support the content of that amendment because if the acts were to be ongoing it would support the operations of section 11. We also believe that a further substantial and substantive amendment should be made, and that is what I have had circulated in my name today. We believe the notion of religious vilification should be removed entirely from the provisions of this legislation.

I pause to say we accept absolutely the fact that throughout Australia and, for the purposes of this conversation, in the state of Victoria we have a proud history of being able to cohabit among different groups from different backgrounds, different faiths and different beliefs. All those things are critical to who we are and what we are. One would hope that would never change. However, we think it is a mistake to have introduced legislation of this nature which seeks to control the way in which the relationships exist between those different faith groups and between the communities generally. As I said at the start, we think it is a mistake.

It has created disharmony in a way that we simply did not have before. We think the proof of the pudding is in the eating, that having seen the operation of the legislation for the time we have had it, the development of enormous division has occurred not only within the community generally but also within some of the faith structures themselves. For example, different points of view are being expressed among the Christian faiths about the issues that are pertinent to this debate today.

We have always believed that the principal act was a dangerous mistake, and we think it has proven to be the case. Ironically, Bob Carr, the former Premier of New South Wales, was right. He spoke in the New South Wales Parliament in May last year, and when asked

about the prospect of New South Wales introducing legislation of this ilk, he said:

Our society is formed from a great diversity of cultures, religions and outlooks. Tolerance and respect for others' religious, political and other views stand at its very core. We have a proud tradition as well of separation of church and state. Recently in New South Wales there have been calls for legislation to outlaw religious vilification, notably the Anti-Discrimination Amendment (Religious Intolerance) Bill, which may be introduced in the Legislative Council. These calls come from well-motivated people. However, there are great difficulties with legislating against religious vilification to enforce religious tolerance. Such laws can be highly counterproductive.

Mr Carr went on to make various comments of a similar ilk in the rest of his contribution to the New South Wales Parliament.

Victoria has had a couple of celebrated cases that I mention in passing under the terms of the existing legislation. There is the astounding case of Robin Fletcher, who was an inmate of a Victorian prison, serving 10 years as a sex offender and a self-confessed witch. He took proceedings against the Salvation Army at VCAT because the Salvation Army was attacking witchcraft.

If ever you wanted to see an instance of a complete waste of taxpayers money, because no doubt the gentleman was assisted through legal aid, that would be it — although I stand to be corrected in that regard: he may have run the case himself by some sort of witchery! But if he was assisted through legal aid, then it is just an instance among many of how this legislation has been used in the wrong way — let alone VCAT's time having to be taken up dealing with it.

The Catch the Fire case has already been mentioned, and as the member for Kew indicated, it is subject to appeal on what I understand to be 106 grounds. We are not here to be heard going through it in any detail. I simply say as an observation that on the basic facts, which are common ground, the problem was the attention that was drawn to passages in the Koran and that the commentary at that time was interpreted by some within the Muslim community as being critical of the Muslim faith, so the initial proceeding was instituted.

As I say, I make no commentary upon outcomes; the Court of Appeal will ultimately deal with the issue when the matter is before it. It is reflective of the difficulties that come with all of this that during the course of the hearing itself an objection was raised by counsel for the respondent to the reading by opposing counsel of passages from the Koran. The assertion was

that the very fact that that was happening was vilification, and the objection was upheld. Again, one cannot help but think that whatever the government's best intentions might have been in introducing this legislation, when you have circumstances like this you are at a point where the basic position which was put by The Nationals those years ago must surely be said to be right. Again, with the best will in the world, the outcome does not match whatever the intention might have been.

There are numerous other instances, and time precludes my going through them chapter and verse. The basic fact remains, we believe, that this is dangerous and unnecessary legislation in itself, and we think the whole principal act should be abolished and that the bill before the house should be rejected. Apart from any other factors, we see this as a very dangerous incursion into freedom of speech. It is ironic that in the very week when the Attorney-General has come to the Parliament to introduce a bill of rights, here we are today having this discussion about issues which are fundamental to the question of freedom of speech. There is a deficiency in the principal legislation, as has been pointed out by some of the Christian groups, in that in name at least, in the sense of the use of the words, freedom of speech is recognised in the preamble but there is no recognition of freedom of religion.

It is extraordinarily difficult to justifiably have the two principles — freedom of speech and freedom of religion — sitting beside each other in the context of legislation of this nature. I for one cannot see how it can be done, and I have never thought it could be done. I have always thought it was one of the fundamental problems in relation to the principal act — let alone in relation to the bill we now have before us.

What are the Christian churches saying about this? The first response to my rhetorical question is that the commentary is divided — and is that in itself not a sad thing? I have not seen the like of that previously, but it is happening now because of the existence of this legislation. What the churches are saying is nevertheless pertinent to today's debate. The Christian churches are disturbed about the press release that was issued by the Premier in September last year, headed 'Premier's faith leaders forum strengthens tolerance'. In its opening lines the press release said:

The Premier, Steve Bracks, yesterday hosted a meeting of Victoria's religious and community leaders, signing a joint statement agreeing to work together to strengthen racial and religious tolerance.

Now for a start, I was not there, let it be said, so what I am now putting is hearsay — and let that also be said!

But as I understand it there was no joint statement produced by that forum. Certainly there was not a joint statement that was signed by those who were present at that forum. While we might argue about the niceties — about whether the people there accepted the statement or did not accept it — the fact is that there was no joint statement that was signed by those present and issued from that forum.

Indeed the commentary that has come to me from some of the folk who were there is that this was not a forum where people sat down and were at ease with the matters under discussion; rather, some of the Christian churches objected to the legislation itself. They expressed concern that the legislation was in fact encouraging religious intolerance. Concern was also expressed about enabling intolerant people to bring legal actions. There was certainly concern about the nature of the civil proceedings provided for in the principal act. As I say, those people certainly did not sign any sort of a document, let alone one of the nature of that to which the Premier referred in his press statement.

I might say that in an article he wrote on Monday of this week the Reverend David Palmer, the convenor of the Presbyterian Church of Victoria's Church and Nation Committee, made reference to this joint statement, saying:

... Premier Steve Bracks did hold a multifaith forum on September 22 last year comprising 33 faith and community leaders, of whom 13 represented different churches. The statement was distributed by the Premier in the last 10 minutes of the meeting, when a number of those attending had already departed. It was not in fact signed by anyone; it remains what it always was, the Premier's statement.

While the Premier might like to think he had the wholehearted support of faith leaders, this is not so, at least among the clear majority of Christian faith leaders.

That is the article that was written by the Reverend David Palmer just this week in the *Age*. Yesterday a letter to the editor appeared in which a contradictory position was put. This gets back to the essential point that what this legislation has done is create a position where the different faiths are now having blues with each other about issues which are the subject of this legislation, and they are doing so in a way which I believe is new to the manner in which they have respectively conducted themselves. We have not seen this from them before. This is happening because we have a piece of flawed legislation in Victoria which the government is now seeking to amend through the mechanism that is before us today.

What are the churches actually saying about this? The church leaders statement of concern was issued on 8 February this year and is signed by about 15 representatives of different faiths. They met in January and felt that they needed to issue a statement. As I said, that statement has been out since 8 February, and I am happy to table it if the government wants me to do so.

The statement indicates their gross dissatisfaction with the law as it stands. Time precludes my going through it, but they are very worried about freedom of speech and freedom of religion issues. They are worried about the principal act and the civil provisions it contains and that the legislation is basically flawed. They support their argument by referring to the fact that states such as New South Wales, South Australia and Western Australia have all examined this concept and abandoned it. That is just some of the commentary that comes from them. I quote from the document:

This difficulty with the act can be resolved either by removing the religious aspect from the legislation, or at the very least by removing the civil provisions.

That summarises the perspective of The Nationals. We believe the legislation is fatally flawed. The principal act should never have been introduced. We also believe that if our amendment were adopted by the government, it would take out the religious vilification element of this flawed legislation and at least make it better. If the government persists with the bill in its present form, we will vote against it because we have opposed this whole concept from the outset and will continue to do so.

**Mr LUPTON (Pahran)** — The Bracks government introduced the Racial and Religious Tolerance Act because it believed at the time and continues to believe that it is an important way of improving the respect, tolerance and understanding that exists in Victoria between racial and religious groups and that it is important legislation for our times and for the future. As a member of the Bracks government I am pleased to support this legislation — not only this amending bill but also the underlying legislation. The changes introduced by the Premier will strengthen the act in a number of important ways.

With this sort of legislation, which is groundbreaking in many respects, refinements based on experience are often needed. A couple of well-known proceedings in the Victorian Civil and Administrative Tribunal (VCAT), one of which is now on appeal, have led to the interpretation of the act. The experience that has given the government has led to the amendments that

have been introduced by the Premier, which will clarify certain aspects of the act and improve its performance.

The act is designed to protect victims of extreme and serious cases of vilification on the basis of race or religion. It is very important that it does both of these things. It is not designed to curb, and does not have the effect of curbing, legitimate free speech; it certainly does not in any way curb or limit the proper exercise of religion, nor should it.

It is not intended to, and does not, target trivial comments, impolite remarks or legitimate discussion or debate about race or religion. As I said, it is designed to protect victims of extreme and serious cases of vilification on the grounds of race or religion. I do not believe anyone should object to a legal system which protects people from serious and extreme vilification on the basis of their race or religion. This act strikes the right balance between freedom of speech and freedom from vilification, and it is important that we protect people from vilification.

The changes made by this legislation clarify the meaning of 'religious purpose' and support the right to engage in robust discussion as long as it does not vilify others. To that end this legislation includes proselytising as part of the definition of 'religious purpose' in the Racial and Religious Tolerance Act, and in that way strengthens the freedom of people to engage in robust and proper debate — and that is a good thing.

The bill also strengthens the investigative powers of the Equal Opportunity Commission, which will encourage the early and effective resolution of disputes prior to a complaint being referred to conciliation. By facilitating the resolution of complaints at the investigation stage, it is expected that both the number of complaints — including frivolous complaints — lodged for conciliation and the number of complaints referred to VCAT will be reduced. It will also allow VCAT to conduct racial and religious vilification proceedings on written submissions. This will facilitate the earlier resolution of complaints and reduce the risk of costly and unnecessary hearings — and that is also a sensible move.

As I said, the Bracks government strongly supports the equal opportunity and tolerance legislation. It introduced it into Victoria and stands strongly behind it. The Nationals also have a clear position on this legislation. The party has opposed it from the beginning — from 2001 — and still opposes it today. It stood condemned in 2001 for taking that position, and it also stands condemned today for its opposition to this legislation.

The Liberal Party is in somewhat of a different and rather agonising position. It is sitting on the fence and trying to have its cake and eat it too, all at the same time. The opposition's position on this is extremely unclear, but what we can divine from the statements that have been made is that the Liberal Party will support The Nationals' amendments to this legislation, which means it supports the concept that religious vilification should be removed from the legislation — that the legislation should become a racial tolerance act rather than a Racial and Religious Tolerance Act. If this occurred this state would have no prohibition on serious and extreme cases of religious vilification based on this regime.

The Nationals have called this legislation 'dangerous and unnecessary'. We can only assume that the Liberal Party is now coming on board with that kind of belief. By removing religion from this legislation we would be making a terrible error and potentially subjecting a great number of people in this state to vilification based on their religion that they would not be protected against.

I use the example of the Jewish community in this state to illustrate this point. We all know there is a very serious issue around the world — and to some extent Victoria is no exception — and that is the amount of anti-Semitism that is about. This Parliament has passed a resolution condemning anti-Semitism, and I am very proud we did that. Removing religion from this legislation would have the effect of saying to people that if you make statements vilifying a person on the ground of their religious faith rather than on their race, that comment would not be prohibited under this legislation.

The Jewish community certainly, through the Jewish Community Council in Victoria, has been a very strong supporter of the Racial and Religious Tolerance Act and has also expressed its very strong support for the amendments being proposed by the government to strengthen the legislation. I am sure the removal of 'religious vilification' from the act, which is proposed by The Nationals and which the Liberal Party will support on a vote, would seriously weaken the legislation and be very much a retrograde move.

The Jewish Community Council of Victoria stated in a recent media release that:

The peak body of the Jewish community of Victoria has given its strong support to the Victorian government's proposed amendments to the Racial and Religious Tolerance Act 2001 (RRTA).

JCCV president Anton Block says, 'We congratulate the state government on their continued commitment to the RRTA,

and their strengthening of the legislation. We now urge the opposition to give its support to the proposed amendments, so that they have a smooth passage through the Victorian Parliament'.

It is very unfortunate that not only The Nationals but the Liberal Party want to take 'religious vilification' out of this legislation. It is also important to understand that the vast majority of other religious leaders in this state also support the legislation and the amendments contained in the bill. I particularly refer to comments in a letter to the *Age* of 2 May by Archbishop Peter Stasiuk, chairman, Heads of Churches Committee, and by Maureen Postma, general secretary, Victorian Council of Churches. The letter says:

The act in Victoria allows for the freedom of religion, the practice and promotion of one's religion, the freedom to critique another religion. It does not allow for serious vilification of another because of their race or religion — and 'vilification' means the incitement of hatred, serious contempt, ridicule or revulsion.

....

One would have assumed that all citizens of Victoria would have been encouraged by legislation that allows freedom of religion and includes the inability of others to vilify them.

That is a statement that I think all of us here in this Parliament should support. It is a shame that The Nationals do not support it but we know its position has been clear since 2001. The Liberal Party state council meeting held recently called for the Liberal Party, if it was in government, to repeal this legislation. It should be ashamed of that. This Parliament should support this legislation.

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

**Debate adjourned on motion of Mr THOMPSON (Sandringham).**

**Debate adjourned until later this day.**

## FINANCIAL MANAGEMENT (MISCELLANEOUS AMENDMENTS) BILL

*Second reading*

**Debate resumed from earlier this day; motion of Mr BRUMBY (Treasurer).**

**Mr STENSHOLT (Burwood)** — I rise to support the Financial Management (Miscellaneous Amendments) Bill. It is part of the Bracks government's commitment to improve openness, transparency and accountability, particularly in the

financial management area — something which was sadly lacking in the Kennett years. We have delivered on this commitment, especially in relation to financial reporting and probity. The Financial Management Act, as revised by us, is testimony to this, and the amendments in the bill continue this process.

I note that when the member for Box Hill was speaking to the bill earlier today he talked a lot about financial accountability. I should remind the house that that was one of the key priorities of the Bracks government when it was elected in 1999, and we have delivered on that commitment, particularly, as I have said, in relation to financial reporting and proper accountability.

We have restored and strengthened the powers of the Auditor-General under the Audit Act. Victoria is the only state where the Auditor-General reviews budget estimates and audited budget outcomes on generally accepted accounting principles. That was not done during the Kennett years, let me assure you. What the Kennett government did to the Auditor-General does not bear repeating. We in fact have enshrined the place of the Auditor-General in the Victorian constitution.

Consequently Victoria applied the new international requirements to its 2005–06 budget, making the Victorian government one of the first organisations in Australia to publish a report based on the International Financial Reporting Standards, nearly 12 months ahead of anyone else in this regard. It has been one of the first governments in the world, incidentally, to do so. Victoria is happy to take the lead in terms of financial accountability, openness and transparency — and the bill continues that theme.

The changes to the Financial Management Act we made in 2002 implemented regular public quarterly reporting on the state's finances. This ensures the government is well informed to make financially responsible decisions. It also means that all Victorians can be confident of the government's financial management, as highlighted in the most recent election campaign, when for the first time the Victorian Department of Treasury and Finance was required to release a set of financial accounts. Known as the pre-election budget update and produced independently of the government, it allowed all Victorians to understand the true financial position of the state budget in an election context. That will happen again this year.

We are committed to this practice and to the continuing process of financial accountability, of bringing forward and tabling the government's annual financial report and departmental annual reports to move more into line with private sector best practice. The improved tidiness

improves their usefulness to government, as do these amendments.

Four further amendments on budget management are outlined in the bill, particularly in relation to the move from cash to accrual accounting, which has not been consistently covered in the existing act — for example, clause 6 changes section 29 of the principal act, which currently applies to the receipt of cash rather than the recognition of revenue. This was covered in the second-reading speech, but I should add a practical note in this regard.

The Attorney-General currently has a fee-for-service initiative where the receipts are annotated in the Department of Justice appropriations. The department recognises revenue on the items in its ledger when it is earned. It is easily tracked both by the Department of Justice and the Department of Treasury and Finance and the ledger reports each month. However, the cash reports are a trigger point for the annotation. This is recorded in the cashbook, along with other receipts and payments.

It is a difficult and time-consuming exercise to summarise and report on particular receipts from a cashbook since systems are actually geared towards regular accrual reporting. The Department of Treasury and Finance does not maintain the cashbook in such detail; therefore, the audit process is difficult to verify because we have changed the system. This is just an example to show that the move to a full accrual accounting process for annotated items is consistent with the rest of the government sector accrual process, which is the purpose of this particular change to the bill.

Clause 7 deals with the amendment to section 32. The current section requires the Treasurer, before 30 June, to approve the amount of unspent appropriations that departments can carry over to the following financial year. As you can imagine, it is pretty hard to estimate it before it actually happens. To do this the Treasurer relies on the department to provide an accurate figure before the books are closed off. However, final close off is not completed in either the private or public sector until well after the end of the financial year. If the department inadvertently overstates its underspending on a particular output and it is approved for carryover, the Treasurer cannot subsequently increase the amount approved. This change rectifies that. It is a commonsense and good financial change to the legislation.

The third amendment is set out in clause 5, which substitutes new section 24(2)(g) in the act. I am following pretty much the order outlined in the

second-reading speech. It will allow the carryover of amounts in respect of the next financial year to be included. Once again it allows for greater transparency.

Clause 8, which substitutes new section 40(2), is the final amendment to budget management. It makes a minor adjustment to tabling procedures. I am sure the clerks will appreciate this, and no doubt the Speaker will also be pleased that legislative and parliamentary procedures are being brought into alignment.

The other changes in the bill include those contained in clause 4, which deal with amendments to section 8 and give the minister effective power to give directions in relation to public sector probity and financial governance. One of the difficulties of the current section 8 of the Financial Management Act is the inability of the minister to issue written directions to a class of persons, including individual public servants. Under the proposed amendments, the Minister for Finance will now be able to issue written directions to any individual employed within a department or Victorian public sector agency.

In the past, this was limited to the responsible body, an accountable officer or the chief finance and accounting officer of departments and agencies. This will make it much easier for the Minister for Finance to issue written directions to specific persons or Victorian public sector agencies and ask that they provide particular information. Once again, it is a sensible change to the legislation.

I should also mention that clause 10 updates the scope of the regulation and direction-making powers by substituting new paragraphs in section 59(1). The current section 59 contains a prescriptive, cash-focused listing of matters on which the minister may make regulations. As I mentioned before, the change has been made to accrual accounting, and therefore this amendment will explicitly provide the Minister for Finance with the power to make regulations on financial governance matters. This was implicit in the legislation before, and now it will be made explicit. The proposed amendments update the regulation-making power to reflect contemporary financial management practice and move, as I have said, from a cash to an accrual environment.

This bill is obviously about good governance and good accountability, which are hallmarks of this government. We have introduced a financial management compliance framework, which is an assurance and monitoring mechanism to satisfy the government that departments and public sector agencies have fulfilled and are fulfilling their financial management

obligations — for example, credit card usage, which of course was a problem of the last government, and internal control frameworks. We have made changes to other things, like the Gateway initiative, which is a general government-wide project to improve selection, management and investment delivery for the state of Victoria. This project established a best practice and consistent approach to capital investment that is based around risk management at key stages of a project's life cycle.

A wide range of activities have been put in place to ensure good governance and accountability in the financial management sector in Victoria. We are committed to this. We are providing global leadership in this regard. We will certainly be providing leadership throughout Australia. We will continue to provide this leadership in terms of good governance and sound fiscal and financial management here in Victoria. I commend the bill to the house.

**Mr DONNELLAN** (Narre Warren North) — It is a pleasure to make a short contribution to this Financial Management (Miscellaneous Amendments) Bill. The objectives of this bill represent the first phase of a comprehensive view of public finance legislation. In total there are a seven amendments, mainly of a technical nature, seeking to clarify responsibilities of the minister and bring the legislation into line with current financial management practice.

The purpose of the bill is to update the Financial Management Act to reflect moves to accrual accounting, which makes very good sense; clarify the powers of the Minister for Finance to grant leases and licences over Crown land and premises, which is a little bit uncertain at the moment within the act; and update regulation-making and direction-making powers in the Financial Management Act.

The proposed amendments are as follows. Section 29 deals with the adoption of accrual accounting rather than cash management accounting principles for relevant revenue retention appropriations. Currently the act recognises the receipt of cash rather than the receipt of revenue. This means it is out of step with current budgetary practices. However, this section will not apply specifically to the disposal of assets.

New section 32 is designed to align the determination of unused appropriations — carryovers, as they are called — with current budget processes. As a consequence of the amendment to section 24 this will update the financial disclosure requirements in the annual financial report to increase the transparency of these amounts. Carryovers are very difficult to identify

in the month of May. Therefore, the amendment will ensure that carryovers are determined after 30 June, when the amount can be identified more clearly by departments and with greater certainty. However, estimates of the amount will be included in the budget estimates in May.

The amendment to section 40 of the principal act aligns the tabling provisions of the annual budget estimates with current practice. Currently the legislation requires the budget estimates to be tabled when the appropriation bills are before the house, which is inconsistent with the order of business requirements. This amendment proposes that the minister cause a statement of budget estimates to be laid before each house of Parliament on or before the day on which the second-reading speeches for the appropriation bills for that year are read.

New section 54P clarifies the ability of the Minister for Finance to grant leases and licences over Crown land and premises in his portfolio that are surplus to requirements of the government. Currently the act is not specific about the ability of the minister to grant a licence or lease over Crown land surrounding a building. It is very specific about the ability of the minister to grant a lease or licence for the building but not the land itself. This new section clarifies that.

Section 59 of the principal act is being amended to adopt the regulation-making powers of the Governor in Council and to give the Minister for Finance comprehensive and effective direction-making powers in relation to public sector probity and financial governance. I believe this bill will provide better financial management in Victoria. It is a little bit more specific, a little bit cleaner and a little bit more logical. I commend the bill to the house.

**Mr HARDMAN** (Seymour) — I would like to make a brief contribution on the Financial Management (Miscellaneous Amendments) Bill. Financial management has been a major plank of the Bracks government since we were elected. Even before we were elected one of our key things was we would manage the state's finances responsibly. We have kept that promise and done a great job. As a result of that we have been able to make a great contribution to Victoria over the years, steadily improving many services across transport, health, education, community safety, community services and even the arts.

This bill updates the Financial Management Act to reflect moves to accrual accounting. It clarifies the powers of the Minister for Finance to lease and licence Crown land and premises. It updates the direction and

regulation-making powers of the act. While it is a small bill with only seven amendments which are technical in nature, it is very important. These amendments will ensure that the Victorian government is meeting the requirements of responsible public financial administration. It is great to see that we are continuing to improve the way we manage our reporting system and our finances. I commend the bill to the house.

**Ms DELAHUNTY** (Minister for the Arts) — I am very pleased to rise to speak on this important bill, the Financial Management (Miscellaneous Amendments) Bill. This is an important bill, as has been outlined by various members of this house. The amendments it makes represent the first phase of a quite comprehensive review of public finance legislation. I think that is a sign of good governance and good financial care.

There are seven amendments in the bill. It is true that they are quite technical in nature, and they certainly do not represent any change in policy. Nonetheless, they clarify the responsibilities and bring the principal act into line with the most up-to-date financial management practice. The purpose of the amendments is to update the Financial Management Act to reflect moves to accrual accounting, clarify the powers of the Minister for Finance, particularly in the area of granting leases and licences over that very important asset of Crown land and premises, and to update the regulation and direction-making powers of the act.

This bill supports sound governance, which is a hallmark of the financial management of this government. It is certainly a very high priority for our government. You cannot improve services in this state unless you have sound financial management. We are doing both. I am very proud to be part of a government that is so assertively and obviously doing both.

