PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Thursday, 4 May 2006

(Extract from book 5)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETSER, AO

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Consumer Affairs and Minister for Information and Communication Technology	The Hon. M. R. Thomson, MLC
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Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JUDY MADDIGAN

Deputy Speaker: Mr P. J. LONEY

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

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
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Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr R. K. B. DOYLE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
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Leader of The Nationals:
Mr P. J. RYAN

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

Member	District	Party	Member	District	Party
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Beattie, Ms Elizabeth Jean	Yuroke	ALP	Lupton, Mr Anthony Gerard	Prahran	ALP
Bracks, Mr Stephen Phillip	Williamstown	ALP	McIntosh, Mr Andrew John	Kew	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McTaggart, Ms Heather	Evelyn	ALP
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Cameron, Mr Robert Graham	Bendigo West	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maughan, Mr Noel John	Rodney	Nats
Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
Clark, Mr Robert William	Box Hill	LP	Merlino, Mr James	Monbulk	ALP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Delahunty, Mr Hugh Francis	Lowan	Nats	Munt, Ms Janice Ruth	Mordialloc	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Dixon, Mr Martin Francis	Nepean	LP	Nardella, Mr Donato Antonio	Melton	ALP
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Gillett, Ms Mary Jane	Tarneit	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Plowman, Mr Antony Fulton	Benambra	LP
Haermeyer, Mr André	Kororoit	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Hardman, Mr Benedict Paul	Seymour	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Harkness, Dr Alistair Ross	Frankston	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Helper, Mr Jochen	Ripon	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Herbert, Mr Steven Ralph	Eltham	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Lyndhurst	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Kenneth Maurice	Bass	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Sykes, Dr William Everett	Benalla	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Trezise, Mr Ian Douglas	Geelong	ALP
Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

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THURSDAY, 4 MAY 2006

Thursday, 4 May 2006

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.33 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that, under standing order 144, notices of motion 136 to 146, 246 to 253, and 336 to 341 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 2 o'clock today.

VICTORIA RACING CLUB BILL

Introduction and first reading

Ms DELAHUNTY (Minister for the Arts) introduced a bill to provide for the functions, powers and responsibilities of Victoria Racing Club Limited in respect of Flemington Racecourse, to provide for the transfer of assets, rights and liabilities held by or on behalf of the Victoria Racing Club to Victoria Racing Club Limited, to repeal The Victoria Racing Club Act 1871 and for other purposes.

Read first time.

PETITIONS

Following petitions presented to house:

Christies–Portarlington roads, Leopold: traffic lights

To the Legislative Assembly of Victoria:

The petition of the residents of Leopold in the Bellarine electorate in Victoria points out to the house: we the residents of Leopold feel that there is an urgent need for traffic lights at the intersection of Christies Road, Leopold, and Portarlington Road. Due to [traffic coming] from Leopold and coming from the Bellarine Peninsula this has led to this intersection becoming extremely dangerous, because of the lack of visibility for pedestrians, especially children crossing Portarlington Road to catch school buses and cars entering the intersection. As there has already been a number of accidents we feel urgent action needs to be taken before a fatality occurs.

The petitioners therefore request that the Legislative Assembly of Victoria enables the erection of traffic lights at the corner of Christies Road, Leopold, and Portarlington Road as soon as possible.

By Ms NEVILLE (Bellarine) (721 signatures)

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 PLOWMAN (Benambra) (55 signatures)
Mr NARDELLA (Melton) (20 signatures)
Mr HARDMAN (Seymour) (12 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 Mrs POWELL (Shepparton) (4227 signatures)

Melbourne Youth Music: funding

To the Legislative Assembly of Victoria:

The petition of the supporters of Melbourne Youth Music draws to the attention of the house that the MYM Saturday

music program is nationally and internationally recognised for its unique and diverse musical education. The Bracks government's funding cut of $100 000 for 2006 and $250 000 in 2007 and 2008 will have a serious adverse impact on the program offered to young talented musicians.

The petitioners therefore request that the house force the government to restore the strategic partnership program grant to Melbourne Youth Music to ensure students may continue to gain equitable access to the program.

By Mr CRUTCHFIELD (South Barwon) (22 signatures)

Tabled.

Ordered that petition presented by honourable member for Shepparton be considered next day on motion of Mrs POWELL (Shepparton).

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

TERRORISM (COMMUNITY PROTECTION) ACT

Operation

Mr BRACKS (Premier), by leave, presented report.

Tabled.