I would like to thank the members who have spoken on this bill. I thank the member for Box Hill for his erudite contribution. I thank the Leader of The Nationals. The member for Burwood made an outstanding contribution — knowledgeable as always as the Parliamentary Secretary for Treasury and Finance. He is an outstanding asset to our government, and, of course, an outstanding local member. I also thank the members for Narre Warren North and Seymour for their contributions. I thank all members for their contributions and wish this bill a speedy passage.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

**EQUAL OPPORTUNITY AND  
TOLERANCE LEGISLATION  
(AMENDMENT) BILL**

*Second reading*

**Debate resumed from earlier this day; motion of  
Mr BRACKS (Premier).**

**Mr THOMPSON** (Sandringham) — The bill before the house is a very important and sensitive bill. However, I would like to take up some of the political points made by a previous speaker. Last year the leader of the federal Labor Party made some remarks which were reported in the *Sunday Age*. The article states:

Victoria's racial vilification laws should be scrapped because they do not protect peaceful religious preaching, federal opposition leader Kim Beazley says.

Mr Beazley wants them replaced by tighter national laws that elevate inciting religious violence to a criminal offence instead of a civil matter, to stop 'frivolous claims against legitimate church activity'.

At the Public Accounts and Estimates Committee last year the Premier was asked whether he was happy or comfortable with the operation of the Racial and Religious Tolerance Act. He said:

I think the act is appropriate and it reflects where public opinion is. It enshrines in legislation tolerance and respect for other races and religions. We were painstaking in our consultation on the act itself, and I think it has been a significant advance in Victoria to have legislation following public opinion and the public's expectations.

In the light of that opinion a question arises as to why these particular amendments have been brought before the house today. It was the opinion of the Premier less than 12 months ago that the Racial and Religious Tolerance Act was appropriate and reflected where public opinion was at. The position of the Liberal Party has been that the Bracks government's Racial and Religious Tolerance Act is not working. Rather than resolving problems and enhancing social harmony, the Racial and Religious Tolerance Act is having the reverse effect.

The Liberal Party's concerns about the possible consequences of the new law were first raised in 2001. However, the Premier assured us at that time that the law would reasonably and in good faith protect people who genuinely practised their religion. This assurance was vital in ensuring Liberal Party support for the new

law. The Premier said of the Racial and Religious Tolerance Bill:

It is confined to prohibit only the most noxious form of conduct which incites hatred or contempt for a person on the basis of their race or religion.

It is interesting that in the 2001 debate the government refused to accept an opposition amendment, the effect and intent of which is being introduced in the bill before the house today.

We Victorians are fair-minded people. We do not want to see people vilified, ridiculed or threatened; nor do we want the right of free speech to be sacrificed. The Liberal Party strongly opposes any incitement of religious hatred but seriously doubts whether the current provisions are the best way to preserve social and religious harmony. It is noteworthy that in the United Kingdom they have introduced legislation that is significantly different from the Victorian act, having twice dropped earlier proposals, and the governments of New South Wales, Western Australia and South Australia have learnt from the Victorian experience and have all decided not to introduce similar laws. I note that the Liberal Party agrees with former New South Wales Premier, Bob Carr, who is recorded in the New South Wales *Hansard* of 21 June 2005 as saying:

As they are used in practice religious vilification laws can undermine the very freedom they seek to protect — freedom of thought, conscience and belief.

That is an extract from a larger speech that makes excellent reading for anyone with an interest in this matter.

A document was circulated by a representative of a number of Christian churches, Mr Rob Isaachsen, who posed a number of questions. Mr Isaachsen suggested that the Racial and Religious Tolerance Act was drawn up without the significant involvement of Christian leaders and asked:

In what way were Christian leaders involved in the origins and drafting of the —

**Racial and Religious Tolerance Act —**

which is designed to have such an impact on the religious life of the city?

The second question he posed is:

Why have these concerns not been answered ...

Nineteen church leaders from the Catholic, Protestant and Orthodox traditions sent the Premier a statement of concern in February ... calling for the withdrawal of the civil provisions and the inclusion of full freedom of religion safeguards, and asking for a meeting with the Premier.

The third question is:

Why has the Premier not acknowledged this statement or their request to meet with him?

Melbourne Anglican synod and the General Assembly of the Presbyterian Church of Victoria, and a petition of 27 000 people called upon the government to remove the civil provisions from the act.

Mr Isaachsen made the following statement:

So this government has denied the largest religious community in the state an appropriate say in a law that claims to support religious tolerance and equality and has already been used aggressively against the Church!

There has been a long tradition of free speech in our society, and it should be noted that in Victoria the law prohibits incitement to serious contempt, severe ridicule and other matters, whereas in Britain the law only prohibits incitement to hatred of those who belong to a religion. There are some laws in New South Wales and in the United Kingdom which provide some protection in this particular field. It was stated by one speaker in a House of Commons debate early this year that:

The basis of our society is a belief in free speech. Britain learned long ago that more freedom of speech leads to more vigorous debate, which leads to more tolerance. Evil ideas should be met with challenge, not silence.

It was also suggested that provisions to increase tolerance have in fact also increased intolerance. There was also a comment in open debate that those who are confident of their beliefs will not want the state to intervene on their side, because confidence in their beliefs is enough to sustain them. At a hearing of the Colville committee in the United Kingdom, which was reviewing elements of the legislation, India's Attorney-General made this remark in his submission:

Experience shows that criminal laws prohibiting free speech and expression will encourage intolerance, divisiveness and unreasonable interference with free speech and expression ... That is what is increasingly happening today in India.

It was suggested that there was a danger that high-profile prosecutions could give extremists greater publicity, and one member commented:

No member of the house would want that to happen in this country. There is a better way forward ...

An Australian university professor from Sydney noted:

One of the dangers of vilification legislation is that it may be seen as a new means of pursuing a long-existing conflict before a neutral arbitrator. The issue here is not that vexatious claims are brought, for often the claimant will have a passionate sense of grievance. Rather, the problem is that the legal system just becomes another theatre of a conflict which

it cannot possibly resolve, because the conflicts are political or religious.

When this bill was first debated in 2001 I made a number of comments, including:

I have a particular concern that as a consequence of people exercising their rights under the legislation there might be a reverse outcome achieved ...

The cases that have come before Victorian tribunals to date tend to support that view. In addition I commented that there are levels of legal interpretation that may mean it could take a day or a week to determine what constitutes 'reasonably' and 'in good faith' and in whose opinion and within what value framework those matters might be assessed. While I conservatively estimated that these issues might take a day or a week to determine, one case before the courts at the moment has taken the last three or four years to work through.

There is a provision in the British legislation, the Racial and Religious Hatred Act, which reads:

Nothing in this (Act) shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practising their religion or belief system.

This is an interesting clause. The Liberal Party is strongly opposed to vilification in all its forms —

**Mr Mildenhall** — Except religious vilification.

**Mr THOMPSON** — It condemns those matters —

**Mr Mildenhall** — They're okay with that!

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Savage)** — Order! Those members interjecting will cease doing so. They will get their turn eventually.

**Mr THOMPSON** — The Liberal Party does not necessarily see a lower level court or tribunal as the forum to determine matters which have preoccupied the minds of theologians for the last 1600 years. There is a wonderful 13th century story about a discussion between a Jew, a person of Muslim faith and a person of Christian background. At the conclusion of the discussion they have not reached a finality of agreement, so what they agree to do is continue their friendship and meet again. There is a lesson in that 13th century story that we can bring before the house today. For my part I will be supporting the amendment

of The Nationals to excise the religious tolerance provisions, and I give a commitment to work with different communities to see whether there is a better way forward so that courts and tribunals do not become forums purporting to resolve conflicts that have preoccupied Western and other civilisations for the last 1500 or 1600 years.

**Mr LIM** (Clayton) — In rising to support this very important bill I would like to pay tribute to the foresight, courage and resolve of the Bracks government in enacting the original Racial and Religious Tolerance Act in 2001. It is that pioneering act that this bill now amends. Complaints made under the Racial and Religious Tolerance Act are governed by the Equal Opportunity Act 1995. Consequently, in modifying the Racial and Religious Tolerance Act the bill, whose purpose is to improve the handling of complaints of racial and religious vilification, also amends the Equal Opportunity Act.

The Racial and Religious Tolerance Act was welcomed by my constituents when it came into force. The electorate of Clayton has one of the highest proportions of people born in overseas countries and also one of the highest proportions of people who speak a language other than English at home. Figures from the Australian Bureau of Statistics indicate that more than 100 religions are practised in the electorate. As well as having a great diversity of ethnic origins, we also have a great diversity of religious beliefs, as I have just mentioned. There are places of worship for most of the established Christian denominations, Hindu and Buddhist temples and places for various other religions.

While Australia, and Victoria in particular, has been a very welcoming new home for my constituents, there are nevertheless those who do not welcome new ideas and new blood in as wholehearted a manner as we might wish for. I think in particular of Pauline Hanson and her supporters, who were thankfully very few in number in Victoria. The Racial and Religious Tolerance Act has provided protection for my constituents and all the other citizens of this wonderful state against vilification on racial and religious grounds. It has also provided a standard for how people should behave towards each other in a multicultural, multifaith electorate such as Clayton or, indeed, in the state of Victoria. The act prescribes that people should be treated with dignity and respect, irrespective of their ethnic origins, the language they speak or their religious beliefs.

I note that the Premier in his second-reading speech alluded to the act being called into question by some members of the community who believe it may curtail

freedom of speech. I note also that a number of organisations — mostly of a religious nature — have lobbied members of Parliament of all political persuasions in an attempt to change the act. As is always the case with this government, we have listened carefully to what the community has had to say and have made changes where they are for the common good, but we have rejected the more extreme views of those who would throw the Racial and Religious Tolerance Act out the window or modify it so as to suit themselves or their political or religious views alone.

Like the Premier, I do not believe the act curtails free speech in the slightest. I agree with the view of Justice Morris that the act does not impair free speech but is reserved for extreme circumstances. The act strikes exactly the right balance between freedom of speech and the prevention of vilification.

This bill will strengthen the powers of Equal Opportunity Commission Victoria to encourage the early and effective resolution of disputes by amending the Equal Opportunity Act and the Racial and Religious Tolerance Act. It will clarify the meaning of 'religious purpose' so that the right to engage in robust discussion is supported, so long as it does not vilify others. The bill will tighten the procedural provisions for unmeritorious complaints, and this will require a small amendment to the Racial and Religious Tolerance Act. It will introduce a leave requirement to give the Victorian Civil and Administrative Tribunal the discretion to hear leave applications on the basis of the documents alone, without oral submissions. This measure will mean that racial and religious vilification complaints can be resolved more quickly and will reduce the time and cost of hearings.

These changes will improve the operation of the act without diluting its purpose in any way, and it has my and my constituents full support. I commend this very worthwhile bill to the house.

**Mr KOTSIRAS** (Bulleen) — It is a pleasure to stand and speak on the Equal Opportunity and Tolerance Legislation (Amendment) Bill. I was not going to speak on it, but I thought it important that I outline the reasons why I will vote the way I will vote either this evening or tomorrow morning. I will support the government's bill because the amendments to the Racial and Religious Tolerance Act make a small difference. However, they do not go far enough and therefore I will support The Nationals amendments.

The difference between this side of the house and the government side is that we are allowed to vote any way we see fit on this issue. Unfortunately that is not the

case on the other side. Members opposite have been told how to vote, and they have had to follow the Premier. I say again that I will support the government's bill because it makes a slight improvement, but I will also support The Nationals' amendments because the government has failed to make real improvements through the introduction of this bill.

If the government had done its homework and had listened, we would not be in this predicament today. Going back to 2001 the Liberal Party told the government that there were problems with the original bill and urged it to re-examine it and make improvements. However, it refused to listen because it was very arrogant and thought it could score political points by pushing through this type of legislation.

I believe every member of this chamber supports the view that no-one should be vilified or discriminated against because of their cultural or linguistic backgrounds or religious beliefs. However, we might disagree on how we go about achieving this, and this is where the problem is. Freedom of speech is very important, but so is freedom from persecution and vilification based on colour, race or religion. I have been and am a strong supporter of our culturally diverse society, having worked in multicultural affairs for seven years under the former government. I think I have enough runs on the board to show people that I have been very active in and supportive of multiculturalism for many years.

I do not support any form of discrimination or vilification. Having been vilified myself when I arrived in this country from Europe in 1964, I understand the anxiety, the stress and the fear that people experience when they are discriminated against or vilified. I believe the way to stop vilification, discrimination and racial discrimination is through education. During our seven years in government groups were urging us to introduce legislation. During those seven years we thought education was better than legislation. While I support in principle what the bill is trying to achieve, I think the government has got it wrong and is still refusing to make amendments to make it work. That is the problem. I support the principles that the government is trying to portray in the community, but it is doing it the wrong way.

There are problems with the principal act, the main one being with the religious provisions, which have caused a lot of criticism. The bill makes amendments to the principal act which we are here today discussing because the government got it wrong in 2001. The government refused to listen back then, and it is

refusing to listen today. That is a shame, because people are saying that the Bracks government is politicising multicultural affairs in this state. It is turning back the clock to the notion of us versus them, which is what we tried to do away with between 1992 and 1999. What the Liberals achieved in seven years, with some good work, this government is destroying in seven years.

There are many reasons for this. One is that we have the Victorian Office of Multicultural Affairs (VOMA) and the Victorian Multicultural Commission. I know that George Lekakis and Hakam Akyol are doing their jobs. I do not agree with George on many issues that he raises, and I think at times he is the mouthpiece of the government. However, I think he has the ability to do some good work in this area. How can you have an office which is meant to give advice to the minister and work together with the commission, which is meant to be arm's length from the government, if the director of VOMA does not talk to the chairperson or deputy chairperson of the commission. How can the minister come to some conclusion if the two do not even talk to each other? The problem is that the department is not working; it is not providing advice to the minister who needs to come up with good and workable legislation.

The racial tolerance legislation commenced in 2002, but as I said, the government got it wrong then. The reason it was introduced quickly was to ensure that the government earned mileage from it, and nothing more. I will explain that later. Although we supported the principal act, at the time we said we had a number of concerns about it, but the government refused to listen. It was not until after the Premier, as the responsible minister, received over 5000 letters from Victorians opposed to this legislation that he said, 'I should be doing something about this. I must do something to change the criticism that the government is receiving from Victorians'.

So he went about doing two things: one was organising the multifaith forum and the other was the campaign we see on television. Back in 2002, prior to the last election, he ran a similar campaign on the merits of our cultural diversity, which I supported at the time. I thought he would carry it through until 2006; unfortunately he has not. For three years there has been no education; nothing in schools, nothing on television, nothing in the newspapers. Only now, when the Premier realises there is to be an election in November is he prepared to spend \$260 000 on a campaign. I assume that if the election is won by him, we will not have another campaign for another four years.

I wanted to know what was the real motive for the Premier holding the multifaith forum and introducing changes to the act, so I placed a freedom of information request with the department on 13 January 2006. A month later, on 17 February, I received a letter from the department asking me to explain what I meant by 'documents'. I made it a bit easier for the senior adviser and asked for two specific things. I wanted all the documents relating to the Just Like You campaign and the letters regarding changes to the act. I did that two months ago, but I have not received anything from the department.

I received a fax yesterday or on Monday telling me that they have too much work to do and that they would get around to it. This was after the opposition's spokesman for multicultural affairs asked the Premier as he finished his second-reading speech whether those documents would be given to us before the bill was debated in the house. The Premier just shrugged his shoulders. That shows the arrogance of the Premier and the contempt of his government for a culturally diverse society. It is a shame, because for seven years we had bipartisan support in this area.

The multifaith leaders forum that was held at the Windsor Hotel on 22 September 2005 was held only because an election is to be held in November. Nothing had happened for three years, yet all of a sudden the Premier decided to hold a forum. The statement was brought to the forum at its end, when most of the church leaders had departed, but even so, the agreed document said, 'We support in principle Victoria's Racial and Religious Tolerance Act'.

What does 'in principle' mean? I support the act in principle as well, because it attempts to do something. It is a positive first step, but the act fails. I would have loved the government to come into the house with some amendments relating to both race and religion that would have made the principal act workable to ensure Victorians could continue to live in peace and harmony. Unfortunately, it failed to do so.

**Ms D'AMBROSIO** (Mill Park) — I am very pleased to speak in support of the Equal Opportunity and Tolerance Legislation (Amendment) Bill. This government introduced the principal act, the Racial and Religious Tolerance Act, towards the end of 2001 at a time which reflected great maturity and sophistication in the attitude of our community. Consultation was extensive and broad, and no-one can say there was insufficient time or opportunity given for everyone in the community to have their say on that principal act.

Through good management the Victorian community has welcomed diverse views and cultures, and I would go so far as to say that this state is the most farsighted in Australia in the way it has accommodated cultural diversity and the multifaith society. We have definitely reaped the rewards of this. Our multifaith communities are essentially at peace, and we have shown none of the overt signs of intolerance on a mass scale that have bedevilled some other communities and countries.

The introduction of the Racial and Religious Tolerance Act was another beacon of our maturity and pride as a community of diverse races and religious beliefs. The essential word here is 'community'. Whilst there has been great tolerance of diversity, our community is simply one that is united for many common purposes and to many common ends in a very peaceful way.

The principal act provided, and continues to provide today, a fair and transparent mechanism for dealing with the most extreme and socially unacceptable forms of vilification on the grounds of race or religion. The act protects against this unacceptable and extreme behaviour by providing remedies and complaints processes. Ultimately the act is about our society saying collectively that each member of the community is entitled to be treated with dignity and respect by others, regardless of our race or religious belief, whilst at the same time upholding the important notion of the right to free speech.

Free speech does not come at the cost of a unified community or at the cost of respect and dignity for everybody. That is the essential element — that is, to create a balance so we can truly say that we maintain the right to free speech at the same time as we maintain respect and dignity for all beliefs and all races equally.

The bill deals with some of the concerns that have been expressed in our community regarding freedom of speech and the handling of frivolous or unsubstantiated complaints which have arisen since the principal act came into operation in January 2002. Specifically part of the bill addresses the concerns of the leaders of Victoria's religious communities who have on several occasions through their united voices and individually expressed their satisfaction with the bill. That satisfaction goes to those concerns that have been held regarding the right to practice and debate religion or the right which has been referred to with regard to the notion of proselytising a religious belief.

The bill clarifies the meaning of 'religious purpose' to include the words 'conveying' or 'teaching' a religion or 'proselytising' of a religion. This remains balanced

with the requirement that it is done in good faith and reasonably, and that is a fair expectation.

We need to reflect on the context within which this amendment is proposed. Contrary to predictions made at the time by opponents of the principal act — the Racial and Religious Tolerance Act — Equal Opportunity Commission Victoria and the Victorian Civil and Administrative Tribunal have not been flooded with numerous complaints, and there has been no widespread rise in community disharmony on the question of constraints to freedom of speech on the basis of religious belief. We have not seen that, but we have seen a handful of notable high-profile cases that have made their way to VCAT and higher jurisdictions.

Over the years of the act's operation, 129 complaints have been lodged with Equal Opportunity Commission Victoria, with just over 40 per cent of those being rejected by the commission on the basis that they were either frivolous, vexatious or lacking in substance. I ask the house to think about that: almost half the complaints have been rejected on that basis. The Racial and Religious Tolerance Act has not caused an overwhelming flood of litigation and complaints that have subsequently been upheld, which may have led to a noticeable disharmony within our community.

On the question of the right to preach a religion, Justice Morris noted in the case of *Fletcher v. Salvation Army* that in his opinion the parent act does not prohibit proselytising. Nevertheless, for clarification this bill specifically defines religious beliefs as 'proselytising'.

The bill also streamlines the treatment of frivolous complaints by VCAT. What will now occur is that a complaint lodged with the Victorian Equal Opportunity Commission and which is subsequently rejected by the commission because it may be considered to be without a sound foundation can only proceed to VCAT after an application seeking leave has been made to and granted by VCAT for proceedings to commence. That granting of leave by VCAT is a separate process that has been enabled by this legislation.

In order to avoid any cost increases that could otherwise arise from that additional process, VCAT has the discretion to hear the leave application on the papers only. VCAT has that discretion depending on the circumstances, which can include, for example, the ability of people involved in the complaint to communicate in a language other than English. The bill also strengthens the powers of the Equal Opportunity Commission Victoria through an amendment to the Equal Opportunity Act, which of course governs complaints made under the Racial and Religious

Tolerance Act. The objective is to bring about more resolutions of complaints by conciliation at the investigation stage, thereby reducing the number of unresolved complaints proceeding to VCAT.

I am very pleased to have been able to speak in support of this bill. I find it very confusing to hear members of the opposition splitting hairs when talking about whether they support the principle of the legislation or the bill. Quite frankly I think they want it both ways. They are trying to find their place in the sun on the political landscape when it comes to these issues, but they cannot quite get there. They do not know which corner they want to occupy. I know the corner we want to occupy, and I am very proud of that.

I say that knowing that we are very robust on this side of the house in our support of this legislation. We know that the overwhelming majority of people in the community also robustly support this bill and the principal act.

**Mr HONEYWOOD** (Warrandyte) — It is unfortunate the previous speaker decided to play party politics on such an important issue, and it is unfortunate she has completely forgotten that it was Victoria, under a Liberal government, that led the fight against Hansonism across Australia. It does her no benefit to carry on that way. It was a Liberal government under the then Premier Jeff Kennett — which you would be well aware of, Acting Speaker — which took the fight to Pauline Hanson when Kim Beazley was absolutely dead silent against her. Kim Beazley did not do a thing against Pauline Hanson until it was too late, and Kim Beazley is the current federal Labor leader.

*Honourable members interjecting.*

**Mr HONEYWOOD** — If you want to play party politics, we can all do that. You started it, and we can all play that game.

**The ACTING SPEAKER (Mr Languiller)** — Order! The member will address his remarks through the Chair!

**Mr HONEYWOOD** — Having said that, I would like to come back to the bipartisanship that featured in the original debate.

**Ms D'Ambrosio** interjected.

**The ACTING SPEAKER (Mr Languiller)** — Order! The member for Mill Park!

**Mr HONEYWOOD** — We on this side entirely supported the government's introduction of the original

legislation, but we did so on the basis of absolute conditions given to us by the Premier at the time that the type of situations that have since arisen in the Victorian Civil and Administrative Tribunal and in the courts that have brought these very amendments forward would never happen. These were the conditions precedent that the Premier himself set. He said, 'Don't worry! We have got this legislation right. It is all going to be about education and will not be used as a big stick to divide communities'. How wrong he was, because here we are, not so far down the track, debating it again because the government did not get its act together.

It is an indictment on the members opposite that they want to play party politics with a piece of legislation that they should have got right in the first place. They should not have been allowed to draft legislation and shove it through both houses of Parliament using the mantle of vilification if they were not supported by those on this side of the house. They used any number of labels against the opposition. We did the right thing and supported them. I take umbrage when the member for Mill Park says it is all true, because she has no idea what she is talking about. She talks the talk, but does she walk the walk? I think not.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Languiller)** — Order! The member for Mill Park! Members on my right and left will have an opportunity to contribute to the debate.

**Mr HONEYWOOD** — This is a Labor Party that abuses ethnic communities. It picks on innocent people from migrant backgrounds and branch-stacks them —

**Ms Allan** — On a point of order, Acting Speaker, I understand that the member for Warrandyte is extremely passionate about this issue, and we understand his commitment to multicultural issues. However, I would like him to return to the content of the bill rather than abusing members on this side of the house. I ask that you bring him back to the bill.

**The ACTING SPEAKER (Mr Languiller)** — Order! There is no point of order, but I do call on the member to return to the bill.

**Mr HONEYWOOD** — When members of the Labor Party look at themselves in the mirror they should see their misuse of ethnic communities. They have turned the Victorian Multicultural Commission — the former Ethnic Affairs Commission — into a branch of the Labor Party, and stand condemned for misusing migrants. Migrants often have no idea when they are

signed up en masse to a party that does not support them properly.

*Honourable members interjecting.*

**Mr Stensholt** — Tell us about the Chinese nursing home! Tell us about your attitude to the Chinese!

**Mr HONEYWOOD** — I entirely support Chinese nursing homes. I do not support a Minister for Planning who ignores her own green wedge to sell a nursing home there that was not allowed under the green wedge, no matter who they were, Anglo-Saxon or otherwise.

**Ms Allan** — On a point of order, Acting Speaker, I would like the member for Warrandyte to return to the substance of the important bill that we are debating under the forms of this house. I ask the member for Warrandyte to come back to debating this important bill, which is before the house for serious consideration.

**The ACTING SPEAKER (Mr Languiller)** — Order! The member will come back to the bill.

**Mr HONEYWOOD** — I remind the house that it was the member for Mill Park, who spoke before me, who commenced the party politics. I am one of three Liberal members of Parliament who will not be supporting The Nationals' amendment to take religion out of this bill. I will not be supporting it on the basis that I do not believe you can segregate race and religion. I believe that for any number of communities — not just the Jewish community — religion and race are often integral, particularly to people who do not speak English and come from culturally and linguistically diverse backgrounds. Therefore, alongside the member for Caulfield and the member for Doncaster, I will not be supporting The Nationals' amendment.

Of course some members of The Nationals have large populations of people from non-English-speaking backgrounds in their electorates. The member for Shepparton, who will follow me in the debate, has a genuine commitment to multicultural affairs, but most Nationals members of Parliament have the luxury of not having the issues that many of us espouse when it comes to support for cultural and linguistically diverse populations. Therefore, I will not be supporting my colleagues when it comes to the amendment to remove religion from the bill.

Having said that, it is very important to note — and this is the fundamental precept on which I come to this debate — that there is a genuine concern amongst fair-minded Australians that allegiance to the nation

state is giving way in some cases to allegiance to other things, be they religion or whatever. At the end of the day, if Australia is to continue to be a welcoming nation for people from any number of racial and religious backgrounds, as we have been over the years, we will have to open our hearts and minds to support people who come here as migrants, no matter what difficulties there are in supporting them.

As a former Minister Assisting the Premier on Multicultural Affairs in this state, one of my most wonderful memories was opening a centre for victims of torture and trauma. It provided massage therapy for Bosnian, African and other refugees who had been subject to the most horrific torture as a result of civil warfare in Africa and in Eastern Europe. Quite apart from the psychological therapy, the touch of a hand can show these refugees that they can be embraced and nurtured rather than tortured. Opening that centre in Dandenong was one of my most wonderful experiences.

I am concerned, as are many members on this side of the house — and all members should be — that certain elements in our community would put religion ahead of support for the nation state. I have a brother who belongs to a certain Christian belief whose members would not defend the country they live in because they believe they should not fight in a war. During discussions around the family table I strongly argue that if you live in a country and that country nurtures you and your children, you should be prepared to defend it.

These issues are of concern to fair-minded Australians. We should always put our support and allegiance to our nation first and foremost. I believe allegiances to political parties and religion come second to the overriding precept of allegiance to a country. For that reason I do not support this new-fangled trend of having people from Australia elected as senators to the Italian Parliament, because at the end of the day there could well be issues where, for example, Italy and Australia could totally disagree. Where does that leave somebody who has accepted the benefits of being in Australia and then becomes an elected senator for another country? These are big issues, and we have to deal with them.

At the time the original legislation came forward we were given a promise by the current Premier that all would be right and that this legislation would not be used as a stick to divide communities. It has not happened that way. Many of us genuinely feared that this unfortunate situation would arise, and it has now happened. This legislation should not have had to come forward under any guise. I appreciate the fact that

Justice Morris, the President of the Victorian Civil and Administrative Tribunal, has assisted in terms of ensuring that definitions of words such as 'incite', 'inflame' and 'set alight' are taken in an appropriate manner, rather than being used to the nth degree, and I appreciate that there is a spirit of goodwill down at VCAT on this.

**Mr PERERA** (Cranbourne) — I rise to support the Equal Opportunity and Tolerance Legislation (Amendment) Bill 2006. The bill amends the Racial and Religious Tolerance Act 2001, which restrains the minority in Victoria who would seek to incite racial and religious hatred, and the Equal Opportunity Act, which is mandated to handle the complaint procedures.

Unlike the New South Wales act, the Racial and Religious Tolerance Act treats all religious groups equally. Under the law in New South Wales only Jews, Muslims and Sikhs are provided with protection from having hatred incited against them, while it is legal to incite hatred against Christians and other religious groups. The Racial and Religious Tolerance Act does not prohibit people from discussing, debating or expressing their disagreement with particular religious beliefs or religions, provided that their doing so does not lead to the vilification and marginalisation of others.

It was revealed at the recent Victorian Civil and Administrative Tribunal hearing that throughout a Catch the Fire Ministries seminar Muslim beliefs were made fun of with statements such as 'Muslims are liars', 'Muslims are demons', 'Muslims treat women badly', 'Women are to be treated like fields to plough' and 'the Koran promotes violence, killing and looting'. Can we tolerate this kind of vilification? That is what this bill and the amendment are about.

I was born into a Catholic family. The religious teaching I received during my upbringing was to love my neighbour. I cannot understand any religious group behaving in any other manner. That is why the article that appeared in the *Age* of 2 May 2006, co-signed by the chairpersons of the Heads of Churches and the Council of Churches, sets out clearly that the heads of the Christian faiths, including Catholics, Anglicans, the Uniting and Presbyterian churches and the Church of Christ, are all supportive of the bill, the amendments and the process undertaken by the government.

Where does the Liberal Party stand? I am a bit confused. Do its members support those types of statements and vilification, or do they support this bill? My understanding is that the state Liberal Party at its recent state council meeting passed the following resolution:

That the state council calls on the parliamentary party to repeal the Racial and Religious Tolerance [Act] immediately upon return to government.

The Liberal Party should reveal the undertakings it has given to the Catch the Fire Ministries, if any.

The amendments fall into three categories. Firstly, they clarify that 'religious purpose' includes the teaching or conveying of a religion or proselytising. This means that members of those religions who proselytise will not contravene the act by promoting their religion, provided their conduct is reasonable.

The bill strengthens the power of the Equal Opportunity Commission Victoria to require persons to attend before the EOCV or to produce documents — and the EOCV already has the power to compel persons to attend before it or produce documents. Failure to comply with an EOCV attendance notice is an offence punishable by a fine of up to \$2000. This bill extends the powers of the commission in considering whether to decline a complaint. A new requirement is inserted that a notice must be necessary for the purpose of either conciliating the complaint or determining whether to decline the complaint. This is a major initiative to resolve the issues at the commission level.

The third area is the introduction of a leave mechanism for the Victorian Civil and Administrative Tribunal where EOCV has declined to intervene. Currently when the commission declines to intervene in a complaint, the complainant may still take that complaint to VCAT. This has the result of complaints that are lacking in substance being heard twice — once before EOCV and once before VCAT. This bill mandates that such complainants must obtain leave from VCAT in order to commence a complaint before the tribunal after it has been rejected by the commission. Application for leave can be made on the papers without an appearance before VCAT.

Of all the complaints lodged at Equal Opportunity Commission Victoria only a very small percentage have been successful at VCAT. However, this bill expedites the process, cutting unnecessary cost and time. I commend the bill to the house.

**Mrs POWELL** (Shepparton) — I am pleased to speak on the Equal Opportunity and Tolerance Legislation (Amendment) Bill. The purpose of this bill is supposedly to make a number of amendments to the Equal Opportunity Act 1995 and the Racial and Religious Tolerance Act 2001 — and I put on the record the fact that The Nationals opposed the Racial and Religious Tolerance Act 2001 and continue to be opposed to it.

The original bill came into effect in January 2002, and I spoke in the debate on the legislation when I was a member of the Legislative Council on 13 June 2001. At that time I stated that the bill was highly technical, subjective, legalistic and complex and that it was likely to be counterproductive and an administrative minefield — and that is the way it has turned out. The current act is flawed legislation. It also erodes what we in Australia all hold dear, and that is our freedom of speech — and a number of members have spoken about that today. The amendments in this bill prove that those comments are correct. We have to make some changes to the original legislation, but I do not believe these changes will in any way make it any better.

The Premier introduced the original bill in 2001 because he said that Victoria was the only state that did not have this sort of legislation. There was no community call for this legislation. In fact most of the submissions to the committee — there were about 5500 — were against the Racial and Religious Tolerance Act. A poll was conducted, and I would say that nearly all the people who were polled would have rejected any sort of racial and religious tolerance act. It cost \$35 000 to conduct that poll, but those findings were never released publicly.

Victoria is the most multicultural state in Australia, and I believe it is also known as the most tolerant. The Leader of The Nationals has circulated amendments to remove 'religious vilification' from the act, and if the government does not accept those amendments, The Nationals will oppose this legislation.

The Racial and Religious Tolerance Act has caused huge angst and division in the Victorian community. It has also caused confusion and division in the courts and the churches. Like other members this house I am a migrant. When I first came to Australia I stayed for a number of months at a migrant hostel in Melbourne, and we were taunted then as migrants; but the fact that you do not like what is being said does not necessarily mean you are being vilified, and that is why the original bill is flawed. It has caused confusion over what is vilification, what is discrimination and what is just something you object to being called. I also represent a very large multicultural and multifaith community in the Shepparton district. I have spoken to many of those people over the years, and they see no need for this legislation.

We were told that the bill was supposed to decrease the number of complaints that go before VCAT for resolution to reduce costly and lengthy hearings. At the briefing — and I thank the Premier's office and the Department for Victorian Communities for it — I asked

how many complaints came before Equal Opportunity Commission Victoria. I will read from the document provided:

In the four years since the RRTA came into operation to February 2006 a total of 129 complaints were lodged with the EOCV. Of these:

40.2 per cent (47) complaints went to conciliation; 24 were successfully conciliated and 23 were not. These 23 are counted as part of the unresolvable cases;

40.3 per cent (52) complaints were declined by the EOCV for being frivolous, vexatious or lacking in substance.

Of those 52 complaints declined by the EOCV, 20 were referred to VCAT by the complainant.

The proposed amendment to require the complainant to seek leave from VCAT to hear the complaint will apply to such complaints.

So people are complaining. I could almost believe that those people who are complaining do not understand the difference between saying something that is discriminatory and saying something that is actually libellous.

The need to amend both the Equal Opportunity Act and the Racial and Religious Tolerance Act arises because any complaint about racial or religious vilification must be made under the Equal Opportunity Act. It is hoped the complaints will be dealt with earlier and resolution will be provided earlier. In my speech opposing the Racial and Religious Tolerance Bill during the original debate on that legislation I said that most people believed the legislation would become a minefield, a veritable Pandora's box that could be tested time and again in the courts.

This bill is an attempt to reduce complaints to the courts, but we already have laws to protect people from the criminal aspects of things like abuse, libel and slander and forms of extreme racial hatred such as assault and vandalism. So really there was no need for the original bill, and we knew at the time of the debate on that legislation that there would be this confusion, there would be this anger, there would be this division in the community. We have a number of acts already that people can actually use to protect themselves.

This bill is supposed to clarify parts of the original act. It attempts to clarify the meaning of 'religious purpose', which has been interpreted quite broadly. It is also meant to clarify the issue of religious proselytising and makes clear that the original act does not prohibit proselytising. I actually had to look that word up, and it refers to the attempt to convert a person from one religion to another. I believe that this bill is flawed, as

was the original act. You cannot legislate to eliminate ignorance, bigotry and hatred. Tolerance can only be promoted and fostered by education, example and understanding.

The original act talks about the importance of education in our schools. At the briefing I asked whether there were a number of programs in schools, and I was not made aware of any programs that came to mind. I think that is disgraceful — that over four years later, after talking about bringing in education programs, we still do not have education programs. The Nationals believe that education, not legislation, will promote respect, tolerance and understanding.

During the consultation on the principal act I went to a public meeting in Shepparton; there were about 90 people there. Many of them were from the Arabic community. I think that meeting — and I know the minister was at the meeting as well — actually brought up more questions than answers. In fact, as I walked around the room, one of the questions that was asked was, 'What is the difference between vilification and discrimination?'. There was a woman who worked at Centrelink, and she said she had been called a name by a person of ethnic origin and she wondered whether that would be called racial discrimination.

There were a lot of questions there about what the meanings were. Does being offended mean being vilified? As I said, many people have been offended by taunts and by people saying things about them. You do not rush off to try to have your day in court. These sorts of things are dealt with and, if they are extreme cases, there is protection under the current laws. If they are not extreme cases, understanding can usually be brought about by some reasonable contact and communication. The Racial and Religious Tolerance Act is one of those very divisive acts that we believe has no place in Victoria, considering that Victoria is a very good multicultural and tolerant community.

The region I represent, the Shepparton district, has the Goulburn Valley ethnic council, which deals very productively and with good communication with people of non-English-speaking backgrounds and some of the new settlers that are coming in from war-torn countries and countries that people have left because of torture and trauma. We are not doing that by legislation; we are doing that through education, through tolerance, through respect and through learning about those people's cultures — not by saying to them, 'If you are going to say something to me that I do not like then I am going to take you to court'. That will not provide any solution. All that will do is provide resentment

which will be hidden and will fester underground and get worse.

Thus we do not believe this legislation will produce the effects the government thinks it will. We urge the government to at least accept The Nationals' amendments.

**Ms MORAND** (Mount Waverley) — I am pleased to make a contribution to the debate on the Equal Opportunity and Tolerance Legislation (Amendment) Bill. First of all I want to say that I support the principles of the original 2001 act that came into effect in January 2002. It is important legislation, and provides protection for all Victorians against vilification on racial and religious grounds. This is of fundamental importance to our community and supports the principles of equality and diversity in our multicultural, multifaith community.

The vast majority of Australians and Victorians enjoy the diversity of our society. We respect each other and value highly the principles of respect and tolerance and, particularly, the right to freedom of speech. However, most people do not want to live in a society where you are able to vilify an individual or group of people purely on the basis of their different race or religion.

Unfortunately racism exists — and we all know it exists. As members of Parliament I am sure all of us have had people coming to our offices complaining that they have been vilified or discriminated against in our community. I acknowledge that the member for Kew supports those principles of diversity and tolerance and the right to freedom of speech, as he said in his contribution. The Racial and Religious Tolerance Act was not designed to curtail freedom of speech, and these amendments are about clarifying its goals. The principal act does not infringe on anyone's right to believe in any religion but seeks to ensure that the manner in which someone speaks about the religious beliefs of others does not vilify them or incite hatred against them on the basis of their beliefs.

The Leader of The Nationals talked about his party's opposition to the original act. He feels the original act curtails religious freedom, but it does not. He also said the act seeks to control relationships between religious groups, but it does not. He said repeatedly that the act was a dangerous mistake — 'dangerous and unnecessary' — and that he had been proven right, but he did not indicate how this had been done. He raised the Fletcher case as an example, but that case provides a better example of why the bill should be supported by The Nationals, as it was dismissed by Justice Morris in August last year. In his decision he started by saying:

In recent months there has been community concern that Victoria's Racial and Religious Tolerance Act 2001 impairs legitimate free speech about racial and religious matters. This is not the case. The act is reserved for extreme circumstances ...

He went on to say:

In short, the claim —

that the proceedings were about —

is preposterous.

Further on in his findings he said:

Publicity about meritorious vilification claims can undermine the intentions of the Racial and Religious Tolerance Act. This is so even if unmeritorious claims are dismissed by the tribunal; indeed, even if summarily dismissed.

Thus he recommended:

... that consideration be given to the amendment of the act to require a person seeking to pursue a claim before the tribunal to obtain the leave of the tribunal before the proceeding is initiated. The question as to whether leave should be given should be decided on the papers.

This bill will make sure the act is interpreted in line with Justice Morris's observations.

I also want to speak to the amendments proposed by The Nationals. Let us say hypothetically that the amendments get through this house. If this happened, the following scenario could occur. I or anyone else could get up at a public meeting and repeatedly say, 'All Buddhists are evil. All Buddhists encourage the subordination of women. I call on everyone to shun Buddhists, as they are not welcome in our community'. If The Nationals' amendments got through, saying that would not be an offence. It would be an offence, however, if I got up and said, 'All Nepalese are evil. All Nepalese should be shunned'. It does not make sense to take religion out of the act and leave race in. So I certainly do not support the amendments proposed by The Nationals, and I applaud the member for Warrandyte and other members of the Liberal Party who also do not support these amendments.

The Leader of The Nationals also referred to the Premier's joint statement after the forum and David Palmer's article in the *Age*. He said the disagreement between the churches is unprecedented. Is he seriously suggesting that there has never been any disagreement within or between the churches on matters of substance? I really cannot agree with him if that is the case.

In conclusion I support this bill and the comments made by the member for Prahran that this bill is about

refining the legislation and is based on the experience of the courts. It will improve the performance of the principal legislation and reduce the risk of costly legal proceedings on unmeritorious grounds. I commend the bill to the house.

**Mr COOPER** (Mornington) — This bill is a bit more than about refinement, despite what the member for Prahran might have said, and he has been supported by the member for Mount Waverley. The fact of the matter is that this bill is in fact making changes in order to try to correct some flaws in the legislation that have now become quite evident to the government.

They are flaws that were certainly highlighted by this side of the house when the Racial and Religious Tolerance Act was debated in and passed this house some years ago. As is the wont of the present government, it did not listen to the concerns that were being expressed at the time because, again, it thought it knew better than everybody else and now it seems that it did not. Now the government is having to bring in these changes, but the fact of the matter is that these changes will not work, just like the act itself does not work properly — it has caused significant concern in the community, and I will come back to that aspect in a moment because I know government members have said there is no significant concern in the community.

In reality there is concern, and this bill is trying to fix up the act, but when you have a building that has not been built on solid foundations you cannot continue to put another storey or two on it; that is simply putting more stress on the foundations, and it will become an unsafe structure. That is exactly what we are faced with here. We are faced with a government trying to turn a sow's ear into a silk purse, and it is not going to work because it has not been built on solid foundations from the word go.

One cannot ignore the fact that there is significant concern in the community. The Premier certainly cannot ignore it, because he received 5000 letters of concern from people around the state, saying that there was something wrong with the principal act and that significant changes needed to be made. The changes detailed in the bill are not significant; they are band-aids even after the 5000 letters to the Premier pointed out that significant changes needed to be made.

If that were not enough, 30 000 Victorians signed a petition saying that the principal act is significantly flawed and asking the government to do something about it. The whole purpose and reason for that level of concern, those letters and that petition, were all about the fact that the principal act does not affirm the

principle of freedom of religion. That is what the concern is all about.

I, like every member of this place, frequently go to citizenship ceremonies. I go to quite a number each year in my electorate, and I speak at most of them. When I speak, I always remind the new citizens that in this country we take for granted the three great freedoms: freedom of association, freedom of speech, and freedom of religion. They are the three great freedoms that Australians just accept as part of their way of life and yet here we have a principal act which does not affirm this and in the views of many, in fact, attacks freedom of religion, because religion requires people to be evangelical — in most religions that is what it is all about. It is all about espousing ideas, espousing their views and being passionate about it, and yet here we have a principal act that will haul into court many of those people who do that.

We have an example right now as the legal case is still not resolved. Two pastors from Catch the Fire Ministries have been hauled into court because they espoused their passionate views. I will read from a letter headed 'Christian leaders statement of concern', dated 8 February 2006. Government members who are so keen to argue in support of this bill and in support of the principal act need to read this, if they have not read it already. I will quote from that statement of concern which was signed by 19 religious leaders in Victoria. They include Anglicans, Catholics, Baptists and so on; all are listed on the statement. It says:

The present legislation fails to recognise freedom of religion, while it does recognise freedom of speech. The latter relates to the right to hold opinions and communicate ideas and information to others. The former relates to the freedom of belief, conscience and religious practice, including the right to change one's beliefs and manifest one's religion in teaching, practice and worship and observance, in private or in public. In manifesting one's religion in teaching that religion's truth claims, it is inevitable and necessary to critique other religions' claims to truth.

For emphasis, I will repeat that last sentence:

In manifesting one's religion in teaching that religion's truth claims, it is inevitable and necessary to critique other religions' claims to truth'.

The statement of concern goes on to quote Professor Patrick Parkinson, who is a member of the faculty of law at Sydney University. He said:

... at issue is the freedom to express views about truth and falsehood, right and wrong, good and evil, which may offend others who have a different view on these matters ...

It is all about people who want to express their freedom of religion also having the freedom to say it — not just

to think it, but to say it — and that is what the principal act does not do. It does not affirm the rights of people who really believe to go out there and say what they believe and to criticise others who do not follow the same way. It is not about attacking individuals because that should not be permitted; it is about attacking ideas, it is about critiquing ideas and the freedom to be able to do that, and that is what the principal act does not allow people to do.

**Ms Campbell** — Read section 9.

**Mr COOPER** — And that is precisely why those two pastors were hauled into court — because they attacked ideas. The ideas they attacked were held dear by other people, and those people objected to the critique taking place. Until that is corrected, this bill stands on unsafe ground.

It is a morass. Whilst the government clearly recognises that there is a need to change, it has not had the gumption or the spine to make the changes that are needed. The reality therefore continues; there will still be significant concerns held in the community until the government acts, if it is prepared to act.

You cannot ignore the fact that a large body of opinion is saying that the government has got it wrong. All of the shouting that is going on at the present time while I am speaking shows again that there are some people in this place who are offended by an opinion, offended by some facts or a view that is being put forward by one of the members. They do not wait their turn; they prefer to try to shout down those who hold a contrary opinion. That is a great shame.

This is a time for people to listen silently and carefully to the views of others on this bill, as I have been doing. It is a great shame that we have members on the government side who prefer to try to shout somebody down rather than listen to what is being said, and then, when they have their opportunity, to rebut it, if indeed they can. I am prepared to listen to them rebut it, but I am certainly not prepared to listen to unthinking screaming coming from one particular member of this house, as has just been occurring.

I repeat that the government needs to recognise that freedom of religion is in fact one of the great freedoms, and it needs to be reflected in legislation of this kind. I take the same view as the member for Bulleen, that we would be better off, when talking about racial and religious tolerance, taking ourselves down the path of better education rather than trying to legislate these things, because legislation will never overcome bigotry and hatred.

**Mr SAVAGE** (Mildura) — I rise to indicate my opposition to the Equal Opportunity and Tolerance Legislation (Amendment) Bill. I vigorously opposed the original legislation in 2001, and I will be supporting The Nationals' amendments. I think they are the solution to the dilemma we face. I said five years ago that this law would limit freedom of speech, and it has done that. The law that was imposed upon us was the result of influential lobby groups. This legislation has generated more controversy and more opposition than any other piece of legislation that I have seen pass through this place.

At the time the Presbyterian church said that:

... the government has not to date demonstrated that Victorians either want or need this bill.

Archbishop Hart, the then administrator of the archdiocese of Melbourne said that:

... on a personal note, I share Archbishop Pell's scepticism about the desirability of this legislation.

Christians have never stood to gain anything from this legislation, because it exempts painters and artists who can continue to produce concepts that are very offensive to Christians. I do not need to detail what the Serrano exhibition stood for, but it was very offensive to Christians. This legislation does not counter that, but it certainly stops you speaking and analysing religious beliefs, which, in a free society, should be allowed.

I refer to an incident involving two Christian pastors who had to appear before the Victorian Civil and Administrative Tribunal. I have read VCAT's summary of its reasons for decision. I wonder if other members have; I hope they have. I would not say that what is detailed in there is outrageous comment. They are issues that you could debate quite significantly. I have my doubts on whether that should require having to pay large amounts of money to advertise your apology in the paper.

It is ironic that we have a case that highlights the sensitivity of certain members of the Islamic community when, if you were living in Saudi Arabia, you would not even be allowed to possess a Bible. It is also ironic that we are paying huge amounts of money to the Arab world in petrol levies, and they are using that to build a \$65 million mosque in Rome, but there is no provision for Christian churches in Saudi Arabia or many other Islamic countries.

We have a free and vibrant society, and we should be able to discuss these things free from the types of problems faced by the two pastors from the Catch the Fire Ministries. I understand why these amendments

have been put forward. They have been put forward because a Christian councillor from the city of Casey found himself in the equal opportunity commission because he warned about the influences of so-called witches and a satanic coven in Casey. What a ridiculous concept! Yet here is this law that we are being told is vital to prevent vilification and to ensure people's rights are protected.

The other case was where the Salvation Army had offended a paedophile in prison who was also a witch. He complained to the equal opportunity commission. Of course, these cases were thrown out, but those sorts of cases should never have happened. I understand why these amendments have been brought forward to deal with that, but they are not dealing with the fundamental issues — that is, restricting religious freedom of speech in this state.

Amir Butler, the executive director of the Australian Muslim Public Affairs Committee, said that he was someone who once supported the law and is a member of one of the minority groups they purport to protect. He wrote that he could say with some confidence that these laws had served only to undermine the very religious freedoms they were intended to protect.