VICTORIAN CHILD DEATH REVIEW COMMITTEE

Report 2006

Ms GARBUTT (Minister for Children), by leave, presented report.

Tabled.

DOCUMENTS

Tabled by Clerk:

Adult Multicultural Education Services — Report for the year 2005

Bendigo Regional Institute of TAFE — Report for the year 2005

Box Hill Institute of TAFE — Report for the year 2005

Central Gippsland Institute of TAFE — Report for the year 2005

Centre for Adult Education — Report for the year 2005

Chisholm Institute of TAFE — Report for the year 2005

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (six orders)

Driver Education Centre of Australia Ltd — Report for the year 2005

East Gippsland Institute of TAFE — Report for the year 2005

Gordon Institute of TAFE — Report for the year 2005

Goulburn Ovens Institute of TAFE — Report for the year 2005 (two documents)

Holmesglen Institute of TAFE — Report for the year 2005

Kangan Batman Institute of TAFE — Report for the year 2005

Northern Melbourne Institute of TAFE — Report for the year 2005

South West Institute of TAFE — Report for the year 2005

Statutory Rules under the following Acts:

Building Act 1993 — SR No 41

Country Fire Authority Act 1958 — SR No 42

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No 42

Minister's exemption certificate in relation to Statutory Rule No 41

Sunraysia Institute of TAFE — Report for the year 2005

William Angliss Institute of TAFE — Report of the year 2005

Wodonga Institute of TAFE — Report for the year 2005 (two documents)

Youth Parole Board and Youth Residential Board — Report for the year 2004–05, together with an explanation for the delay in tabling.

COUNCIL OF MAGISTRATES

Report 2004–05

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

Tabled.

COUNTY COURT JUDGES

Report 2004–05

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

Tabled.

BUSINESS OF THE HOUSE

Adjournment

Mr CAMERON (Minister for Agriculture) — I move:

> That the house, at its rising, adjourn until Tuesday, 30 May 2006.

Motion agreed to.

MEMBERS STATEMENTS

Berwick Secondary College: Go Girls program

Ms LOBATO (Gembrook) — Today I would like to speak about a new initiative at Berwick Secondary College. Go Girls is a new program as part of the Victorian certificate of applied learning (VCAL), with the intention of broadening the horizon for girls who are studying for their VCAL. We are all aware how successful VCAL has been. Statistics from the Victorian Curriculum and Assessment Authority show there were 546 VCAL enrolments in 2002, provided by 22 different organisations. In 2005 this rose to 10 372 enrolments at 374 providers, which is an amazing and vigorous endorsement of this alternative secondary education pathway.

However, what has been noticed in some schools currently providing VCAL, including Berwick Secondary College, is that girls are choosing to study in areas from a limited field, especially hair, beauty and retail. The Go Girls program is designed to encourage girls to look beyond these options and consider other work-related and industry skills such as automotive, building and construction, information technology, agriculture and horticulture. Not only is Go Girls providing alternative pathways for girls, it is also creating an awareness of community and social issues. Last weekend the girls organised a movie day to raise money in memory of Melanie Holden so as to provide funds for two cancer sufferers to receive healing through the Gawler Foundation. They are to be commended for their community participation.

I am informed that this program has provided the students with both a reason to continue their education and a real sense of purpose. I look forward to hearing about further progress when the girls visit Parliament next month. Congratulations to all the students and to all staff involved at Berwick Secondary College.

Hospitals: waiting lists

Mr COOPER (Mornington) — The Minister for Health continues to claim that public hospital waiting lists are getting shorter, but the reality does not support her claims. One of my constituents, Mr Doug Butler, is a prime example of just how bad the waiting list system is, and he is not the only person to be left suffering. Mr Butler requires a procedure called mesh hemioplasty abdominal hernia. He went on to the waiting list at Frankston Hospital in March 2005 as a category 3 patient. In August 2005 he was upgraded to category 2 and told he would be admitted for surgery in February 2006. In January 2006 he phoned the hospital and was advised his surgery would not occur until April. On 6 March he phoned again and was told he would not be admitted until May or June. When he complained that he was being given the run-around, the hospital told him there were people ahead of him on its waiting list who had been waiting since 2004.

On 27 March the hospital phoned Mr Butler and said it was doing an audit of its waiting list and asked him whether he still wanted to have the operation. When he said yes, they said he would not be admitted until late in the year. He has his fingers crossed but has not much hope that promise will be kept either. Mr Butler describes the claims by the Minister for Health as a load of rubbish. Who can honestly disagree with that view?