Last year Anglican Archbishop Peter Watson said that the church did not look closely enough at the law when it was framed. Moira Rayner, who as chair of the Western Australian Law Reform Commission drafted anti-vilification laws and who has been a commissioner for the Human Rights and Equal Opportunity Commission, has said she does not believe that any anti-vilification legislation could deal effectively with hate speech. As other members have said, a succession of states have refused to bring in legislation of this kind for that very reason — it causes more problems than it can solve.

The irony of this is that there were measures in the Crimes Act and the Summary Offences Act which, while not well supported, were well documented in this place when we had this debate back in 2001. It is a myth to say that this legislation was essential and necessary. It has exempted people who quite clearly indulge in vilification — that is, the artistic world. It has targeted Christians and means they are not able to enjoy freedom of speech in this state. As I have said before, it is ironic that those people purport to be offended by this, given the laws in Islamic countries. In Afghanistan, for instance, a man was recently sentenced to death because he was converting to Christianity; under sharia law that is what happens to you. In the end the court ruled that he was not going to suffer the death penalty because it was said he was mentally

disturbed — but only after there was a significant furore in the press. However, the reality is that it occurred and still occurs in other strict Islamic countries.

We have a different view here: we can talk about this. However, if I did that outside this place, I could be at risk. If I discussed this in that way outside this place, I could have a complaint made against me and taken to the Equal Opportunity Commission, and I think that is wrong.

**Mr Mildenhall** interjected.

**Mr SAVAGE** — If I were not speaking here, I said.

Those people who have said here that this law was necessary and that it has not hindered freedom of speech are wrong. Like other members I have had a document given to me by the Presbyterian Church. Other members have made quite significant quotes from this but there is one thing that has not been mentioned. Later this year the Presbyterian Church is going to hold a meeting where it will have an information seminar on Islamist teachings for Christians. Because of the legislation — and the amendments do not address the problem — the church will have to have a strict registration system.

People will have to identify themselves as Christians, and those of other beliefs will not be able to enter. They do not want to have a vibrant discussion of the differences between Islam and Christianity and then have someone who is a Muslim be offended by it and drag them off to the Equal Opportunity Commission. For those members who say that is not going to happen, it has happened. Have a look at what the Victorian Civil and Administrative Tribunal document says. It was not an issue where it was vilification in the sense the member for Mount Waverley mentioned — by comparison it was a very tame assessment. We need to have those discussions.

It is my belief that this law should be repealed. It does not have the support members on the government side imagine it does. When I came into this place I was told there are four unofficial principles you should adhere to here. They are: never admit you are wrong; never say you are sorry; never admit responsibility, which I suppose is tied to the first one; and never resign. There are two things in there that this government is guilty of — it has got it wrong and it will not admit it.

**Ms CAMPBELL** (Pascoe Vale) — Religion has two wings — faith and reason — and this particular piece of legislation is good because it allows both to fly.

The Racial and Religious Tolerance Act, as amended by the Equal Opportunity and Tolerance Legislation (Amendment) Bill, will enable people to have faith and to argue it with practical reason.

Despite the member for Mornington's claim otherwise, this legislation is absolutely clear. I refer to part 3 and clause 9 which is headed 'Exceptions — public conduct'. This clause seeks to insert a proposed subsection into section 11 of the Racial and Religious Tolerance Act which states:

For the purpose of sub-section (1)(b)(i), a religious purpose includes, but is not limited to, conveying or teaching a religion or proselytising.

This legislation allows people to believe and it allows them to argue why they believe. It allows them to hold a faith in an interior fashion and to proselytise in an exterior fashion. Both wings are able to fly under this legislation.

Other nonsense has been raised here today in relation to the Premier's multifaith leaders forum held on 22 September 2005. As one of the few MPs who had the privilege of attending that conference and was able to witness the events I think I should put a few facts on the table. The fact is, and it should be put on the public record in this Parliament, that there was a wonderful spirit of cooperation between the faith leaders in attendance at that meeting. When the Premier asked at the conclusion of the meeting who would like to speak to the media, there was great interest and enthusiasm. I think the greatest difficulty was deciding who would be part of the media conference because so many people wanted to attend.

Let us put on the record in this house exactly what the leaders from a range of churches said at that multifaith forum. I apologise for quoting extensively but I think this needs to be put on the record. The joint statement reads:

Victoria's faith leaders gathered today at a multifaith forum hosted by the Premier.

It was hosted by the Premier, but it was the faith leaders forum. It goes on:

The forum discussed opportunities to strengthen community harmony, safety and understanding.

Each of those elements had unanimous support. Community harmony is a strength of the Victorian community. We are very fortunate in this state that a range of people can put a range of faith views forward, and they can do so in safety. We attempt as a community to understand each other. We do not

necessarily agree. There are plenty of times when people who fail to understand decide to engage in prejudice and inappropriate language. That is not prohibited by this legislation; what is prohibited is vilification. I return to quoting from the document. The first dot point states:

We acknowledge all individuals have a responsibility to work together to recognise the dignity and worth of every human being, affirming our similarities and the fundamental principles that unite us.

In the grievance debate we had in the last sitting week I talked about the importance of us acknowledging the principles that unite us. We have common human goods. The leaders of the faith communities, more than any others, know about the universality of the human person, and they united in this statement to affirm that. The document continues:

This group especially acknowledges the importance of faith for those represented here and the importance of spirituality for those who are not represented here.

The house needs to be aware of the next dot point. From a range of faiths they all agreed to:

... pray for one another's communities and for all Victorians.

Who were the people at that multifaith leaders forum? We had representatives of the Anglican Diocese of Melbourne, the Antiochian Orthodox Church, the Archdiocesan Church of St Eustathios, the Assemblies of God, the Australian Multicultural Foundation, the Baptist Union of Victoria, the B'nai B'rith Anti-Defamation Commission, the Board of Imams Victoria, the Buddhist Council of Victoria, the Catholic Archdiocese of Melbourne, the Churches of Christ, the Ethnic Communities Council of Australia, the Greek Orthodox Archdiocese of Australia, the Hindu Society of Victoria, the Imam Ali Islamic Centre, the Islamic Council of Victoria, the Islamic Society of Victoria, the Islamic Women's Welfare Council of Victoria, the Jewish Community Council of Victoria, the Lutheran Church of Australia (Victorian and Tasmanian District), the Presbyterian Church of Victoria, the Rabbinical Council of Victoria, the Religious Society of Friends (Quakers), the Russian Orthodox Church, the Salvation Army, the Seventh Day Adventist Church, the Sikh Interfaith Council of Victoria, the Sikh Welfare Council of Victoria, the Uniting Church in Australia (Synod of Victoria and Tasmania), Victoria Police, the Victorian Council of Churches, the Victorian Union for Progressive Judaism and the World Conference on Religions for Peace — hardly any old group of people assembled together; this was truly a multifaith forum.

It covered Eastern and Western churches and a range of faiths, and each one of those in attendance was utterly supportive of the wonderful statement at the conclusion of that forum. Lest anyone be confused, I point out that people in attendance at the forum also bothered to write to the *Age* on 2 May. The claims that were wrongly made by a particular individual from a particular organisation were disputed, in fact utterly contradicted in a letter to the *Age* by those in attendance. The letter stated:

In regard to the multifaith forum held in September 2005: Premier Steve Bracks hosted this forum and those attending were given an opportunity to ask questions ... The statement produced at the conclusion of this process — agreed to ... by representatives of 31 faith-based organisations — included amendments by Christian leaders ...

It was interesting that one of the amendments they put in was that they agreed to pray for one another's communities, so it was not just a matter of their physical presence but also their spiritual commitment to continue to work to enhance this wonderful multifaith and multicultural society here in Victoria. They also complimented the Premier and the government in that letter to the *Age* for their leadership in this regard.

I want to briefly mention The Nationals' amendment. If you take it to its logical conclusion, the way I read it, and I cannot see any way it could possibly be read other than this, it means that it is okay to vilify a person for their religious beliefs, but you cannot vilify them because of their racial background. Quite frankly, it is very difficult to separate the two — vilification is vilification.

**Ms ECKSTEIN** (Ferntree Gully) — I am pleased to rise and speak in support of the bill. I want to acknowledge and commend the member for Warrandyte and a number of other Liberal members that I understand will not be supporting The Nationals' amendments, which would take religion out of this bill and out of the principal act. As other speakers have noted, these issues are entangled together. Cultural identity, ethnicity, racial background, religion — even one's linguistic background — are all interlinked, and it is very difficult to separate them. I also want to acknowledge some of the work that Jeff Kennett did in supporting multiculturalism. While I disagree strongly with most of what he did in government, I believe his record in multiculturalism was good, with the possible exception of the disastrous attempt to rename the Macedonian language as Macedonian (Slavonic).

As I said, I strongly support this bill and the principal legislation, the Racial and Religious Tolerance Act. In a multicultural society such as ours it is very important

that regardless of cultural, linguistic and religious background we can share our diverse cultures, values, beliefs and practices without fear of vilification, denigration or the incitement to hatred of others and their beliefs. Vilification and the incitement to hatred of others based on racial, cultural, linguistic or religious differences are terrible things, and most of us of culturally and linguistically diverse backgrounds have experienced, if not vilification, then certainly some pretty nasty stuff in our lives. Our community should not tolerate vilification. It should be possible to promote and advocate for one's own values, beliefs and practices without denigrating and inciting hatred, serious contempt or revulsion of others for their values, beliefs and practices.

When I was on the executive of the Ethnic Communities Council of Victoria during the 1980s and early 1990s the need for protection from vilification was one of the key issues that was raised time and again in response to real examples and real incidents that occurred to various communities. That is not to say that multiculturalism means cultural relativism and that anything goes and anyone can do anything they like simply by saying, 'That is my culture'. It certainly does not mean that. We all agree that diversity — be it cultural, linguistic or religious — operates within the context of the overarching norms of our society, including democratically elected government and the rule of law in our country and in our state.

The amendments that we are considering in this bill clarify the original legislation. They strengthen the complaint investigation powers of Equal Opportunity Commission Victoria, including requiring attendance or the production of documents during the early investigation stages. This should reduce the number of frivolous complaints lodged, as well as the number of complaints going forward to the Victorian Civil and Administrative Tribunal (VCAT) by facilitating the early resolution of complaints at the investigation stage. They also reduce the risk of costly and unnecessary legal proceedings in frivolous and unmeritorious complaints. This is because, under the bill, VCAT will have the discretion to decide on the papers whether leave is granted to have a complaint heard that has previously been rejected by Equal Opportunity Commission Victoria.

The amendments we are considering also clarify the meaning of the term 'religious purpose' to make it clear that it means 'conveying, teaching or proselytising of a religion'. As I said earlier, it ought to be possible to seek to convert others to one's particular religious beliefs without denigrating and inciting hatred of others who have different beliefs.

The amendments ensure that various religions can advocate for, promote and teach their particular religious beliefs. What they cannot do is incite hatred, revulsion, ridicule and serious contempt for others who have different beliefs. This is not an issue of free speech. Justice Morris, the president of VCAT, has made it clear that the principal act does not impair free speech and is there only for extreme circumstances.

Vilification is an abuse of free speech. Vilification is about encouraging people to hate, which can often lead to others expressing their hatred through physical violence and abuse. The act does not prevent fair discussion about the virtues of one religion over another. It just means such discussions need to be conducted reasonably and fairly without inciting hatred, revulsion, ridicule or serious contempt for those who follow different religious beliefs. The right to robustly discuss one another's beliefs comes with a responsibility to respect others and not vilify them. That is really what the legislation comes down to and what the amendments seek to clarify.

I understand that there has been extensive consultation and discussion with faith leaders. The Premier gave an undertaking to the multifaith forum last year that the government would consider amendments to clarify the operation of the principal act. The amendments that are before Parliament today clarify the operation of that act.

I understand there is not universal support for either the principal act or the bill. There probably is not universal support for anything that comes before this Parliament. But there is broad support for both the act and the amendments across faith communities. I think the bill strikes an appropriate balance, and it clarifies the act. With those few remarks I commend the bill to the house and wish it a speedy passage.

**Mr CLARK** (Box Hill) — In speaking to the bill I want to start by setting out some propositions that one would hope would be unnecessary to state, but I think it is important for the record that they are stated, because in doing so I will set the scene for the reasons that underline my positions on this legislation and the amendments.

It goes without saying that there would not be a single member in this house who is not open, welcoming and supporting of people of all races. Indeed, it goes beyond tolerance, which is a word of ambiguous meaning that does not go far enough. We in this house, and I would say the vast majority of Australians, are open, welcoming, supportive and friendly towards people regardless of their race or their background.

The second point I make is that there is not a person in this house who is not tolerant of all religions of goodwill, regardless of the religious views they hold themselves or their absence of religious views. Again I think that goes for the overall majority of Australians.

The third point is that I do not think there is any doubt about the good intentions of those who framed the original legislation, those who supported it and those who framed and put forward the bill currently before the house. The dilemma that we as legislators confront in dealing with this legislation is one that has been imposed upon us by a very small minority who engage in conduct that we all abhor — vilifying or denigrating others on the basis of their race or religion. The dilemma that we face is how to best respond to the conduct of a very small minority. Our response is not something that can be decided by consideration of a single element. We have to balance matters of practice and principle, as well as the benefits and detriments of any law that we pass.

Perhaps the central problem and the flaw in the chain of reasoning of many who have spoken on this bill — it is the unspoken assumption that they make — is that simply by passing a law we will bring about an observance of that law and, therefore, a resolution of the problem that the law sets out to address. Of course, that is not the case. It is not just a question of the principles underlying the law or the principles of good conduct that we want to achieve, it is a question of how best to frame and then administer a set of laws that will cause others who might not be inclined to do so to modify their behaviour.

Now that we have seen the principal act in operation for some time we can observe, particularly in relation to religious matters, that it has not worked as it was meant to. The various assurances and expressions of intention put forward by the movers of the bill as legitimate statements of their aspirations at that time have, however much in good faith they were put forward, proven to be unfounded.

To be blunt, in balancing the competing considerations one has to conclude that in relation to religion the principal act has run a greater risk of operating as an instrument of intolerance and a creator of division than as something that promotes and achieves racial and religious harmony and tolerance.

There is also a question of whether the framing or administering of this legislation can be effective in dealing with what, to me, is one of the greatest vices that needs to be deplored and dealt with as far as possible in our community — that is, anonymous and

hurtful abuse such as hate mail, graffiti and the like that is perpetrated not out in the open, where it can be dealt with by direct prohibition or by the remedies set out in this bill, but furtively and anonymously by letters slipped into letterboxes or by graffiti scrawled in the dead of night. I must say that some of the most telling and moving experiences that I have heard in relation to this debate are from the victims of that deplorable conduct.

We are now faced with what has become clear from the statements by many religious leaders, that they are finding that the legislation as it is currently framed is inhibiting the free and open expression of their religion, that it is promoting fear and self-censorship, that it is being used as a weapon in religious dispute and differences of opinion and that it is being used to silence others in conducting a vigorous debate.

It is inherent in religious matters that people feel strongly about them. It is inherent that they would want to debate them vigorously. It is inherent in espousing one religion that people may want to critique another religion. It can be said with absolute legitimacy as a matter of principle that that should be done courteously, respectfully and without denigration. There is absolutely no dispute about that, but what has to be weighed up in addressing this legislation is how it has worked to date in practice and how it is likely to work in the future. The detriment of restricting freedom of religion is a grave problem, a flaw in the legislation, as it has turned out in practice.

One of Australia's greatest strengths is its inherent openness, tolerance and friendliness; and that needs to be preserved and cherished, and encouraged totally independently of whatever legislation we may have, which at absolute best is going to be just a small component of supporting and reinforcing racial and religious harmony. However, the risk is that this legislation will build religious disharmony rather than promoting religious harmony.

The member for Pascoe Vale, whose views on religious and ethical matters I greatly respect, said that the opposite view is to say that it is okay to vilify on religious grounds. No, it is not okay to vilify on religious grounds. The question is: what are the balancing considerations relating to this legislation? How effective is it going to be in stopping the real problems we face? Conversely, what are the serious detriments it causes to freedom of religion, harmony and tolerance?

On that basis my conclusion is that the better way forward is to support the amendments to remove

'religion' from this bill, and certainly to support the amendment foreshadowed by the member for Kew; and should those amendments fail, my view is that the bill as it stands is a useful step in the right direction, albeit that it does not go far enough. However, by far the preferable course is to add in amendments that will free religious debate from the restrictions of this bill.

**Mr MERLINO** (Monbulk) — I am very pleased to rise in support of the Equal Opportunity and Tolerance Legislation (Amendment) Bill. The essence of the Racial and Religious Tolerance Act, which this bill seeks to amend, is to tackle vilification head on. It has been, since its introduction a few years ago, the subject of a great deal of community debate. It is important for that debate to be very clear on what we are talking about and what we are not talking about. Vilification under the act is defined as 'conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule'.

We are talking here about extreme and hateful comments directed at people because of their race or religion. It is beyond me how the member for Box Hill can say it would be in keeping with the tolerance and friendliness of society to somehow take religion out of the context of this act and this bill. This bill and the act are not about limiting robust debate between people of different faiths, and that includes critiquing of people of different faiths.

Following the introduction of the original legislation and the infamous Catch the Fire judgment, I was asked to meet with representatives of one of my local Baptist churches. They had genuine concern about the operation of the act and their perceptions about the impact of the act on churches' right to freedom of speech and freedom of religion.

I did a little research and took a couple of documents to my office for the discussion with the representatives. One of the documents was the decision of Judge Higgins of the Victorian Civil and Administrative Tribunal on the Catch the Fire case, and the other document was a position statement of the Ecumenical and Interfaith Commission of the Catholic Archdiocese of Melbourne.

I expressed my personal view at the meeting that what the Catch the Fire case was espousing in the comments that were made was not Christian at all. Without going into the detail of the case, I would say that any reasonable objective assessment of what was said and printed about people of another faith — in this case, the Islamic faith — could not in any way be a reflection of Christian teaching, and to defend this case on the basis

of freedom of religion is, in itself, offensive. It was a case about incitement to hatred, pure and simple. I encouraged those at the meeting to read the full decision, and, with respect to the member for Mildura, I could not disagree more that the decision was anything other than inciting hatred.

In terms of the position statement by the commission that I referred to, this is a very powerful document and I encourage members to read it. I will read a few passages:

In making this position statement, the commission is not making a wholesale endorsement of the law remaining as it is; however, we do believe that the objectives of the law are worthy, that all religious discussions should be conducted in an objective and appropriate way, and that the sort of activities and speech that is barred by the law are not the sort of activity or speech in which Christians should be involved.

The statement goes on to say:

... Christians, engaging in proper Christian conduct, should have no fear of ever finding themselves in breach of this legislation.

...

... Christians should not regard the Victorian law as an infringement of their freedom to communicate the Christian faith, since the Christian's own standards of just and ethical conduct should already preclude any activities of the kind forbidden by this legislation.

The position statement was released on 16 March 2005 — that is, before the amendments we are debating in the house today were prepared.

Legislation of this nature is subject to review on how it works in practice, what interpretation is made through the process of claims of racial and religious vilification, comments made by people such as Justice Morris and comments received in feedback from the faith community.

In September 2005 the Premier met with churches and multicultural leaders, and the member for Pascoe Vale listed all the people who attended that forum, from which emerged the joint statement. I will read just one section of it:

We support, in principle, Victoria's Racial and Religious Tolerance Act, which, while protecting our rights to evangelise and proselytise, prohibits serious racial and religious vilification, which incites hatred. Thus it acknowledges that the right to practise and debate religion in a free and democratic society carries with it responsibilities to respect others.

One of the key issues raised by faith leaders was the need to amend the legislation to provide absolute clarity about proselytising, and one of the actions agreed to by

the Premier at this forum was to consider amendments to clarify the operation of the Racial and Religious Tolerance Act. In addition to this feedback, Justice Morris also made important suggestions on clarity, process and unmeritorious claims.

The bill's amendments will make this legislation even better. Although Justice Morris in his decision correctly interpreted that proselytising was not prohibited, this amendment in the bill makes that perfectly clear. 'Religious purpose' includes conveying, teaching or proselytising of a religion, and that means evangelising. 'Seeking to convert' will be quite clearly allowable through the amendments to the act contained in this bill.

Other amendments strengthen the investigative powers of Equal Opportunity Commission Victoria and that will lead to speedier resolutions and a decrease in the number of complaints to the Victorian Civil and Administrative Tribunal (VCAT). The amendments will also tighten up the process for dealing with unmeritorious complaints, another criticism of the operation of the act over the last few years.

These amendments are supported by the leaders of many Christian faiths, including Catholic, Anglican, Uniting, Presbyterian, Church of Christ et cetera. An article in yesterday's *Age*, co-signed by the chairperson of the Heads of Churches and the Council of Churches, clearly endorses the legislation we are debating today. I will quote from that article.

The Premier and the government have continued to work with the leadership of the ... churches and the other faiths on agreed 'actions' arising from the forum — and these include the proposed amendments, one of which is the explicit allowance of proselytising.

There is also strong support for the legislation from Islamic and Jewish communities, and I quote from a press release by the Jewish Community Council of Victoria in which its president, Anton Block, says:

We congratulate the state government on their continued commitment to the Racial and Religious Tolerance Act, and their strengthening of the legislation. We now urge the opposition to give its support to the proposed amendments, so that they have a smooth passage through the Victorian Parliament.

Concerns remain for some people in our faith communities. For many of those communities, nothing less than the scrapping of the legislation will do, and that is a position I do not support. I represent a very diverse community in the Dandenongs, particularly in respect of the Christian faith, and we have many different churches that I am involved with on a regular basis. Some of those churches would support the amendments, while some would not.

I acknowledge the concerns about this legislation, and I admit that it did give me pause when I saw on the letter that other members have referred to the signatures of people such as Bishop Mark Coleridge, who raised concerns about the legislation and the proposed amendments. This confirms that we need to keep a constant eye on the operation of this legislation, but I support this bill and I support the act because I believe it has broad community support and very broad support within the faith community. There is no doubt that the bill is an improvement on the existing legislation, and I think members should support the bill. I wish it a speedy passage.

**Mrs SHARDEY** (Caulfield) — I rise to offer my support to the government's legislation and to the Liberal Party amendment, but I will not be supporting The Nationals' amendments. In a sense I have felt very much a part of this legislation for a very long time. I had carriage of the original legislation when it came before the house and the entire process for the Liberal Party prior to the introduction of the final bill in this place, and I was happy that by and large it had bipartisan support.

As members will know, many people in my electorate have strongly supported this legislation and recognise the need for it. I suppose that is the product of centuries of persecution, particularly of the Jewish community, but of course we have seen persecution of peoples on the basis of their race and their religion over the centuries. It is not just the Jewish community, but in my electorate it is particularly that community that has felt very strongly about this legislation, and I have been at one with it on this matter. I suppose I have also been conscious of the fact that, as a Liberal and someone who supports liberalism strongly, I am one who speaks out vehemently for freedom of speech. I do not see the two as being incompatible.

The process we went through in bringing the original bill to the house was long and somewhat unusual. Some of my colleagues and I went around Victoria talking to communities. The model bill that was originally put before the community was not acceptable to many members of the community, nor was it acceptable to the Liberal Party at that time. It took a lot of work to bring about changes to that model bill and to get to the draft legislation. It then took further work to make that draft legislation something that could be brought to this house and supported, as it was. I worked quite closely with the minister responsible, John Pandazopoulos. We brought to the table amendments which were accepted by the government at that time, and I felt it was a good outcome for this Parliament, and one that we are all quite proud of, even though some people exercised their

free vote and could not support the legislation and The Nationals as a whole voted against it.

I believe that legislation has had some unintended consequences, so we find ourselves here today making some amendments to improve it. It is my belief that in future more amendments may be necessary if more unintended consequences emerge, and we need to be prepared for that. We need to understand that we cannot be rigid in our approach to this legislation because it will evolve as the mores and values of our community evolve. They may well change a little over time, so we have to be reflective of that. What we are seeing here today is an expression of the need for change to accommodate those in our community of particular religious persuasions who believe their rights to free expression have been to some extent curtailed by the legislation, so that is happening. The Liberal Party has suggested an amendment which is believed to add more to this process.

Some people believe civil remedies are perhaps not the way to go in the first instance and perhaps there should be a stronger role for the Director of Public Prosecutions through the criminal code. Maybe this idea has some merit and should be explored further. I would not want to see civil remedies excluded in their entirety, because I think they are very important. However, I believe it is important to deal with this legislation in a reasonable and proper manner.

The Liberal Party has expressed very strong support for a tolerant society, and I think we are all proud of the fact that we live in a multifaith and multicultural community. We are all very proud of the way this state has accepted and embraced the diversity of its people. Certainly the previous Liberal government very strongly denigrated any form of racial or religious vilification in Victoria. I recall being very proud of the then Premier, Jeff Kennett, who so strongly spoke out against One Nation and strongly supported the need to, as he put it, 'chase them down every burrow' — which he did. That was a huge achievement.

I will not go into the mechanics of the bill, but it does three important things which I believe refine and improve the legislation. The Liberal Party's amendment adds to those changes. I would like to speak briefly about The Nationals' amendments, which I will not support. The Nationals want to remove 'religion' from this legislation. I guess I was somewhat surprised that their amendments were accepted in the first place, because it appears to me that their amendments are very different from the purpose of the legislation before the house. That surprised me a little bit.

I was a little surprised that The Nationals actually put forward an amendment to change an act which they did not support in the first place. That seemed a bit unusual; nevertheless they have an absolute right to take that course of action. I do not believe one should be able to incite hatred or vilify any person on the basis of either their race or religion. If one talks to members of the Jewish community — and many of these people are very close to me personally — you will find that many Jewish people regard their religion as somewhat different to their race. In fact people of the Jewish faith are from many different ethnic backgrounds or, if you like, many different races.

There are Chinese Jews, Hungarian, Polish, Russian, Japanese, and of course Australian Jews — very many. My husband's own grandfather, as a Hungarian Jew, proudly considered himself to be Hungarian and did not believe that he would be arrested and taken to Auschwitz because of his Jewishness, because he regarded himself first and foremost as a Hungarian. If you look at photos of him standing there, tall, good looking, big moustache, with his sword — because that was the uniform of the day — you see that he painted the picture of a true Hungarian.

I speak to many members of the Jewish community, as you would all know, and spend a lot of time with the community. They are a large part, although not the entire part, of my electorate. I was speaking the other night to someone at a neighbourhood function, and he was talking about the fact that his family are Australians going back five generations. If one were to suggest that his race was not Australian, he would be very insulted, as I think very many people of different religions and different races are.

That to me is the point of this debate. I oppose racial vilification or incitement to hate people on the basis of either their race or their religion, therefore I do not think it is reasonable to extract religion from this piece of legislation. It is an integral part of it and therefore I will be supporting the Liberal Party's amendments.

**Mr ROBINSON** (Mitcham) — I am pleased to have the opportunity to make a brief contribution to the Equal Opportunity and Tolerance Legislation (Amendment) Bill. It is a measure of the expectations of the principles of the Racial and Religious Tolerance Act that when it was passed in this place in 2001 it enjoyed bipartisan support. There was no doubt at that time — and I can recall that debate very clearly — that the majority of members in this place felt that Victorians would have little difficulty in adjusting to the requirements, and they were fairly modest requirements, that were going to be placed on them.

What seems to have been overlooked in this debate is how much the world has changed since 2001. Whether we like it or not the events of September 11 did change the world profoundly in ways where we are measuring its effect everywhere, and not the least in religious communities across the world where anxieties have been much heightened by those events. The events of September 11 have forced us all to contemplate the role of religion and religious beliefs in society and what constraints will apply to people who hold religious beliefs.

We have been forced to contemplate that in a whole lot of ways, whether it be through contemplating the appropriateness or otherwise of the preachings of imams in western Sydney or elsewhere in the world, the comments of fundamentalist Christians across the world, or indeed the debate which has gone on across the globe as to the rights of Muslims and others to wear traditional dress in schools and in public places. This is a debate we are forced to engage in largely because of the events of September 11.

It does not surprise me that the response of other jurisdictions here and elsewhere in the world post-September 11 has been different from Victoria's pre-September 11 actions. The only conclusion I draw from that is that different environments demand different responses from different jurisdictions, and every jurisdiction will respond in the appropriate way. But bearing that in mind, I cannot agree with the position of The Nationals. I think I am right — I heard the Leader of The Nationals restate this — The Nationals would have the legislation repealed. That call has been made by some people, but in my view, and I am very strongly of this view, all that repealing Victorian legislation would achieve would be to replace one set of anxieties with another set of far greater anxieties.

I have no doubt that such an act by the Victorian Parliament would be interpreted by some as nothing less than a licence to more readily use inflammatory language, because some people believe that is the appropriate response in the post 11 September 2001 environment with which we still have to deal. At a time when the world desperately needs more temperate language and tolerance, all that such an act would generate is greater intemperate language and greater intolerance.

The consultations I have had with church leaders and church members in the Mitcham electorate reveal that the legislation in Victoria has a role to play in deterring people from seeking to vilify others on the basis of their religious beliefs, but it is true that church leaders and

members are expressing some concerns about the content of the legislation and the processes established by it. That cannot be denied. There is no point in denying that they have an interest in making sure that that legislation works as well as it can.

I am in debt to a number of people in the Mitcham electorate who have given of their time in the last few months to raise these and a variety of other concerns, because I maintain an active dialogue with church leaders as part of my job. In particular, I refer to the Reverend Alan Demond and Murray Baird from the New Hope Church, the Reverend Grant Stewart from the Mitcham Baptist Church, Pastor Peter McHugh from the Christian City Church in Whitehorse, the Reverend Peter McPherson from St Alfred's Anglican along with members of that church community — Mark Sneddon, Ken Langdon and Ann Willett; the Reverend John Batt and Alex Milner from St John's Anglican Church in Blackburn and Pastor Albert Esselbrugge from the nearby Reform Church in Box Hill.

The fact that we have a diversity of views about the role the legislation should play or the practical effect of the legislation is not in itself surprising and is not in itself unhealthy. There has always been plurality of opinion when it comes to religious matters. We should recognise that as a strength of the society we live in. The fact that it is nowadays put forward in a more constructive way than it once was is a sign of the growth and maturity of this society. It was not that long ago that in Victoria the plurality of opinion most readily expressed itself in homilies, delivered from Catholic and Protestant pulpits each week, that concentrated on the finer points of eternal damnation.

We have always had diversity of religious opinion, and to try to somehow put the point across that the differing points of view as to what has gone on in faith forums in the past few months are somehow revolutionary and at odds with what has always gone on within religious communities is very disingenuous.

The conclusion I have drawn from discussions I have had with local church leaders is that while the government's proposed amendments are welcome because they raise the threshold tests and will help avoid vexatious claims, they would like to see further consultation with the government as to whether more refinement of the legislation is possible. In particular their concerns relate to definitional issues, the burden of proof and the procedures for that as outlined in the legislation.

In my view these are not unreasonable claims. Certainly when the Premier has responded to my view that the door needs to remain open for church leaders and church members to have this dialogue to see whether further improvement is possible, he has indicated to me that it is possible, and that is very welcome. I believe it is a necessary response, not only because we will have a Supreme Court judgment which will generate further discussion in coming months but because — and this is the more important point — religious belief inherently involves a contest of ideas and an exchange of views. At times that can be vigorous, and we need to preserve the rights of a vigorous contest.

Rather than seek to claim the plurality of views across churches as a bad thing, I again reflect that it is a healthy characteristic of life in Victoria and indeed in Australia, so long as the concerns for further refinement of the legislation are acknowledged and meaningful opportunities are provided. In my view that will occur, and for that reason I have no problem in supporting the bill.

**Mr PERTON** (Doncaster) — In 2001 the Premier gave his second-reading speech on the Racial and Religious Tolerance Bill and said the provisions were confined to prohibit only the most noxious form of conduct which incites hatred or contempt for a person or group on the basis of their religion. He went on to say:

The bill strikes an appropriate balance with freedom of expression by imposing liability only upon the most repugnant behaviour which actively urges and promotes hate.

Freedom of expression has never been an untrammelled freedom of any person to do or say what they please.

I voted in favour of the legislation, sharing the views of the Premier on those matters. The recent Catch the Fire Ministries case, which has already been referred to by other speakers and well analysed in the course of this debate, has demonstrated that there are elements of poor drafting in the bill, and there are two reasons for that. One is that the government was perhaps too narrow in its consultation and its willingness to accept criticism of the original draft; but the second is because this is such a difficult area of policy.

I believe in human freedom, and freedom of speech and freedom of religion are central tenets of any civilised society. To balance freedom of speech and to balance freedom of religious expression are very difficult issues, so it is clear that as we examine the court cases as they arise and we examine the judgments, it is only appropriate that the legislature makes amendments as appropriate.

I believe in this case my party will be voting in favour of the government amendments to the principal act. We will make some additional amendments which we hope the government will adopt. I will oppose the amendments proposed by The Nationals.

**Mr Hulls** — A man of principle!

**Mr PERTON** — I thank the Attorney-General for his interjection, but my emotions are even stronger than that.

My family came from Lithuania, and Lithuania between the wars was a very peaceful and democratic society. The Molotov-Ribbentrop pact, which divided the country eventually between the Soviets and the Nazis — and which led to a Soviet occupation followed by a Nazi occupation — delivered the most unspeakable horrors against people. In the name of communism, people who were opposed to communism were tortured to death in the most vile ways. The body of my grandfather literally could not be identified three days after his execution because of the horrors that were carried out upon him.

Yet it was not long after that, during the Nazi occupation of Lithuania, that the Jewish community — which had lived in peace with my grandfather and his family over generations — were slaughtered and had the most vile tortures carried out upon them as well.

This was vilification of the highest order. This is the vilification that leads to violence between communities. It is the vilification and evil that we wish to prevent in this society, because this society is made up of many migrants and many refugees, who have come to this country to live in dignity and freedom.

Article 29 of the Universal Declaration of Human Rights states:

Everyone has duties to the community in which alone the free and full development of his personality is possible.

It goes on to add that:

... everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

The principal act, the subject of this debate, prohibits vilification. Vilification is the incitement of hatred, serious contempt, revulsion or severe ridicule of others. Racial and religious vilification is about saying things about a person's race or religion that could incite others to hate them.

This legislation does not prohibit fair debate. It does not prohibit sermons that are controversial. It does not prevent people being critical of other people's beliefs. It does not stop criticism of various religious beliefs and philosophies, but it prevents the objectification of people and their being turned into objects of hate and ridicule.

In examining similar legislation in the United Kingdom, the British Churches' Commission on Inter Faith Relations made a very strong statement on 18 January last year — if I could just take 1 minute more, Acting Speaker. It said:

Stirring up hatred on grounds of religion is as damaging as stirring up racial hatred. Some who oppose the amendment have argued that race and religion are fundamentally different on the grounds that people cannot choose the race to which they belong, but can and do choose their religious beliefs. However, it is important to recognise that in the context of combating hate crimes at least, there is a significant overlap between racial and religious identity, with communities sometimes targeted on the basis of their religious, as much as any racial, identity.

When the principal act came before the Parliament I said that to be a Christian and to believe in religion did not require you to vilify someone else. I conclude with the words of Jesus Christ, from the book of Matthew:

Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbour as thyself. On these two commandments hang all the law and the prophets.

I do not believe that in loving thy neighbour as thyself one should or can justify vilification in any religious observance or in any dignified society.

**Sitting suspended 6.32 p.m. until 8.03 p.m.**

**Mr LANGUILLER** (Derrimut) — It gives me pleasure to rise in support of the Equal Opportunity and Tolerance Legislation (Amendment) Bill. This is good legislation which contains good amendments. When the principal bill was introduced it was the right legislation for the time, and it is my view, as it is the view of the government and the view of the Liberal Party, that this bill strikes the right balance at this juncture in Victorian and indeed Australian history and ought to be seen in that context.

Legislation ought to meet the demands and challenges that nations, states and communities face. I believe the legislation does so at this point in time, which is not to say — as happens with other legislation — that it should not be examined closely from time to time. On this occasion the government has done so, hence the amendments in the bill. The government has spoken

widely to faith communities and the broader community in Victoria and formed the view that these changes are required.

The amended Racial and Religious Tolerance Act will strengthen the investigative powers of Equal Opportunity Commission Victoria to encourage the early and effective resolution of disputes. It will clarify the meaning of 'religious purpose' to support the right to engage in robust discussion as long as it does not vilify others. It will introduce a leave requirement to allow the Victorian Civil and Administrative Tribunal a discretion to hear leave applications on the papers — in other words, without oral submissions, witnesses and legal representatives. This will facilitate the earlier resolution of racial and religious vilification complaints and reduce the risk of costly and unnecessary hearings. These are good recommendations and practical decisions that the government has made and brought about by way of amendments to the legislation, and I think they are workable.

This legislation deals with vilification, plain and simple. It is a method of ensuring that the right balance is struck between freedom of speech and freedom from vilification. This legislation reflects what this nation is about. It is about those balances — it is about the balance of being able to speak your mind but doing so respectfully — and I think it is about commonsense. I remember when I first came to this land in 1974 that it was simply about that. It was about having commonsense and knowing, plainly and simply, that one has rights but that one's rights cease when somebody else's rights begin.

I refer to the *New Shorter Oxford English Dictionary* and its definition of 'vilification'; it states:

- (a) rare the action of lowering a person etc. in worth or value;
- (b) the action of vilifying or reviling a person etc. with abusive language; an instance of this; (c) rare an abusive remark or speech ...

Further, the definition in *Butterworths Australian Legal Dictionary* states:

Vilification: a public act of showing and inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of persons. Inciting racial hatred towards a person or group of people is unlawful and serious racial vilification, involving threats of physical harm, is a criminal offence: for example (NSW) Anti-Discrimination Act 1977 ... Homosexual and HIV/AIDS-related vilification are also unlawful: for example (NSW) Anti-Discrimination Act ... homosexual vilification; incitement; public order; racial hatred ...

I am not legally trained, but in my language and in the language of most people in the community, including

ordinary Australians, this is just plain commonsense. I support the legislation because it is precisely about that.

As I indicated earlier, this legislation is about freedom of speech and about freedom from vilification. It is about the freedom to have robust debate, but without vilification. One ought not forget, to take this debate to the extreme examples in history, of what vilification meant to the Jewish people in Germany during the course of the Second World War and thereafter. A number of speakers earlier referred to the Jews being vilified and indeed to the genocide of the Jewish people because of their race or their religion, or both.

Further, I do not forget, as someone who, as everyone in this chamber knows, was born in Uruguay and lived in Argentina, that during the course of the dictatorships in the 1970s in Argentina, Uruguay and Chile the Jewish people were also persecuted, and many of them are still missing. It was because they were Jewish. It was because of nothing else, just because of their race or their religion.

We ought to put a stop to it at that point, and we ought not allow a situation where people assume that in the name of democracy and freedom of speech, which we all support in this chamber, they can do precisely what these two dictionaries that I quoted earlier by way of definition, whether it is in layman's terms or legal terms, refer to — effectively incite violence and, in a manner of hatred, vilify individuals.

I can remember many other examples in history. I come from the other side of the world, where, for example in the 1970s and 1980s in Guatemala, of the order of 200 000 people were killed, 70 per cent of them purely because of their indigenous backgrounds. I believe these are extreme examples, which of course we have not experienced in Australia and should and will not experience provided we make the right decisions and send the right message.

I think this community is very sophisticated. It is a community that can read the messages that the legislature, in this case both the government and the Liberal Party, is sending to it. It is not about infringing on anybody's right to practise their faith or have a robust debate — in this case, on a theological basis — but about doing it in a respectful manner. As my good colleague from Burwood was earlier saying — and I think it was very wise advice — it is not only about what one says in the context of a debate, particularly in the public arena, but also about the manner in which it is put. Everyone in this chamber and outside in the community clearly understands what is commonsense:

let us have a good robust debate, but let it be done in a respectful manner.

Victoria is a community of 5 million people. We are a community drawn from different parts of the world. We have different racial backgrounds, different languages and different faiths. But we are all Victorians. As Victorians, we each have equal rights and, indeed, we have equal responsibilities. We have the right to practise our faith, to speak our mind, to celebrate our cultural diversity and to live without discrimination or vilification.

As I said earlier, I believe this is a very good community which can read and understand the message of this legislation and the fundamental intent of the government, in this case supported by the Liberal Party.

We have achieved social harmony, and we must continue to build on those principles. I believe that Victoria leads the way internationally in this regard. I am someone from a different background, both in racial and ethnic terms — perhaps not so much in religious terms, given my religious background — and I am very proud of the fact that in this nation and in Victoria we can have robust debates but in a respectful manner which does not infringe on other people's rights. I believe this is exemplary legislation.

I wish to conclude noting the worst example that I personally lived through. Archbishop Romero in El Salvador was vilified precisely because of the way that he stood up for his religion, and he was subsequently assassinated by the regime of that time. I think that was a clear example of the things that we should not allow or tolerate. I am very proud that this nation does not have any of that history and that this legislation, in its own way, makes a good contribution towards that end.

**Mr DOYLE** (Leader of the Opposition) — I want to make a brief contribution to the debate on the Equal Opportunity and Tolerance Legislation (Amendment) Bill. May I say at the outset that this is legislation that I think gives many members of the house, in good conscience, great difficulty. The reason for that is — and it is a paradoxical and strange reason — at the heart of it, I think we all agree with the sentiments that underpin the bill. None of us wishes to see vilification; none of us wishes to promote or in any way celebrate intolerance or vilification. We certainly do not want to see in our society any incitement to violence through the agencies of vilification on a racial or religious basis, or any other basis for that matter.

The difficulty is that we all support the sentiments that underpin the legislation. I will come to that a little later

when I talk about the way the Liberal Party has approached both the bill and the amendments proposed by The Nationals and the member for Kew. Although we all agree with those sentiments, there is disagreement about the way that they are applied and the theory of those sentiments — the way that we go about enshrining those sentiments in our community.

I am going to take up some of the very good points made by the member for Derrimut in his contribution. Although I have the greatest respect for him, there are some points of what he put before us that I actually disagree with. One of the difficulties runs like this: although we might all agree that we are against intolerance or vilification or incitement to violence, if we legislate to enshrine those principles, ideas, values and ethics, it may well be that, in enshrining them, the application of the legislation acts in exactly the opposite way that the Parliament intended, even in the best faith.

That is what often happens if you create law in an area where you are trying to send a message but where previously there has been no law for behaviour in our community. That can be very dangerous, however noble the sentiments that led to the legislation. That is why I disagree a little with the member for Derrimut, although not, I think, with his basic sentiments. What he was saying — and I listened carefully to what he said — was that there should be robust debate in our community, and of course there should be.

But here is the hard part for me. I actually believe, when you are considering freedom of speech, that people may have a right to say something that is not just robust in debate but actually offensive. I may disagree with it — I may hate it, I may hate the effect it has and I may think less of the person who has said it — but are we losing more than we gain when we say we are only going to allow debate which we think is within acceptable parameters. So in legislating against intolerance we are intolerant ourselves of views that fall outside what we would consider to be the normal parameters of polite discourse, or even robust discourse. That is the difficulty for me with legislation like this, without ever suggesting that the principles that underpin it are in any way under threat, certainly from this side.

**Mr Mildenhall** interjected.

**Mr DOYLE** — Yes, we did, and I will come to that. What I am saying is that this is a thought process that you go through rather than in caucus mindlessly following what is suggested. I disagree, if I may also say, with the definitions that the member brought forward, because I think they are very difficult. If you

look at those definitions carefully, you realise there are many things in normal public discourse which would fall within the definition in a dictionary of ‘vilification’, such as the very notion of insult. I know there are protections in the bill, but we need to be very careful, when we raise the flag to send a message to the community, however worthy the message is, of the unintended consequences of the application of the legislation. That is the difficulty.

As I said, in a pluralist society we say we wish to promote tolerance, but then what we want to do is rule out certain behaviours with which we disagree at this time in Victoria’s social history. All I say is that we need to be very careful when we do that. It is not necessarily something that we disagree about. I also go back to the original debate and take up the interjection of the member for Footscray. When we were in this place debating that legislation he will recall that the underpinning principle was that the legislation was a shield. That is why, in good faith, we on our side supported this legislation. But what we have seen in the court system, unfortunately, is that it has become a sword. That was never the intended consequence of the legislation, and that is where we need to be careful.

That, by the way, is why we support the amendments brought in by the government. We think they advance the original principle which was put before us and which our party supported, but you would have to admit that the reason we are here amending the act is that it did not fulfil the original promise made by the government about how it would be applied. That is the difficulty of legislation like this. I think we would just say it has not worked in the way we all hoped in good faith that it would and that therefore it is necessary —

**An honourable member** interjected.

**Mr DOYLE** — The point is that the government told us at the time that it would never finish up in the courts. It has, and if the government had got it right in the first place, it would not be amending it now. It is a prima facie and circular argument, it is as simple as that.

I would also recommend to the government that maybe it should get down off its high horse and accept the member for Kew’s amendment on defending the faith, because it has been suggested in good faith and will add to the legislation. It is in line with the spirit of the government’s amendments, and a generous government would say, ‘That is actually a good idea’. It comes from the faiths themselves, and I commend the member for Kew for the hard work he has done in bringing that very simple but effective amendment forward.

In the short period remaining to me I wish to say something about the way our party has approached this, because it is something that we have treated extremely seriously from the start, as indeed the government has. I do not want to go too much into Liberal Party rules, but in our party we have a view that if you disagree fundamentally with the party position on any legislation, you may exercise your right to a conscience vote. Our rules require you to come along to the party whip and let them know and then come to the leader of the party and spell out your reasons. We respect that, because we believe any member of Parliament has the right to exercise their conscience even after they have tried to make that argument, and presumably failed, in the party room.

There are two areas here. Some members of my party believe The Nationals’ amendments would take us back to the original legislation, with which they had difficulties, particularly given that we are here because of the failure of the act. They have determined that they wish to exercise a conscience vote. I heard on the speaker part of the contribution of the member for Doncaster; I have spoken at length to the member for Warrandyte; and I came into the chamber to listen to the member for Caulfield. I am very proud of those members and the contributions they have made to a very serious debate. I respect their right to exercise that conscience vote and their responsibility in coming in here to explain to the Parliament why they feel they must vote that way even though it is not in line with the general stance of our party.

Other members of my party — the members for Mornington, Bass and Benambra — exercised this right at the time, if the member for Footscray remembers.

**Mr Batchelor** interjected.

**Mr DOYLE** — When we get to the point of insulting people for exercising their heartfelt consciences we have come to a new low in the Parliament. I respect their right to express their views in the eloquent ways they have and to then exercise their vote in that way.

I am very proud that that is a possibility in my party, whether on The Nationals’ amendments or on the legislation as a whole. I would argue that that is an example in this party of people being guided by conscience and therefore being guided by the highest expression of their parliamentary responsibility. They are not simply coming in here and voting along party lines because that is what we decided by a majority after debate.

**Mr Batchelor** interjected.

**Mr DOYLE** — We gave them a choice.

**Mr Batchelor** — You are a failure.

*Honourable members interjecting.*

**Mr DOYLE** — I thank my colleagues for their support. I again point out that when a minister of the Crown resorts to repetitious and infantile insults in the middle of a serious debate it demonstrates the seriousness and the intellectual capacity of members on the other side of the house. That is to be regretted. I wish I could say I was surprised, but I am not.

All I am saying is that on this side we have treated this issue with great seriousness. I am delighted to support The Nationals' circulated amendments and to support the government's amendments in this bill. I am also keen for the government to accept the suggestion of the member for Kew that we put in the term 'defend'. In this house I cannot say that I have been more proud of my colleagues than I was when they stood up and said that as a matter of conscience, as a matter of parliamentary responsibility, this is why they have to vote this way on this very serious issue. Would that the Labor Party offered its members that same courtesy.

**Mr JENKINS (Morwell)** — It gives me a great deal of pleasure and pride to rise in support of the Equal Opportunity and Tolerance Legislation (Amendment) Bill, and more so because I was here to listen to a number of very considered contributions on the bill, in particular those from the members for Doncaster, Caulfield and Warrandyte.