Eight-Hour Day: 150th anniversary

Mr TREZISE (Geelong) — Last Monday, 2 May, I had the pleasure of opening the Geelong leg of the travelling exhibition, It's About Time!, an exhibition that commemorates the 150th anniversary of the Eight-Hour Day. For those members opposite who do not know the story of the achievement of the 8-hour working day, it was in April 1856 that stonemasons working at Melbourne University downed tools and marched to this Parliament demanding an 8-hour working day. On their way up Bourke Street they were joined by labourers from the numerous building sites in the vicinity. In a world first, their demands were granted, a victory that paved the way for organised labour in this country.

In celebrating the Eight-Hour Day it is impossible not to consider the facts of working hours in 2006. Statistics coming from the Australian Bureau of Statistics in 2002 revealed that 1.7 million of Australia's work force worked more than 50 hours per week, which is twice as many as in 1982. Only 36 per cent of Australian workers were working a standard 9-to-5 week.

Of course, with the introduction of the draconian so-called WorkChoices laws by the anti-worker Howard government, these figures are only going to get worse. I take this opportunity to commend the state government on ensuring that the Eight-Hour Day 150th anniversary, an important piece of our country's history, has been celebrated and therefore not forgotten.

Youth: government performance

Mr KOTSIRAS (Bulleen) — I stand to condemn the Bracks government for ignoring the needs of our young people. The Labor Minister for Employment and Youth Affairs has admitted that the Bracks government has further downgraded the youth networks responsible for providing advice to the government, admitting they are provided little more than refreshments for their services. While Labor pays millions to consultants to do the work of public servants, it refuses to work with and listen to youth. The minister's response to a question on notice said that these advisory bodies are provided with refreshments for meetings, reimbursed for out-of-pocket expenses and support to undertake planning.

This comes on top of the Bracks government getting rid of the youth committees and replacing them with regional networks. The committees were responsible for advising the government on the allocation of funding. This has now stopped. The government downgraded the committees to the regional youth affairs networks which were designed to ensure that Labor does not have to answer to any group on youth issues. The minister has admitted that the Bracks government provides no funding to the networks to carry out their duties. All they are given is biscuits and soft drinks while Labor wastes millions of dollars of taxpayers money on consultants. It is about time that the minister woke up and actually did some work to ensure that she meets the needs of our young Victorians.

Boroondara: community centres

Mr STENSHOLT (Burwood) — Today I ask Boroondara councillors not to cut funding for the Ashburton Community Centre and the Craig Family Centre. Per annum cuts of $10 000 and up to $30 000, respectively, are proposed. I issue the following message to council. Recently the mayor said that behind the leafy trees of Boroondara, there is hurt. Let me say that in the not-so-leafy streets of Ashburton there is real poverty and real hurt.

Now the council is proposing to take funds from the community centre — the Craig centre — that people in Ashburton and Glen Iris set up to help needy children and families. I find it ironic that Boroondara council is seeking to fund a study into child poverty at the very time that it proposes to take money away from existing community programs that help poor children.

Boroondara has a proud record of community service and leadership. I can recall strong defence in support of such services over the past 10 years. This is not the time to walk away from the children, the single mothers, the refugees, the desperate dads, our new migrants, the mentally ill, the disabled, the elderly and the less privileged in our community. Both the Craig Family Centre and the Ashburton Community Centre meet the needs of these people. Boroondara council must continue to support these centres and through them the people in real need in our community. The citizens of all of Boroondara demand nothing less than that.

My appeal is apolitical and has bipartisan support. Local federal MP, Peter Costello, has written to the council supporting the Craig Family Centre, and a member for Yarra Province in the other place, Mr David Davis, assured the Craig committee of management that he supported the centre and would convey that to councillors. I urge the council to consider the needs of the community and to support the centres.

Animal Welfare Science Centre

Mr MAUGHAN (Rodney) — I wish to bring to the attention of the house the importance and growing reputation of the Animal Welfare Science Centre, which was established in 1997 in a joint venture between Melbourne University, Monash University and the Victorian Department of Primary Industries as a collaborative centre for research, teaching and training in animal welfare. The centre has considerable research and teaching capacity in animal welfare science and has gained an international reputation for its achievements in research, teaching and training.