Instead of paying lip-service to principles of tolerance and a fair go for others, they put their words on the table and in *Hansard* — unlike the Leader of the Opposition, who has just said one thing and indicated he will vote another way. He talked about tolerance and listening to all the different sides of a debate and coming up with a considered response, but it seems he will still vote purely on political lines to extract some political benefit from something that is much too important for that. Members on this side of the house and those members on the other side have spoken about the key issues in this legislation.

This important legislation is the direct result of the outworkings of those issues which have arisen since the implementation of the legislation in 2001, which was then supported by many people on both sides of the house and now maintains the overwhelming support of the majority of individuals right across this house,

including, of course, members of the Labor Party and significant parts of the Liberal Party.

I would not like to spend time talking about the performance of members of The Nationals and their attempts to score grubby political points by trying to take religion out of the racial and religious tolerance bill. That is a weird and interesting thing to do, but we recognise that for what it is — pure grubby politics.

This bill is about having listened. That is what the Bracks government indicated it would do at the last election — we would listen and act. We have listened to the multifaith forum, which was one of the major parts of the process. It was hosted by the Premier and was attended by church leaders from right across Victoria, and there was a frank and open discussion. It was where these issues and some of the threats that many people thought were contained in the previous legislation were dealt with. There were thoughts that extra forms of attack on people's religious freedoms were going to be borne out by the original legislation — they were not. There has been some clarification, so that the meaning of 'religious purposes' to support the right to engage in robust discussion, including proselytising and ensuring that people can engage in those types of robust discussions, is part and parcel of the religious process.

I grew up somewhat cocooned in the Catholic faith. But that faith — —

**Mr Mildenhall** interjected.

**Mr JENKINS** — It was a great faith, but that environment allowed me to have a great understanding of those principles which were expounded towards the end of the contribution made by the member for Doncaster. They are principles which we used to talk about when I was younger. We used to talk about them as Christian values, but they are not just Christian values. They are values which are very much a central theme of all the major religious faiths that are part of our community. These values are held in the same way by those of the Jewish faith and by people from Protestant religions. Those sorts of values are Australian values and principles of a fair go.

But what we really need to remember is that in the process of ensuring people have rights, we have those responsibilities. The process of reaching maturity, which we all remember — and those of us who are parents are faced with this every day — is about knowing when you have gone too far. You can go too far when pushing your own religious views. A small minority will get to the stage of vilifying people from

another religious faith or racial background purely and simply because of the beliefs they hold, the way they were brought up or the nation they happened to be born in.

In a mature society we need to make sure we recognise when people have gone too far. It is not a recognition of an immature society or childish behaviour, but a recognition that we, as a society, need to know and clearly spell out that when people have got to the stage where they are vilifying others and inciting people to hatred and violence, they have gone too far. We as a community and as members of this house that represent the state have to absolutely spell out that it will not be tolerated. First and foremost, we need to get people together who have gone that extra step and see if we cannot get them to understand a different set of views. But at the end of the day — and the Leader of the Opposition seems to think this is a bad thing — when people have gone too far, incited others to violence and carried out a range of other incitements, we have to be able to say, ‘Enough is enough. You have gone too far and it is just not acceptable’.

This government is about leadership, this government is about listening and acting, and this government is about making sure that people right across Victoria get a fair go so that they get the right to freedom of speech but also the right to practise their religion, to robustly debate that religion and to debate the pros and cons of other religions.

However, let us not go too far. My upbringing taught me that that is a fundamental tenet of all Christian faiths. My understanding is, from speaking to people right across my electorate, that it is also a fundamental tenet of other faiths, but they all recognise you can go too far. They all recognise that as a community — as members of Christian communities, Islamic communities or Jewish communities — we have a responsibility to make sure people do not go too far in the name of their religion. It is for just those reasons that I support this legislation to ensure that people are given that fair-dinkum right and given a fair go, and that when they go too far they will be hauled in. I commend the bill to the house.

**Mr PLOWMAN** (Benambra) — This is clearly one of the most contentious debates I have heard before this Parliament. The member for Mildura said as much when he talked about the initial debate on the principal act. It brings out extraordinary emotions on both sides of the house, and in that is a debate that is really worth being part of and listening to. For example, the member for Mornington said in his contribution that there are three major liberties we take for granted in Australia.

They are freedoms that have now become a way of life in Australia: freedom of association, which we all agree with, whether it be at a backyard barbecue or a religious ceremony; freedom of speech, which we thoroughly endorse in this place and which must be able to be had in this place — and if it is able to be had in this place, why can it not be had in a church, why can it not be had in a religious organisation? — and freedom of religion.

Freedom of religion is sacrosanct to any community, to the ideals of any community — to be able to express itself by way of its deep religious beliefs. The principal act puts these three freedoms at risk, in my view, and I believe the government amendments do little to overcome the anomaly that the original act brings forward. The statement of concern by 18 church leaders in Australia shows these are not just my views but the views of the broader cross-section of the religious community, not only in this state but across Australia. I quote briefly from the statement of concern that they released:

... it is clear from the operation of the act that it has caused much more division and enmity between religions than harmony, and our concern is that this might intensify. Our state’s experience of the act has become part of the justification for not introducing similar legislation in South Australia, New South Wales and Western Australia, and has been used as a negative example of the operation of this type of law in debate in the UK.

I will come to both of those later. Clearly freedom of religion needs to be written into the act. That is part of the statement of concern —

**Mr Stensholt** interjected.

**Mr PLOWMAN** — That is the reason why I support The Nationals’ amendments, because if we took religion out of this act, it would overcome most of the problems associated with what we all want to achieve by way of the act. There is no doubt about it, we are all talking about the same thing, but it is how to achieve it. If in fact the act is negative in regard to that achievement, we have to look at it again and say, ‘How do we improve it?’. If you do not want to believe what those religious leaders said — and I would ask the member for Burwood to listen to this — then might I suggest you listen to what former Premier of New South Wales, Bob Carr, said on 21 June 2005:

Vilification laws should not be extended because they are liable to misuse ...

The Victorian experience spells out how anti-religious vilification can be misused. Its Racial and Religious Tolerance Act of 2001 outlaws religious vilification. It has proved very questionable to say the least. To give one example, on 29 March 2005 a Mr Robin Fletcher brought a

complaint against the chaplains of the Salvation Army. The complaint was heard by the Victorian Civil and Administrative Tribunal. Fletcher, a convicted sex offender serving a 10-year sentence, is a self-described 'witch'. Fletcher claimed a course in Christian doctrine being run by the Salvation Army at the jail where he is incarcerated posed a danger to his safety because it contained derogatory references to witchcraft. The question of whether witchcraft ... is a religion or should be protected in any way ... is not as important as another question. That is, why should a government tribunal waste time and money on such a question, instead of leaving it to the commonsense of citizens to work their way through?

These are the clear thoughts of Bob Carr in New South Wales about it. He went on to say:

Religious vilification laws are difficult because just about anyone can have resort to them and because determining what is or is not a religious belief is difficult. It can be defined as just about anything. It is subjective.

That is the point — it is subjective. What is in the mind of anybody opposite is totally different from what is in my mind. What is in the mind of the member for Doncaster — and I listened to his speech with great interest and thought that it was one of the best speeches I have heard him make — is different from what is in mine. I differ with him because I consider it to be subjective. That is the point that Bob Carr made: it is subjective. He went on to say:

It is a personal question. As they are used in practice religious vilification laws can undermine the very freedom they seek to protect ...

Now I come back to the British experience. He finished by saying:

Interestingly, the Blair government has twice attempted — in 2002 and 2005 — to introduce laws to prevent the incitement of religious hatred. On both occasions the Blair government was forced to drop the proposal in the House of Lords. It has been suggested the right to offend is far more important than any right not to be offended.

That is the essence of the question before us. We have to make our decision as to what we believe in and what we do not believe in. The Liberal Party's stance is that it rejects all forms of discrimination, whether it be based on age, sex, religion, beliefs or creed. Frankly, that is the way we should go. It is important that we maintain that stance.

John Stuart Mill argued that complete liberty of contradicting and disapproving is our option and on no other terms can a being with human faculties have any rational assurance of being right. What John Stuart Mill said many years ago is becoming more and more clear and we have to agree that those sentiments are in fact correct.

**Mr Perton** — Although John Stuart Mill said we must protect the rights of minorities.

**Mr PLOWMAN** — Despite the interjection, I quote from a letter from one of my constituents:

May I express my concern that the amendments proposed by Premier Bracks to the Racial and Religious Tolerance Act 2001 ... do not go far enough and [leave] exposed any person criticising a religion as to the theology or treatment of their followers.

In particular I am concerned with the rise of militant Islam around the world and the fact that in countries such as Malaysia a person converting from Islam to Christianity can have their spouse, children and property taken from them by Islamic leaders with no recourse to the courts.

He goes on to say:

I believe that the greatest way of bringing change to the human right violations is public pressure by exposure through freedom of speech.

In the time I have remaining I quote from the *Washington Times* of 24 June 2005 — this is fascinating:

With guns pointed at his shaved and visibly battered head, Australian hostage Douglas Wood said things he didn't mean, parroting words his captors fed to him.

The house may remember what Wood went through in that interrogation. The article further states:

Douglas Wood lost his freedom at gunpoint; Danny Nalliah and Daniel Scot —

who had just been through their recent trials —

lost theirs by court-ordered political correctness. We know who rescued Mr Wood; who will save the pastors?

I conclude with a quote from a book written about Winston Churchill:

Churchill was a great champion of liberty in all its forms ... and he ... recognised that liberty could mean liberty to be foolish, in speech especially — —

**Mr Languiller** interjected.

**Mr PLOWMAN** — You should listen to this:

'Where there is a great deal of free speech, there is always a certain amount of foolish speech'. And in a speech to the House of Commons in October 1943, he elaborated on this theme. 'Everyone', he said, 'is in favour of free speech. Hardly a day passes without its being extolled, but some people's idea of it is that they are free to say what they like, but if anyone says anything back, that is an outrage.'

That, to me, is the fundamental base in this whole issue.

**Debate adjourned on motion of Ms NEVILLE (Bellarine).**

**Debate adjourned until later this day.**

**Ms Asher** — Speaker, I direct your attention to the state of the house.

**Quorum formed.**

### PERSONAL EXPLANATION

**Mr BRACKS** (Premier) — This afternoon in question time the Leader of the Opposition asked me a question in relation to the rail accident at Trawalla. He also referred to a number of other rail incidents. In answer to that question I said there had not been a death in the other incidents. In fact in one of the incidents in Benalla, three deaths tragically occurred.

### EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL

*Second reading*

**Debate resumed from earlier this day; motion of Mr BRACKS (Premier).**

**Ms NEVILLE** (Bellarine) — I am pleased tonight to have an opportunity to speak in support of the Equal Opportunity and Tolerance Legislation (Amendment) Bill. We have heard a lot tonight about rights, and it is important to talk about what we mean by that. Australians are very lucky. We have a number of rights that, as other members have said, we take for granted, whether it is freedom of speech or freedom of religion. We also have a number of values that we hold dear as a community and many of us who participated recently in Anzac Day ceremonies would have heard from a number of the veterans what they felt they were fighting for when they went to war — issues of tolerance, compassion and caring in our community. Those things are very important for our communities.

However, I do not think any member could say that these are absolute rights. Yes, we are important as individuals and we have rights, but we also live in a community, so we have community responsibilities. We are subject to each other, and so we should be. Even in this Parliament we have rules; in fact, we have rules about vilifying each other, and whether one has to withdraw. If a vilification is substantial enough, a member may be brought before the Privileges Committee.

As communities we have rules about behaviour which we think is inappropriate, such as bullying in the schoolyard. We have had legislation for a long time that rules out discriminating against people on the grounds of religion, race or sex.

I remember some of that legislation. I remember the debate on the sex discrimination legislation and that some people thought the sky was about to fall in. It was said, 'This is an outrage; the government is impeding certain rights'.

**Ms Asher** interjected.

**Ms NEVILLE** — Sorry, I was talking about some of the comments. I remember Susan Ryan leading that debate at a federal level. It was a robust debate in this community. If they looked back now, I do not think too many people would say that we should not have taken that step. It was a struggle, but we have changed behaviour along the way. This situation is similar; there are boundaries and limits to behaviour, to debate and to how we treat our fellow citizens. That is what we are — we are citizens, with rights and responsibilities to each other, regardless of our religion or our race — and we should not allow behaviour that incites hatred against other citizens of this country and of this state because of particular beliefs or particular racial backgrounds. That is what this bill is about.

Yes, there is a fine line and people have said it is difficult to interpret. But I would have thought that a lot of what we do in Parliament is difficult — and that is good; that is what we are here for. We are here to have the difficult debates, we are here to set the standards and we are here to listen to the community — but we are also here to set boundaries for behaviour, whether they are wearing a seat belt, restraining a child in a certain way, or displaying a certain driving behaviour. As a community we have a level of censorship in society at all levels, including for movies and books. There is a constant and rigorous debate about that, and so there should be, because freedom of speech is very important. But as I said, so are our responsibilities as citizens being subject to one another. That is what we are here for. We need to protect each other and each other's rights.

When one person says to another, 'I should be allowed to say whatever I want to say about you and your religion and your beliefs and your race, even if it means that the people I say it to will hate you', even if this does not result in violence — but it may incite that — it may be enough to cause people to have no tolerance and no compassion, resulting in the other person being excluded from being able to participate in the

community as a full citizen. Does that not also take away that person's right to participate as a full citizen in this community and to freedom of speech?

There are constant balancing acts, and there are fine lines. It is always difficult, and as members of Parliament we are confronted with different views all the time, with different religious groups and racial groups coming in with their very strong views on these matters. It is great that they have strong views and that they can come to talk to their members of Parliament. But our responsibility is to the broader community, not only to protect people's freedoms but also to protect the values that have underpinned our society since we have been a democracy — and they are tolerance and compassion. We have to protect those and we have to balance that. That is my responsibility, and that is why I take this debate very seriously. It is not about voting as a block because we are told to; it is about us having a rigorous debate as members of Parliament, listening to our communities and getting that fine line right.

The bill before us today has a number of amendments that clarify and strengthen the original legislation. Even though in terms of the court decisions there has been no doubt, it makes it clear around the issue of freedom of speech and around the issue of frivolous claims and ensuring they are not entertained within the system. Fundamentally it says that we are not just individuals, we are members of a community, and we are going to protect the rights and responsibilities of all its members, regardless of their race or beliefs.

What I find extraordinary in this debate is the view of the Liberal Party that it will support the recommendations against racial vilification but not those against religious vilification. What I just cannot understand and what no-one has clearly explained to me is why one is acceptable and one is not. Why is that the case? It is an unbelievable position. I cannot think on what basis you could sustain the argument that it is okay to vilify someone on the basis of religion but not on the basis of race. How is that justifiable?

**An honourable member** interjected.

**Ms NEVILLE** — It is made clear in the bill what vilification is about. It is about extreme behaviour; it is not about debate. It encourages debate, and we should encourage robust debate and discussion about our different beliefs at all levels.

In the United States I think they talk about vilification being hate speech, and that is exactly right. None of us should be able to stand here and argue that hate speech is acceptable, whether it is about religion or about race.

That would certainly not be true of the society that I have grown up in; it would not be true of the society that our veterans fought for in the war; and it would not be a society that I want my son to grow up in. I want my son to grow up and understand the fundamental values that our community is based on. I want him to feel proud of the parliaments that have gone before and set the limits by saying, 'This is unacceptable. You have crossed the line, and we are going to protect our citizens'.

I think this bill gets the balance right. It ensures that, although our legislation has been criticised before, we can now stand proudly as a Parliament and say, 'We have got the balance right. We will not accept behaviour that incites hate against someone on the ground of religion or race'. As I said, freedom is not absolute. We are members of a community and we are subject to each other — and so we should be, because that is the sort of community we have built over the last 150 years as a democracy here in Victoria. I commend the bill to the house.

**Mr HUDSON** (Bentleigh) — It is a great pleasure to speak in support of the Equal Opportunity and Tolerance Legislation (Amendment) Bill, which makes amendments to the Racial and Religious Tolerance Act. What this legislation essentially does is reaffirm the commitment of this Parliament to freedom of speech, subject to the obvious limitation that in the state of Victoria you cannot vilify someone and you cannot express hatred which is designed to incite violence or other acts of abuse towards someone. It is very clear under this legislation that you can engage in robust debate, you can proselytise your religion and you can argue very forcefully that acts by other religious groups might be doing harm in the community, but you cannot do that on the basis of vilification. These amendments are very sensible, because they clarify the purpose of the bill.

In his contribution to the debate the Leader of The Nationals suggested that the Bracks government is introducing a charter of rights and responsibilities that will give effect to one of our fundamental rights, the right to freedom of speech. He said that the amendments in this legislation are a contradiction of the Racial and Religious Tolerance Act. Of course freedom of speech is a fundamental right — we all recognise that — but it is subject to limitations. That is why we have laws against defamation in our society, and it is why in this bill we say that you can speak freely but you cannot vilify someone.

When you look at the preamble to the original act you see that the Parliament made a very sensible statement as to its intent. The first paragraph of the preamble says:

The Parliament recognises that freedom of expression is an essential component of a democratic society and that this freedom should be limited only to the extent that can be justified by an open and democratic society.

The third paragraph of the preamble goes on to state:

However, some Victorians are vilified on the ground of their race or their religious belief or activity. Vilifying conduct is contrary to democratic values because of its effect on people of diverse ethnic, indigenous and religious backgrounds. It diminishes their dignity, sense of self-worth and belonging to the community. It also reduces their ability to contribute to, or fully participate in, all social, political, economic and cultural aspects of society as equals, thus reducing the benefit that diversity brings to the community.

That is where we are drawing the line. We are saying that vilification is so degrading, so dehumanising and so diminishing of the dignity of particular groups or individuals in the community that we are affecting their capacity to be full citizens in this society. We are reducing their capacity to exercise their rights to be full participating citizens.

We ought to remember that because when you look at what vilification is, and when you go to the dictionary you see that the definitions make it very clear. The *Oxford* dictionary defines 'vilify' as:

To lower in worth or value, make of little or less account; make morally vile, degrade; disgrace, dishonour; deprecate or disparage with abusive or slanderous language, defame, revile, speak evil of; regard as worthless, of little value, despise.

I put it to the house that that is very different to what the Leader of the Opposition was talking about. He came in here and suggested there could be some confusion between that and being offensive; that someone could take offence at what you said and you could be caught up in the case. But that is clearly not so. Yes, being offensive is being hurtful, displeasing and annoying. It may even be being disgusting, but it is not vilifying in the way it is described in the *Oxford* dictionary. I believe the Parliament got it right when it very deliberately used that language. At the time the Leader of the Opposition believed it because he voted for the original bill. The point is that vilification is designed to so degrade and diminish others on racial and religious grounds that it incites hatred, contempt, revulsion and severe ridicule of that person or class of persons, and that is what the act says it is.

We know that hatred and contempt lead to abuse and violence. We know that people who are subject to

hatred and contempt are affected emotionally, psychologically and physically. We know there are enormously harmful impacts. This is not just about taking offence; it is about something more profound, more harmful and deeper. That is why we have this legislation.

The member for Sandringham said the Liberal Party is opposed to vilification in all its forms, but does not want to support the Equal Opportunity and Tolerance Legislation (Amendment) Bill which is designed to protect Victorians from extreme and serious cases of vilification. He is prepared to support a bill which rules out racial vilification but not religious vilification. That is a total contradiction. What is the difference between those two forms of vilification? There is no difference. He is trying to split straws.

The member for Warrandyte gave one of the most extraordinary speeches on the bill because he attacked the federal Leader of the Opposition, Kim Beazley, and said he had done nothing to rise up against the views of Pauline Hanson. He is dead wrong, and I want to make that absolutely clear to the Parliament. Pauline Hanson gave a speech to the federal Parliament on 10 September 1996. On 16 October 1996 Kim Beazley proposed to the Prime Minister a joint parliamentary resolution condemning racial intolerance in response to the heated debate that was going on over immigration and race, generated by Pauline Hanson.

Kim Beazley initiated it and John Howard eventually agreed to it, and it was passed by the federal Parliament. So, yes, I will applaud Jeff Kennett, as did the member for Warrandyte, for standing up against Pauline Hanson. But let us not rewrite history and suggest that somehow Kim Beazley was weak-kneed on that subject — he was not. However, I recall that at the time the Prime Minister defended Pauline Hanson on the basis of her right to freedom of speech.

Getting back to this question of racial and religious vilification, I want to applaud the member for Caulfield for her excellent speech. I believe she understands that you cannot separate these two questions, and she understands that, as I do, for a very good reason, which is that we share a significant Jewish community in our two electorates. Based on their history, Jewish people understand that vilification ultimately leads to persecution, and that hate speech results in the acquiescence of some as others vilify people in the community who are considered to be subhuman. Why? It is because vilification dehumanises those people. The Jewish community knows where vilification leads, and that is why the peak body for the Jewish community, the Jewish Community Council of Victoria, has given

its strong support to the Victorian government's amendments to the Racial and Religious Tolerance Act. They know where this can lead if you do not stamp on it and take a stand.

The member for Shepparton says we need education, not legislation, but this ignores the critical role that legislation itself plays in education. Let us go back and have a look at the Racial Discrimination Act, the Sex Discrimination Act and the Disability Discrimination Act. Every one of those pieces of legislation has helped change community attitudes, not because of the cases that are brought under them, but because they set community standards, and that is what the Racial and Religious Tolerance Act does. It sets community standards, and I commend it to the house.

**Mr LOCKWOOD** (Bayswater) — I too rise to support the Equal Opportunity and Tolerance Legislation (Amendment) Bill. We have heard a lot of talk of fire and brimstone in this debate, both inside and outside the house, and even some humour from the member for Mornington, who complained about being shouted down. He is a member I have seen practising the shouting down of other members — often daily.

**Mr Helper** — Hopefully the member for Mornington was on the bill.

**Mr LOCKWOOD** — He was practising what he normally practises — that is, rank hypocrisy. This bill is about limits to one of our freedoms. All our freedoms are limited; it is necessary to put limits on freedom so that we do not do harm to other people. If we had unlimited freedoms, then harm would be done to others. One of the qualifications on the freedom we have is that we share our society and that we respect one another and do not harm one another. The Racial and Religious Tolerance Act is about behaviour, not beliefs. It is not about stopping free speech or inhibiting religious beliefs.

Over recent months I met with several people on this issue, and some of them engaged me in fairly robust debate. I certainly acknowledge their concerns, but I took pains to explain to them that particular point — that it is about behaviour and not beliefs. Our task is to allay some of those fears and to show how the act has worked in countering misinformation. We need to make sure there is no more misinformed discussion.

As I said, the legislation is about behaviour and not beliefs. When teaching religion it is inevitable and necessary to critique other religions. It happens quite frequently, but it does not mean you can vilify people. That vilification ultimately leads to persecution was a

good point made by the previous speaker. Each religion maintains that it is the truth and the only truth, therefore other religions are excluded and automatically wrong. A necessary part of practising a particular religion is that you strongly believe in it. That point was made to me very strongly by some people.

There is no barrier under this legislation to a genuine critique. It is not about preventing attacks on ideas, it is about preventing attacks on people. Vilification, as has been said already, is public behaviour that incites hatred against, serious contempt for or revulsion or severe ridicule of other people, and of course, we cannot tolerate that. We must put limits on that; we must prevent it.

The act also prevents serious vilification, which includes intimidation, threats of physical harm, damage to property with the intention of incitement of others to do so. That, of course, follows on from the less serious vilification. If we let it go unchecked, it can lead to quite serious behaviour in our society.

The Racial and Religious Tolerance Act promotes the right of all people to be treated with dignity and respect, and that is something we should all respect — that right should be without limit as well.

Racial and religious vilification is about saying things about a person's race or religion that would incite others to hate them. It is about people, not ideas; it is about behaviour, not beliefs. In terms of vilification in the form of words or actions, we are free to hold any opinion, any hateful or destructive opinions, but if we act on these by promoting hatred, we risk vilifying others, and we should not do that. It is one thing to feel hatred; it is another thing to actively take it up.

I refer to a survey of 850 people conducted before the principal Racial and Religious Tolerance Act was introduced. I found strong support in the community for the legislation; in fact, 80 per cent backed the law because it promoted tolerance. In situations like this one of the judgments we have to make is the noise made by people as to how much of the community they represent, whether they are a majority or whether the majority are silent, or whether those who support the bill are a little quieter. People do make a lot of noise — it is the nature of agitation — and it is the role of government to judge just how much that agitation is to be looked into and be believed and how much of the community it truly represents.

As we have seen in the press in recent days there is quite strong support from the majority of religious leaders in our community, and those who have written

opposing the bill do not represent a majority but a minority of religious opinion in our state. So there is clear endorsement of the Racial and Religious Tolerance Act and of the bill before the house today.

The act and the bill impose no curb on free speech. The legislation is not anti-Christian; it does not reverse the presumption of innocence; it does not stop people from discussing or disagreeing with religious beliefs. Families are able to debate their religion; schools can engage in open discussion, and religious activities can still take place. Nothing has changed in that respect. We just need to ensure that we respect others and do not infringe upon their particular liberties and freedoms. On that note, I commend the bill to the house.

**Ms LINDELL (Carrum)** — It gives me a great deal of pleasure tonight to speak in support of the Equal Opportunity and Tolerance Legislation (Amendment) Bill. If we consider these minor amendments as assisting the operation of the legislation, it is fairly staggering to see that the National Party would introduce amendments that totally undermine the principal act.

What we seek to do tonight is to clarify the operation of the Racial and Religious Tolerance Act by making it quite clear that proselytising is allowed as long as it does not vilify other people. There really is nothing in the act that infringes a person's right to believe in any religion, and I, along with many members in this house, have received correspondence that referred to how people can be offended by other people.

This legislation, of course, has nothing to do with offence. As a young school person I was offended when kids from the local government school used to poke fun at us and call out to us, 'Catholic dogs, stink like frogs!' That was offensive then and I suppose it is still offensive today, but it is not vilification. It does not incite others to take violent actions against me.

I think we have to grow up a little bit and maybe even counsel ourselves, when we disagree over something, on how strongly we try and change what is really before us. As I said, I was offended, just as many members of the Victorian public were offended, by the Piss Christ art exhibition some years ago. Was it offensive? Yes. Was it vilification? No. Did it incite people to hate Christians? No. It was very offensive — in any normal sense you wonder why someone would do that — but it was not an incitement to violence against Christians.

We have to be very clear, when we talk about the legislation before us today, that we are talking about

vilification. We are talking about what has happened in many countries across the world where people, for religious reasons or racial reasons, have had violent acts committed against them of the most horrendous nature. We have heard members discussing their family histories, and we know that many people from other parts of the world have come to Australia because it is a country where you can exercise your faith and believe in your god and do so in safety and harmony. This bill is simply about making sure that the small minority of people who would seek to take extreme and violent measures against other people with different views cannot do so.

I fully support this bill, and I am not the only one. I would like to look at some of the other people who support it. The Jewish Community Council of Victoria, the peak body for the Jewish community in Victoria, has given its strong support to the Victorian government's proposed amendments.

Many people here would know that my husband is Jewish. He came here as a refugee from Egypt. There are not many Egyptian Jews running around Australia, but he is one of them. They left Egypt just before the Suez Canal crisis in 1956, coming here as stateless people. Australia welcomed them and gave them a home where they could be accepted as Australians and choose their own religion, something that was going to be denied them in their own country. Where there was a large Jewish population in North Africa of some tens of thousands only 40 years ago, now there are only about 50 Jewish people left living in Egypt as a result of the Middle East crisis and the intolerance that is shown in that country.

There are many reasons why we must stand up for tolerance and stand up and actively work against people who believe that violence is the way to go in addressing differences of faith and differences of belief. We have support for this from the Uniting Church in Australia. The synod of Victoria and Tasmania today welcomed the changes that the Victorian government has announced to enhance racial and religious tolerance and to restrain the minority in Victoria who seek to incite racial or religious tolerance. We see Archbishop Peter Stasiuk, the chairman of the Heads of Churches Committee, in a joint article that was published in today's *Age* and co-signed by Maureen Postma, the general secretary of the Victorian Council of Churches, accepting that there is opposition to the legislation from some sections of the Christian community but stating that it cannot be said that the clear majority of Christian leaders do not support the Premier. One should note that the legislation deals with human behaviour, and often it has to be tested in court.

The Victorian Council of Churches, of course, includes the Anglican Church of Australia, the Armenian Apostolic Church, the Bulgarian Orthodox Church, the Churches of Christ, the Coptic Orthodox Church, the Greek Orthodox Church, the Lutheran Church of Australia, the Religious Society of Friends, the Roman Catholic Church, the Romanian Orthodox Church, the Salvation Army, the Syrian Orthodox Church and many others.

Most emphatically I do support the changes to the application of the principal act in that the commission's investigative powers will be changed so that it will require a person lodging a complaint to produce documents during the early part of the investigation of a complaint before the decision is made to accept or decline the complaint. I think this is a very commonsense change which will lift the bar against vexatious and trivial matters so that people do not end up with charges against them for offending others over things that are clearly quite outside the intent of this law.

This amendment is absolutely worthwhile. I know it was sought most strongly by our leaders in the multifaith area, and I commend the Premier for the changes in this bill.

As I say, I am absolutely delighted to speak in support of this bill. I cannot believe that The Nationals believe you can somehow divide or separate race and religion. Surely the extermination in the gas chambers during the Second World War of people of Jewish descent who had no Jewish faith that they actually attested to was enough to prove to the world that sometimes race and religion simply cannot be separated and that some people in this world will not allow you to separate your race and your religion. To think that many people went — —

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

**Mr HELPER (Ripon)** — It gives me a great deal of pleasure both to have listened to a number of contributions and to make my own contribution to the debate on the Equal Opportunity and Tolerance Legislation (Amendment) Bill. I would like to start my presentation by suggesting a fundamental principle that I am sure all of us in this chamber and all reasonable thinking people in our community will adhere to — that is, the principle that we do need to set boundaries in our community. No matter what area of human activity we are talking about, we do need to set boundaries. Yes, we need to be very careful that we do not over-set boundaries and that we do not set boundaries for no

purpose whatsoever, but when it comes to significant issues where the rights of others, the right of the community as a whole and the safety of the community are concerned, we as legislators very much have the responsibility to set boundaries responsibly.

If we are to apply that to the bill before us, we need to look no further than world history. I do not claim to be a great student of history, but I would have thought it is fair enough to make the point that the vast majority of human conflicts, wars and human misery imposed by some in humanity upon others in humanity have their root cause in an extreme holding onto and adhering to beliefs, whether they be religious beliefs or indeed political beliefs, that express themselves in violence, war and misery.

I am not suggesting that this legislation is there to solve the problems of the world. What I am saying is that this legislation before us is there to set the boundaries. If boundaries had been set in the many societies which ended up in conflict — whether they be those of the Middle East, those of my country of birth, Germany, before the Second World War or any of the other conflicts going back through human history — the conflicts would not have occurred.

In that context I guess the questions before us are whether the boundaries we are setting are the correct ones, whether they are measured, whether they are necessary and whether they will achieve the objectives that we believe they ought to achieve. In that sense I come to The Nationals' amendments. Given this Parliament's collective view in terms of supporting the original legislation, I find it astounding that The Nationals will be proposing amendments which basically say it is okay to vilify a person on the basis of religion but it is not okay to vilify a person on the basis of race.

The member for Carrum, in her presentation earlier, painted a very clear picture of the inability of many to separate religion from race and how the two are interconnected. For example, throughout Nazi Germany the treatment that Jewish people received was far more on the basis of a person's race than on the basis of a person's religious belief, which may or may not have been held strongly, if at all.

On that basis I think The Nationals' amendments are quite unfortunate. They are a bit of a cop-out that basically shy away from setting any boundaries or amending the original legislation to make it — admittedly — more functional based on the experience we have had with the legislation since the inception of the original act and the feedback we have received as a

government and as a Parliament from a broad section of the community and the many religious organisations that operate in this state.

Unfortunately I missed who the member for Benambra was quoting when he said, 'The right to offend is far greater than the right not to be offended'. I think the member for Benambra would want to confine his acceptance of and support for that quote to quite a narrow range of human activity, because at the end of the day the right of innocent parties not to be offended when they do not seek to be offended is a very strong one. If the word 'offend' extends along the spectrum to include vilification, I strongly believe the opposite of the sentiment expressed in the quote given by the member for Benambra.

I strongly believe we have to set the boundaries and send a strong signal that it is not the right of people who have a particular belief to vilify others who may disagree with that belief, who may not hold a belief at all or may simply have a different belief. It is not our right — it is not anybody's right to vilify such people, and I find that quote quite extraordinary, particularly when applied to this bill.

The member for Bellarine eloquently painted the picture of the need to set boundaries that are encapsulated in the original legislation and that are indeed modified by the bill before us. The bill makes changes to the mechanisms of the original act but fundamentally maintains the sentiment of the original act, which is to set strong boundaries and say that vilification on the basis of race or religion is simply not acceptable in our society. I commend the bill to the house.

**Ms DUNCAN** (Macedon) — I speak in strong support of the Equal Opportunity and Tolerance Legislation (Amendment) Bill 2006. I have to say I am disappointed and stunned to see that The Nationals should propose such bizarre amendments to a bill. I think 'bizarre' is the appropriate way to describe the idea that you should remove the religion from a religious vilification bill.

It is also disappointing to note that there are no members of The Nationals present in the chamber tonight to even defend these bizarre and completely contradictory amendments. To remove reference to religious vilification from a racial and religious vilification bill is just stunning, as is its other proposal to alter the act more fundamentally by removing civil and criminal provisions dealing with religious vilification.

I understand that some members of The Nationals believe that this act is unnecessary and that the aims and objectives of this bill can be met through education and education alone. We believe that you need to do both things at once. Almost every piece of legislation that seeks to modify or moderate human behaviour also runs hand in hand with education. As a former teacher I strongly support education as a means to try to moderate people's more extreme behaviour. But we also know that education alone is often not enough, and I believe that in these uncertain times we need this sort of legislation more than ever.

I am also probably even more amazed — I would have expected more even from the Liberal Party — that it would support The Nationals' amendments. I note that at its recent state council it resolved that this state council call on the parliamentary party to repeal the racial and religious tolerance bill immediately upon return to government. There are many members of the Liberal Party in this chamber who I cannot believe would support such a proposal. How they can live with such a resolution made by their party is absolutely mind-blowing to me.

A couple of comments have been made with regard to this bill. It is not uncommon to introduce a bill and then have further amendments. That happens frequently. Most of the bills that are passed through Parliament are amendments to previous pieces of legislation. These amendments can arise for a whole manner of reasons such as the passing of time and decisions in court cases which highlight problems with existing legislation. Governments of all persuasions are constantly amending legislation. I do not see the fact that we are introducing amendments to further clarify points that have arisen in the previous few years as any indictment of the original bill.

I guess it is true to say there have been three main concerns about the operation of the Racial and Religious Tolerance Act. The first is that it curbs free speech; the second is that it makes it unlawful for people to share their religious beliefs and engage in proselytising; the third is that it has led to frivolous complaints.

There has not been a lot of case law regarding this act, but one significant decision was handed down by Justice Morris of the Victorian Civil and Administrative Tribunal in his ruling in *Fletcher v Salvation Army*. He referred to all of these concerns in that hearing and made it very clear what the intention of the original bill was. He stated very clearly that the act does not prohibit freedom of speech.

We see that every day. We have constant debate about religion. We have people who think one religion is ridiculous and they constantly criticise and seek to undermine other religions. None of that is prohibited by this bill; none of it ever was prohibited by the legislation; the act does not prohibit proselytising or religious instruction. We see that again and again. Most religions seek to convert others to their religion. It has been the case since Adam was a boy, to use one particular religious analogy.

That is what religions do. There is nothing that is vilification in that and nothing that would be captured by this bill. This is a very important function of this bill — it makes those clarifications. This amending bill further defines those clarifications. For anybody to sit in this chamber and suggest this bill is unnecessary — —

**Mr Kotsiras** interjected.

**The ACTING SPEAKER (Mr Jasper)** — Order! The honourable member for Bulleen is interjecting out of his place, and I cannot hear the honourable member who is on her feet.

**Ms DUNCAN** — I am pleased to see the member for Bulleen hang his head. He should hang his head in absolute shame. How he can sit there with a grin on his face leaves me speechless.

**The ACTING SPEAKER (Mr Jasper)** — Order! The honourable member will address the legislation before the house.

**Ms DUNCAN** — This bill is more than ever a very important piece of legislation. I commend the bill to the house.

**Mr LEIGHTON (Preston)** — As the son of a holocaust survivor, I was a proud and enthusiastic supporter of the original Racial and Religious Tolerance Act. This amending bill also has my strong support. In my 18 years in this place one of the fine things of this house has been the bipartisan support for multiculturalism and tolerance. I did not agree with the former Premier, Jeff Kennett, on most things but he certainly brought a strong commitment to multiculturalism. I can recall when Jeff Kennett was still Leader of the Opposition. At one of the functions to mark the anniversary of Israel's independence Jeff got up and made the commitment to introduce a racial and religious tolerance bill.

That was the first time I had heard that commitment stated publicly in this state. Unfortunately, as Premier he did not do it. It took us as a government to enact that legislation. It is a shame to see members on the other

side divert from the principled position that Jeff Kennett took and that the current Leader of the Opposition is not prepared to show the same leadership Jeff did. I can recall on one occasion when there were derogatory comments from members on his side about the ethnicity of one of our members, he was very quick to pull them into line. I applaud him for his leadership and bipartisanship on multiculturalism.

The Nationals somehow try to distinguish between race and religion. You only have to look at my father's experience in Nazi Germany in the 1920s and 1930s. What started with the ranting of Nazi leaders went through the violence of Kristallnacht through to the horrors of the concentration camps. In vilifying a religion we ended up with the extermination of a people. That is why we must say 'never again' and why we need legislation such as this.

I recall my father's cousin visiting him six weeks before he died. Having escaped Nazi Germany, he returned as a member of the British army. It sent him into the concentration camps because he was Jewish and spoke German and because it was felt he would show empathy with the remaining inmates. He was given the job of counting the skeletons in the concentration camp.

The revisionist historian David Irving denies the Holocaust ever happened. He deserves to be in jail, and we have done the right thing as a country in not allowing him to visit Australia. I would not hesitate to say he ought be jailed if he ever came here and espoused his views. We need this legislation to deal with the likes of David Oldfield, who I do not think is as sick and twisted as David Irving but who has exploited concerns and apprehensions for his own political purposes.

All in all, I believe the original legislation is working. I regard this amending bill as finetuning. I believe the Catch the Fire Ministries case, in being the exception, proves the legislation is working. This amending bill has the overwhelming support of the mainstream leaders of Christianity, Islam and Judaism, and the utterances from some of the fringes are just that.

I will finish by saying that some of those groups need to show more tolerance. While they are not necessarily breaching the act, I find offensive their claims — and I occasionally reply to their emails — that you have to be of their particular faith, their particular sect of their faith, to be moral and to provide leadership. It does not matter what race you come from, what religion you have — or, indeed, whether you are agnostic or atheist — you can hold strong moral values. The

principal act promotes this, and this amending bill strengthens it. I am an enthusiastic supporter of the legislation.

**Mr SEITZ (Keilor)** — I rise to support the Equal Opportunity and Tolerance Legislation (Amendment) Bill. I am somewhat surprised that we have to go through this process again in order to clarify the meaning of the original legislation. This bill goes towards further explanation and clarification of that meaning in the minds of the public and the people who have to adjudicate on and interpret the legislation, which is always the important thing. The test of what we do here is when it comes before a court or tribunal for adjudication and interpretation. The bill goes further towards that.

I have heard a lot of what was said during this debate, in particular from people on the opposition side of the house who oppose the changes. This legislation does not prevent religious activities — religious preaching, discussion and debate. It is talking about where someone is trying incite hate or inflame things, which could lead to violence. That is where the bill sets a norm of understanding and behaviour in our society.

As previous speakers have said, we can look at history to see that some things started off as an innocent debate or discussion or conversion to a different religion. In medieval Europe horrific things happened to people. People have had to leave their country because of the racial or religious persecution they have suffered. It applies to numerous people from numerous nationalities. It is even going on today in other countries where your survival depends on what tribe you belong to. We see it happening, but thank God it is not happening here in Australia.

Victoria has a multicultural society which has helped people to manage working and living together, and respecting each other as part of that multicultural society with freedom of expression. The acts which are amended by this bill did not stop freedom of expression for anybody, but the bill does say that you should not incite vilification or hatred of people, which is the really important part of the bill. I hope that in the future the judiciary will interpret it in that manner. The legislation will not be able to be used by someone to go to a court or a tribunal just to make a headline in a paper and to score a point on an issue. What is intended by the Parliament and by us as legislators is for people to live in harmony and to be able to exercise their own beliefs, religion and culture as we have done and as we have promoted in this country all these years.

Australia has been a haven for many people from different countries who came here because they had been persecuted, whether it was on religious grounds or tribal grounds or nationality. It happens sometimes that people living in a country — perhaps generations have lived there for 300 or 400 years — all of a sudden find themselves stateless and homeless after a change in power, regime, government or ideology. Who is to look after them? It has happened to a lot of the colonials. Singapore is one of the recent examples. Who was going to take all those people? In the past we have heard all the arguments and debates that took place there. Some people have had to live in fear or move out.

The Dutch people who lived in Indonesia when it was a colony lived in fear, and had to move out because of racial intolerance. In our country this legislation goes a long way to prevent any of those things from taking root and developing as a cult in our community and gaining acceptance. We meet, mix and work together with all people, all religious organisations and allow everybody to express their own thoughts and preach their own religions.

One of the things I was told when I first came to Australia was not to start debating religion or politics at the pub. That was advice given to me when I came to Australia. — —

**Mr Holding** — You would not go to the pub; there would be nothing to talk about!

**Mr SEITZ** — That is right. This legislation is certainly changing things now, but I remember those days very well because that was common advice given to young migrants at the time. Most Europeans were known for passionately talking and debating politics and injustices. Whether they came from Europe or other countries, they would also talk about their different religious backgrounds in the workplace, in the community and during their recreational activities.

I see this bill as assisting in the understanding necessary to continue the harmonious society we have created in Australia, where we are building one country and one nation from many ethnic backgrounds. I always say to the community in my area when I go to citizenship ceremonies that new citizens should leave their prejudices behind, bring the good things from their countries and cultures, keep their languages and religions but not be misled by people who have alternative motives rather than building one harmonious country where we can all respect each other and live in harmony together. I commend the bill and wish it a speedy passage through the house.

**Mr HOWARD** (Ballarat East) — I am also pleased to add my comments of support to this piece of legislation on equal opportunity and tolerance. As we have heard, the legislation we are discussing tonight recognises that this government does follow up on its word. In bringing through the earlier piece of racial and religious tolerance legislation, we assured a number of people in our community that we would be monitoring that legislation as it worked in practice in the community and reviewing the legislation in the light of that monitoring and the feedback we gained.

We have talked to many members of the community since the original piece of legislation was established. We recognise that there have been occasions when action has been taken against people in the light of the earlier legislation, and it has gone further than perhaps it needed to. This legislation reviews that process and tries to ensure that, while people can still freely take action if they believe that people have stepped outside the bounds of what is reasonable and stepped into the area of vilifying other individuals on the basis of their religion, culture or other aspects of putting them under a label rather than the issues themselves, they still have that right to take action, but the action does not progress to a legalistic stage unless it has gone through other stages first to determine whether it is a significant case that should be taken further.

I remember — I am not quite sure in what year; it may have been 2002 — being part of a public meeting in Ballarat where we had a broad group across the community who were interested to discuss the principal legislation with me. I am not sure whether Minister Pandazopoulos attended that meeting, but certainly staff from his department talked about the earlier piece of legislation. I know people raised genuine concerns. The public meeting especially attracted a number of people with strong Christian views who wished to know if they could practise their religion and speak out about their Christian values without fear of ending up in the courts.

I have a great deal of respect for many of those people who raised those issues with me. I am a member of the Ballarat Council of Churches and have worked with a number of those individuals who did have genuine concerns. However, most people recognised that the community has a responsibility to recognise that there are other groups in the community.

In practising our religion, if we wish to make speeches in public and especially if we are recognised public figures, we have a responsibility to be able to put our views but not at the expense of others to the extent where we might be encouraging others to feed upon

those words, to take on a position of hatred or even a position that then gets to the point of violence. It is very important that anybody in a position of leadership who is making speeches remembers those responsibilities.

This legislation takes that particular view on board. However, within the changes that we are making here, it also recognises that proselytising is now incorporated within the bill to try to provide a reassurance for members of the Christian community — or other religions — who wish to speak out for religious purposes to put their views. I still would caution those people to try to ensure that what they say is based upon fact, is not based upon misinterpretation that can then be taken by others to build a case for hatred, a case that might lead to violence and to unhealthy attitudes that do not build upon the cohesive community that, as members across this Parliament and general members of the community, we are strongly urging for.

We recognise that there are people from a great range of cultural and religious backgrounds within our country and within our own communities across Victoria. It is vitally important that we try and build upon the benefits of having those broad ranges of people and that we build cohesive communities, so we do not look to try to divide and create misunderstandings or build misunderstandings that will lead to further violence.

I am very pleased to support this bill. I would hope through this legislation, though, that we do not get any cases that go to the courts. I would hope the bill itself and the earlier bill will help to send a message through to the community that the government of Victoria wants to send a message to people that, 'Yes, you do have a right to freedom of speech, but just remember the responsibilities that go along with it'; that we do have rights and responsibilities, and we need to remember those, and hopefully when we speak out, we speak out responsibly. If the message of this bill is listened to and is supported by members across this house and more broadly across the community, we will not see cases going to the courts in regard to this legislation. However, if people want to disregard that, this legislation will help to ensure that we keep a more cohesive and healthy community across this state. I certainly commend this bill to the house.

**Mr NARDELLA** (Melton) — Tonight we have heard quite a lot of debate and quite a lot of words about this bill. What it demonstrates, certainly from the opposition parties, is that they do not understand the Labor principles of looking after people, of trying to make sure that when people are threatened, when there is a possibility that a group of people can be viciously

vilified, and that can lead to other events within our society and our community, we as parliamentarians and as a government have an absolute right and a duty to make sure that those people are protected.

Here we have the Liberal Party and The Nationals disunited on such an important issue about protecting people within our community. A lot of people on the other side of this house do not understand the trials and tribulations of people from a different religion, a different race or creed and the problems that they have had.

When my father was alive he faced these problems when he came to Australia, and so did many others in my community. This is great legislation for protecting those people, and on that basis I support the bill.

**Mr MILDENHALL** (Footscray) — It is a pleasure for me to join the debate. I have listened intently to it. The conclusion that I have drawn from listening to the wide range of perspectives put to this house is that we have witnessed an extraordinary example of rank political opportunism displayed in this chamber today.

Back in 2001 the Liberal Party supported legislation that promoted robust and fair debate, short of inciting hatred and violence, through racial and religious vilification. It now seeks to remove religious matters from this framework, to remove the constraints against religious vilification, and still claims to be in favour of a principle that suggests that such vilification should not occur. Liberal Party members have done an extraordinary U-turn. Why is that? How can we explain that? It is certainly not explained by any of the content of the debate that has taken place here. Frivolous complaints? These amendments deal with frivolous complaints. They provide for such matters to be ruled out of hand before they waste public money, public time and the work of our judiciary.

The definitions of ‘religious complaint’ were fully dealt with to the satisfaction of all the major religious groups, the overwhelming majority in this state. Opposition by the churches? Absolute rubbish! The full Victorian Council of Churches, the list of churches that signed up in the multifaith community — the Buddhists, the Muslims, the Jewish religions, the imams, the Presbyterians — the whole lot signed up. Why have they done it? Because a small group of dissidents in the church — the Catch the Fire Ministries — have managed to entice the Leader of the Opposition into thinking he can pick up a few measly votes in the upper house. The Catch the Fire Ministries newsletter says it all where it states:

Catch the Fire Ministries calls on Christians and those who value free speech to get behind Mr Doyle in this next election (through prayer and fasting and action). Even though in the natural this seems impossible, we need to trust God for a miracle to see the Liberal Party win this upcoming election.

The problem with this rank piece of political opportunism is the last few Liberals with a conscience in this house. The member for Malvern was called to account by the last three members of his party who have a conscience. They called him to account for the same reasons as those behind the many impassioned pleas that came from this side. Many people in this house have personal and family experience of the impact of vilification and what can happen when it gathers momentum and when hatred and violence ensue. The members for Doncaster, Caulfield and Preston talked about families and many others have seen this occur in their families. They could not contemplate the removal of vilification on religious grounds in the way called for by the opposition’s assault.

We want Victor and Phil back there. They are the last of their kind.

**The ACTING SPEAKER (Mr Delahunty)** — Order! The member will use members’ electorates.

**Mr MILDENHALL** — The overwhelming view of the churches in this state is to support this legislation and to support the amendments it makes. The multifaith forum came out with this statement:

We support, in principle —

this legislation —

which, while protecting our rights to evangelise and proselytise, prohibits serious racial and religious vilification, which incites hatred. Thus it acknowledges that the right to practise and debate religion in a free and democratic society carries with it responsibilities to respect others.

I rest my case. That is a clear statement which should be supported by every member of this house.

The rank political opportunism we have seen in this place is really only matched on the federal scale. Whenever the federal government gets into a bit of trouble it starts beating the can in this area. You get the Andrew Robbs, the John Cobbs, the Brendan Nelsons and the Peter Costellos who say that if you do not know the story of Simpson and his donkey maybe you should not be here, that you ought to get out, that you do not share our values. There are people in here who we suspect ought not be Australians because they have a different language.

With this legislation we are trying to preserve that cohesion and diversity and the fact that people can come from all parts of the globe, often in the most severe humanitarian refugee circumstances, and find refuge here. They can enjoy the practice of their own religion, their own cultural forms and their own languages, without fear of vilification. That is the essence of what we need to protect. We need to protect people from vilification which results in hatred and violence. That is what the principal act does. This legislation will assist in refining that to ensure that it operates more effectively.

The case that has been cited about the prisoner who thought Christianity oppressed witchcraft was ruled preposterous by Justice Morris. It is an example of one of the things which will be prevented by this bill, and it is part of the refinement of the legislation. This bill has been developed in consultation with churches and the community. It ill behoves the Liberal Party to succumb to this rank political opportunism.

**Business interrupted pursuant to standing orders.**

## ADJOURNMENT

**The ACTING SPEAKER (Mr Delahunty)** — Order! The question is:

That the house do now adjourn.

### Planning: Box Hill

**Mr CLARK (Box Hill)** — I raise with the Minister for Planning the threats to the future of Box Hill being posed by delays and uncertainties in planning, by government inaction and neglect of the Box Hill transport interchange and by the ever-present push under Melbourne 2030 for more high-rise, high-density development.

I ask the minister to act to have these planning uncertainties resolved in a way that respects the community's views, to sort out with his colleague the Minister for Transport whatever still needs to be done to implement drastic improvements to the transport interchange and to end the push for inappropriate high-rise, high-density development around Box Hill under Melbourne 2030.

The Bracks government declared Box Hill to be a transit city in 2001. Being a transit city was supposed to recognise Box Hill's role as a major transport hub within metropolitan Melbourne and was supposed to support it with appropriate transport facilities. However, the only substantial public transport

improvement in Box Hill in recent years has been the tramline extension initiated by the Kennett government. The bus and train interchange at Box Hill Central suffers from a dirty and poorly located bus terminus, broken escalators, delays at barrier gates and justifiable concerns about safety.

Instead of action to improve transport facilities and traffic flow, all we have had from the Bracks government and the City of Whitehorse has been a long series of studies that seem to lead to nothing more than another study. So far we have had a connecting transport services study in 2001, an urban design framework study, a Box Hill transport interchange concept design in 2002 and an issues and opportunities study in 2005 — and we are now waiting for a Box Hill activity centre and transit city structure plan.

So far all we have from these studies is high-rise, high-density apartments being imposed on the community, because Box Hill is supposed to have good public transport. Instead what we need is not only a major upgrade to the transport hub, but action to improve traffic flow, parking and security for the whole district centre.

The disarray with planning around Box Hill was highlighted recently by the decision of Whitehorse council to approve a new medical centre on the north side of Thames Street, Box Hill, against the strong opposition of local residents. The justification was that this area fell within a health and education precinct under the urban design framework (UDF).

However, four years after being completed, the UDF still has no clear legal status other than being supported by a proposed planning scheme amendment from Whitehorse council. I understand the amendment is currently sitting on the minister's desk. Even worse, Whitehorse council has failed to stand up for its community over the threat posed to Box Hill and surrounds by excessive and inappropriate development under Melbourne 2030. Perhaps some of the Labor councillors have their minds too focused on their political futures, because they have been almost mute in the face of this threat to the quality of life in Box Hill and surrounding suburbs.

However, the greater guilt lies with the Minister for Planning, because it is he who is refusing to listen to the community, it is he who will not even reply to correspondence from groups such as the West of Elgar Residents Association and it is he who continues to force inappropriate high-rise, high-density developments onto established suburbs under Melbourne 2030 — in stark contrast to a Liberal

government, which would withdraw Melbourne 2030 and replace it with a metropolitan strategy which protects existing neighbourhood amenity and under which inappropriate high-rise, high-density development will no longer be imposed on our suburbs.

### **Rail: Hurstbridge line**

**Mr HERBERT** (Eltham) — I raise a matter for the attention of the Minister for Transport. I ask the minister to clarify capacity issues on the Hurstbridge train line. My call comes after the circulation of a misleading and deceptive pamphlet which incorrectly asserts that the government has promised to duplicate the single track along the Greensborough–Hurstbridge section of that train track. While this assertion is completely untrue, it also confuses the public about the major capacity issues on the line.

What public transport patrons in my electorate want is to have more express peak-hour trains, a more reliable service, additional parking and a more extensive bus service which links suburbs to the trains. The first step to achieve this aim is to recognise that we need to fix the bottlenecks on the inner section of the line to enable greater capacity in outer areas. In other words, additional service on the line requires track duplication between Westgarth and Clifton Hill including a second bridge over the Merri Creek to enable more peak-hour trains to get through the narrow neck of the Hurstbridge line funnel. As well we need to either change the direction of the morning peak or have signals to allow for greater access for that line at peak hour.

These inner line measures must be taken before we can work on other major capacity issues further out. Some other measures which can be taken in the future to improve public transport in my electorate include automating the signalling between Greensborough and Hurstbridge, providing additional car parking at Eltham station and extending the local bus network. I look forward to the minister's clarifying the capacity of an improved Hurstbridge line and the actions the government will take to achieve it.

### **Rochester community house: funding**

**Mr MAUGHAN** (Rodney) — I wish to raise a matter for the Minister for Local Government in the other place in her capacity as minister responsible for neighbourhood houses. Specifically I seek funding for a coordinator for the Rochester community house. The community house started from small beginnings in 2002, and the committee now offers an extensive range of classes and activities that cater for a very diverse group of people. During 2005 there were 35 classes

catering for 275 participants. In addition each week other activities like cards, coffee and craft, and exercise classes are run at the house to enable a large number of men and women to meet socially.

Volunteers, who now number over 40, keep the house open for 12 hours each week. There are 45 financial members of the group. School-age children are catered for with after-school craft activities. Aerobics classes and yoga are held for those striving for fitness. Creative writing and computer classes cater for those who wish to enhance their skills either for pleasure or for employment, and even cooking classes are run very successfully. Presently there are over 80 people participating each week in tai chi and aerobics, and as well up to 12 people play cards each Monday and another group has a craft and coffee session each Wednesday. A wellness festival was organised and run in November 2005 following the success of one the previous year, and the committee has taken over the operation of the toy library from the Salvation Army.

The community house provides a consultation room for consumer affairs, the Salvation Army and the Office of Housing and has had requests from Murray Human Services and local justices of the peace to do likewise. The Shire of Rochester has purchased a building for the community house, and members have taken part in repairing and painting the premises and raising funds for floor polishing, toilet extensions and furniture. The Leader of The Nationals and I visited the house two weeks ago today and saw the marvellous work that this terrific group of volunteers is doing. As I said, the Rochester community house is run entirely by volunteers, and that has been the case for the last three years. They do a fantastic job for the community, but the house is not able to keep going using up the goodwill of volunteers.

People are tired of the government paying lip-service to the value of volunteers but refusing to give any support to this group, which is doing a great job in increasing skill levels, improving lifestyles, reducing the cost of acute health care to the community, increasing self-esteem and employment opportunities, and building better and stronger communities — all the things the government professes to want. As a matter of equity I ask that the minister immediately approve funding for a coordinator for the Rochester community house.

### **Karoo Primary School: upgrade**

**Ms ECKSTEIN** (Ferntree Gully) — The matter I raise is for the Minister for Education and Training, and the action I seek is that she consider funding for an

upgrade of Karoo Primary School in my electorate as soon as possible. Karoo Primary School is about 14 years old. It currently has 10 permanent classrooms and over 20 portables on the site for approximately 700 students. There are several other portable buildings that have been purchased from locally raised funds to provide some flexibility and to cater for particular programs. The staffroom struggles to fit the 50 or so staff, and the staff toilets are completely inadequate, particularly given that the majority of staff are women. There just are not enough of them, and there certainly are not enough for the women.

While other Rowville schools have had upgrades to between 14 and 16 permanent classrooms, Karoo has missed out due to the inaccuracies of its long-term enrolment estimates. When the long-term enrolment numbers for the school were established, no account was taken of the potential housing development to the north of the school which has since eventuated or of the development of the very large Sovereign Crest estate to the east. It was estimated that Karoo's long-term enrolment would be around 350. However, the school has consistently had enrolments of over 700 for the last four to five years.

Last August I was pleased to be able to announce that Karoo Primary School could proceed to full master planning for new building works, including extra classrooms. I am very pleased to say that the government allocated funding to ensure that the school could select architects and other professionals to finalise the plans for the much-needed upgraded facilities. The project is a vital part of the government's strategy to provide safe and contemporary learning environments as well as the best facilities and equipment available to government school students. The plans for new building works have now been finalised and should be considered for funding as soon as possible. I invite the minister, should she have an opportunity, to come and see the facilities at the school for herself.

Since coming to power in 1999 the government has committed \$1.59 billion for new and improved school and technical and further education facilities. We are building a better future for Victorian families by building better facilities, reducing class sizes and employing an extra 5200 teachers across the system. I therefore ask the Minister for Education and Training to consider funding for Karoo Primary School.

### **Rosebud Hospital: obstetric services**

**Mr DIXON** (Nepean) — I wish to raise an issue with the Minister for Health regarding the loss of two

obstetricians at the Rosebud Hospital, which has halved the number of obstetricians available at the hospital. I ask the minister to assist people at Peninsula Health in their efforts to replace the two obstetricians who have resigned. At the end of last year the obstetricians gave notice that they would not continue servicing expectant mothers in Rosebud. They agreed to stay on over the summer period until the end of February. They were not replaced and, as I said, now we have only half the number of obstetricians that we had available.

The maternity ward at Rosebud Hospital is well known. A lot of local mothers go there to give birth to their babies. In fact mothers travel a great distance from outside the area to go there because they like its country hospital feel and community aspect. The ward has been supported for many, many years by the community. Lots of auxiliaries have raised funds for enhancement and equipment. The ward is named the Hillview ward, after the Hillview quarries run by the Ross Trust, which has made a major financial contribution to the hospital. So there is a great sense of ownership of that hospital and that maternity ward. In fact my son was born there 18 years ago, and the hospital is still doing a great job.

Because the number of obstetricians available at the hospital has been halved, now a lot of mothers have to go all the way to Frankston, which is 40 kilometres or more away, to give birth to their babies. That takes them away from their families — it is very hard for siblings to visit their baby brother or sister and their mum — and their friends and networks. That is not a good thing. It is not a good start for a new baby, and it is not good for a mother who has recently given birth. Access to Frankston is also very limited. Any reduction in services at Rosebud Hospital really causes our local community to get very nervous. The hospital was run down in the 1980s, and an injection of about \$4 million in 1994 by the Kennett government extended and renovated the hospital and saved it from extinction.

I ask the minister to help Peninsula Health with whatever she can possibly do in the way of recruiting obstetricians down there, including any sort of encouragement and improvement to facilities that will make any new obstetrician who comes to the hospital willing to take over the role and do it safely and efficiently.

### **Public transport: government initiatives**

**Ms DUNCAN** (Macedon) — The matter I raise is for the attention of the Minister for Transport. I ask the minister to take all necessary action to ensure that the electorate of Macedon benefits from the transport and livability statement soon to be announced. The

statement will outline key initiatives of the Bracks government to improve public transport around the state.

Public transport is a critical issue for all of us. If we wish to reduce our reliance on cars and continue to ensure our cities and towns remain pleasant places to live and raise a family, we need to encourage people to use public transport more. Currently the percentage of people using public transport is relatively low, certainly compared with that of people using cars. If we are to encourage people to use public transport more, we need to make sure that it is accessible, and it should be as far as possible reliable and as convenient for us to use as it is to use our private cars. With ever-increasing petrol prices and ever-increasing road congestion this is as important as ever.

Towns in the Macedon electorate and in many parts of Victoria are not particularly well serviced by public transport. In some areas there is very little public transport. We are fortunate in the Macedon electorate to have the Bendigo rail line running almost directly through the centre of Macedon. Now that the tracks and signals have been completely upgraded we know that this service is here for the long term. We know that before this upgrade much of the infrastructure was over 100 years old. Some of the signals were virtually the original signalling system, and we know that without this upgrade this service would have been on its knees in just a few years. I suspect that had the Liberals formed government again they would probably have done what they did in the past — that is, they would have closed the service — but with this new infrastructure and this hugely important investment the future of this line is assured.

What we now need is better connectivity between this service and other forms of public transport. We need more, and more frequent, forms of transport. I was very pleased to be with the Minister for Transport in Sunbury late last year when he announced a number of changes to bus services including extensions to existing services as well as a new route providing 10 additional services per day between Sunbury and the Victoria University of Technology. This is all good work and they are much-needed improvements, but we know, and I know the minister is very well aware, that there is more to be done. I ask the minister to continue this good work and to ensure that the Macedon electorate benefits from new investments in our public transport system.

### **King Street and Templestowe Road, Bulleen: upgrade**

**Mr KOTSIRAS** (Bulleen) — I raise a matter for the attention of the Minister for Transport. The action I request from the minister is to ensure that funding from VicRoads is not politicised and that money is allocated for the upgrading of both King Street and Templestowe Road in my electorate of Bulleen.

It has been brought to my attention that the government is going to target Doncaster, for some reason, and will pour money into Doncaster at the expense of Bulleen. I call upon the minister to ensure that the funds are provided for both roads. King Street is in both electorates; one side is in Doncaster and the other side is in Bulleen. I hope the minister will ensure that funding is made available for both roads, and not just for King Street. Even though I support King Street I hope both roads will be upgraded.

The minister actually turned up in my electorate. After I had invited him on numerous occasions he decided to turn up, but he did not tell me he was coming, strangely enough. He turned up in the morning and walked around and do you know what he said to the residents? He said, ‘The roads are pretty good. Why are you yelling and screaming?’. I have to say that the residents were not too impressed with the minister coming in the morning without advising people, just for a photo shoot for the local newspapers.

**Mr Carli** interjected.

**Mr KOTSIRAS** — The member for Brunswick mentions Thompsons Road. Let me tell members that if it had not been for me, Victor Perton and Geoff Gough making a point — —

**The ACTING SPEAKER (Mr Delahunty)** — Order! The member must use the electorate names.

**Mr KOTSIRAS** — If it had not been for the Liberal Party, Thompsons Road would not have been fixed. It was only after the pressure that we put on the Labor member there that Thompsons Road was fixed. When the minister came to Bulleen the *Manningham Leader* reported him as saying:

Manningham roads are low on the priority ladder and residents should look to the outer suburbs to see roads needing urgent repair.

The article goes on:

During a visit to Lower Templestowe earlier this month, the minister described Manningham’s roads and public transport as the envy of many others and could not confirm whether

Manningham would secure any road funding in the lead-up to the state budget.

I ask the minister whether it takes someone to get killed or hurt for him to realise that the roads have to be upgraded and fixed. I have asked him on numerous occasions to spend some money and upgrade King Street and Templestowe Road. The residents are working very hard to ensure that the council works closely with the government for the benefit of all residents, and I urge the minister to provide funding for the two roads.

### **Public transport: Yan Yean electorate**

**Ms GREEN (Yan Yean)** — I wish to raise a matter for the attention of the Minister for Transport. The action I seek is for him to improve the level of service, frequency and accessibility of public transport serving the communities I represent in the forthcoming transport and livability statement.

My communities have welcomed the improvement and new services this government has provided, including new bus services to Epping, South Morang, Diamond Creek and Greensborough, and the restoration of bus services cut by the Kennett government to Whittlesea, Research and Warrandyte. Additional services have also been reinstated on the Hurstbridge train line.

However, established communities like Greensborough, Diamond Creek and Hurstbridge, and also the growing communities of Epping, South Morang and beyond, need greater service frequency and faster services. The peak-hour train service on the Epping and Hurstbridge line leaves a lot to be desired compared to the service on all other metropolitan lines. For the past two months I have been out at train stations in the morning peak hour surveying commuters at stations in my electorate. Overwhelmingly they have told me that their top priority is greater frequency and improved travel times at peak hour.

I support calls by the community for the extension of the Epping train line to South Morang. Lobby groups established in support of this end are well intentioned. I noted a recent letter from Trevor Carroll to the editor of a local newspaper which contends that this extension could have been built for around \$8 million. I wish that were true, but we can see from the cost of the electrification of the existing line from Broadmeadows to Craigieburn, which was some \$90 million, that this is simply wishful thinking.

In his contribution to the adjournment debate the member for Eltham correctly identified that logjams on the Clifton Hill group of lines are the cause of the poor

frequency and long travel times, and this was identified in last year's Clifton Hill rail group study. These capacity constraints must be addressed both to deliver a better service in peak hour and for stage 1 of the rail line extension to South Morang.

I want my commuters to have the same frequency of service and travel times enjoyed by those in other areas of Melbourne. Hurstbridge is 30 kilometres from the city. Between 7.00 a.m. and 9.00 a.m. there are only four trains to the city at a travel time of 1 hour and 4 minutes. That can be compared to the service from Edithvale, which is also 30 kilometres from the city. The travel time from Edithvale is 53 minutes, and between 7.00 a.m. and 9.00 a.m. there are 14 trains — 10 more than on the Hurstbridge line. Epping and Montmorency are approximately 20 kilometres from the city, and there are eight trains between 7.00 a.m. and 9.00 a.m. at a travel time of 48 minutes. That can be compared to the service from Clayton, which has a travel time of 32 minutes and 17 trains during that time. We must have a better service in my area.

There are other needs of commuters. Not everyone works in the city, so I would like to see something done for cross-town bus services. My electorate has the youngest constituents in the state, and young people really need later evening services, particularly on weekends so they can enjoy a vibrant social life, and so they can get to work. I would like to thank all the survey respondents; I had about a 30 per cent response.

The Liberals have no credibility on this. They gutted our public transport system, and they would do it again if they returned to government.

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

### **Environment: Woolshed school reserve**

**Mr PLOWMAN (Benambra)** — The issue I wish to raise is for the attention of the Minister for Environment. I ask the minister to consider the facts surrounding the inclusion of the Woolshed school reserve in the Chiltern-Mount Pilot National Park and reverse the decision.

The facts are as follows. The Woolshed state school closed in 1922. In 1999 the Department of Natural Resources and Environment assessed the reserve and determined that it should be sold. Before it could be sold a group of local residents voiced their concern that this small block had significant historic value. In June 2000 a committee of management was elected, and it was appointed by the minister 12 months later. The

Woolshed school reserve was proclaimed as a reservation for the conservation of an area of historic interest.

On 9 January 2006 Parks Victoria informed the chairman of the committee of management that the reserve had been included as part of the Chiltern-Mount Pilot National Park. The Department of Sustainability and Environment emails that have come to the surface more recently reveal that the decision to incorporate the reserve into the national park was a mistake. I quote from an email dated 14 November 2005 from Louis Pauline, the box-ironbark project officer for the Department of Sustainability and Environment to Merv McAlicee, the manager of Crown land management for DSE. It states:

There appears to be no justification for the land being reserved as national park in 2002. It was not the intention of the ECC based on the original mapping.

...

I think the best option is for the land to be excised out of the national park and again reserved for management by the local committee of management.

In a later email to Mr McAlicee, dated 20 December 2005, Ms Pauline states:

... it was not the intention of the ECC and there appears to be no justification for the land being included in the national park.

Please arrange for an amendment to be done to rectify this.

Mr McAlicee responded to Joan Phillips of the then Department of Natural Resources and Environment. He said in his email:

The reserve was not included in the original box-ironbark recommendations and it seems was inadvertently added to the park without taking due notice of Portal ... I support Lois's —

that is, Lois Pauline —

recommendation that the area be excised from the park if an opportunity exists to do so.

Following that an email dated 21 December 2005 from Graeme Davis, the manager of national parks and conservation policy, to Chris McCormack stated:

Excising from the park will be a pain. On the other hand the committee of management cannot remain ... unless we do excise. Is 'talking them into' being a friends group likely to work/be a satisfactory outcome.

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

## Trams: Think Tram program

**Mr CARLI (Brunswick)** — I wish to raise a matter for the attention of the Minister for Transport. On Sydney Road there has been a major upgrade of the tramline. It is part of the \$30 million Think Tram program to improve the reliability, safety and accessibility of our tram network.

One of the things that have been piloted on Sydney Road — it is the only place in Melbourne where it has been trialled — is red paving or red bitumen on the various tram stops. An experiment has been conducted on 23 different tram stops. Basically it alerts drivers to the need to stop and give way to tram passengers, and it has been incredibly effective.

What I am asking is for the minister to do a rollout of red paving on other roads that are similar to Sydney Road because it is making a big difference in safety around tram stops. It makes them visible, it ensures that drivers know where to stop, and it really does make the tram stop a major feature of the road.

Apart from urging the minister to continue the red paving initiative as part of the Think Tram program, I would like him to note some of the improvements that have occurred. On Sydney Road and Royal Parade we have seen raised dividing strips which separate cars from trams, where that is possible. That has improved the reliability of the tram service. Some right-hand turn bans have been implemented, which again give trams the ability to move better through the traffic. Traffic signals have been adjusted: they have been coordinated so that if a tram is running behind schedule it gets a green wave and the traffic signals allow it through. This also allows obstructing vehicles to move on. Some right-hand turn signals have been introduced as well.

What we are seeing on Sydney Road, which happens to have the busiest tramline in Melbourne, is really significant improvements in the safety, reliability and performance of our trams. This really is a program that looks at a series of incremental improvements. What I call a toolbox of different techniques is being used to try and ensure that these improvements are effective. New things are being trialled. The red paving is a terrific idea; it has now been in place for a number of months and there is a noticeable difference. I know that it has been reviewed and investigated and it has been a success.

I urge the minister to continue the Think Tram program so that we ensure that trams are not so affected by congestion in traffic on roads like Sydney Road that they become unreliable and cannot perform their

function. With this program we are now seeing a much quicker tram service. It is very interesting to talk to tram — —

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

### Responses

**Mr HOLDING** (Minister for Police and Emergency Services) — The member for Box Hill raised a matter for the Minister for Planning in relation to planning uncertainties in Box Hill.

The member for Eltham raised a matter for the Minister for Transport about capacity issues on the Hurstbridge line.

The member for Rodney raised a matter for the Minister for Local Government in another place in relation to neighbourhood house funding for a coordinator in Rochester.

The member for Ferntree Gully raised a matter for the Minister for Education and Training about a possible upgrade for Karoo Primary School.

The member for Nepean raised a matter for the Minister for Health relating to the loss of two obstetricians at Rosebud Hospital.

The member for Macedon raised a matter for the Minister for Transport in relation to initiatives in the transport and livability statement.

The member for Bulleen raised a matter for the Minister for Transport on VicRoads funding for King Street and Templestowe Road upgrades in Bulleen.

The member for Yan Yean raised a matter for the Minister for Transport about train services in peak times on the Hurstbridge line.

The member for Benambra raised a matter for the Minister for Environment about the Woolshed school reserve and its inclusion in a national park.

The member for Brunswick raised a matter with the Minister for Transport relating to the Think Tram program and the possibility of extending the trial of red paving in Sydney Road. I will refer all of those matters to the relevant ministers and they will respond directly to the members concerned.

**The ACTING SPEAKER (Mr Delahunty)** — Order! The house is now adjourned.

**House adjourned 10.31 p.m.**