The centre's mission is to sustain and grow Australia's animal industries through strategic animal welfare research and student training and to assist in resolving major animal welfare issues by providing the science to underpin decision making. The centre also aims to improve animal welfare and productivity through targeted public education in industry and by assuring local and international consumers, the general public and governments that the welfare standards for Australian animals are underpinned by sound and well-accepted science. I congratulate Professor Paul Hemsworth and his team at the Animal Welfare Science Centre on their achievements and on the role

which they have played in improving animal welfare in this country, in providing the science to improve animal welfare in other parts of the world and in being accepted internationally as a centre of excellence in the science of animal welfare.

Moreland: Sydney Road Cyclovia

Ms CAMPBELL (Pascoe Vale) — Cyclovia — it will be a first in Australia, and Moreland City Council, together with the local community, is going to make it happen. Sydney Road will be closed on Sunday, 28 May to allow pedestrians, cyclists and the general community to enjoy this great stretch.

Congratulations to Paul McKay, whose vision has made this a reality. The great support of Moreland council has been highlighted by Daniel Paez, who was part of the original Cyclovia in his home city of Bogota. Nicholas Elliott and Gael Reid are right behind it as well, and the council's chief executive officer, Peter Brown, has, through his Rotary colleagues, brought the business community with him on this great event. Yarra Trams is financially and morally supporting this wonderful event for the community. BrunsBUG (Brunswick Bicycle Users Group) and CoBUG (Coburg Bicycle Users Group) have used their email network to harness wide cycling support.

What is Cyclovia? It involves closing 4 kilometres of Sydney Road, between Bell Street and Brunswick Road, to cars and trucks and turn the street over to bikes and pedestrians for 6 hours. Cars will still cross Sydney Road at main intersections; trams will operate as normal. People will be able to stroll along, enjoy themselves, shop, stop for coffee and cake, and spend time with friends and family. Cyclovias are common in cities around the world; this will be Melbourne's first.

Caulfield General Medical Centre: redevelopment

Mrs SHARDEY (Caulfield) — The issue I raise relates to the redevelopment of the Caulfield General Medical Centre. Prior to the 2002 state election the then Minister for Health, with much fanfare, launched the master plan for the centre's redevelopment, to cost some $112 million. This three-phase plan was supposedly to be completed by 2007. The only phase completed thus far is the nursing home, which had to be done to comply with federal government accreditation standards, in 2002. The only other actions taken at the centre have been fire safety work and the demolition of the older section of the hospital.

The people of Caulfield deserve to be told when this government intends to deliver on its master plan or if the 2001 promise of the centre's redevelopment was just a pre-election stunt, with the government never having any intention of delivering on its plan. Perhaps this year's budget will tell the true story.

Ms Pike interjected.

Mrs SHARDEY — I heard the minister interject, 'Wait for the budget'. We do wait, and we hope the government will deliver on its plan, because thus far Caulfield has not even been on the government's never-never list of hospitals to be considered.

The hospital is an important part of the Caulfield electorate, and it delivers important services, particularly to the elderly and those in need of rehabilitation. It is housed in an old building that needs redevelopment, as the government knows full well.

Christine Charles and Jenna Tompkins

Ms MUNT (Mordialloc) — I recently hosted Christine Charles and Jenna Tompkins from Kallista College as work experience students for a week. These young women were a credit to themselves, their school and their parents. I am constantly impressed by the young students from our local schools. I asked them to pen their greatest concerns. I quote from what Christine Charles wrote:

> I think that Victoria is a great place. However, there are a few things that could be changed in the security of public transport. The reason [for] this is because security on public transport is getting to be a serious issue, because in the past few months there have been two [incidents] that could have been prevented if there had been better security at the stations … As a person that catches the train to and from school every day I know that I would feel safer knowing and seeing the presence of cameras and people policing public transport, and I may be able to go to places through public transport more often.

Jenna Tompkins wrote:

> Victoria can be given the thumb's up in almost all sections in my opinion, except it loses a few points in policing at night. I believe that Victoria would be better off with more policing in certain areas around the state after it gets dark. Personally I feel uncomfortable walking around the streets and shopping centres after dark, as at night more 'threatening' people are out roaming the streets … than in daylight.

She also wrote that if there was more of a police presence on the streets during the night-time, there would possibly be less crime occurring, which would help boost people's confidence and safety in going out at night.

It is interesting to hear the concerns that are topmost in our young people's minds. We should always take notice.

Roads: Doncaster electorate

Mr PERTON (Doncaster) — The people of Doncaster have been grossly offended by the Minister for Transport who, in replying to various applications for increased funding for roads, said that we have the finest roads in the state, if not the nation. Those who live on King Street or Springvale Road, those who travel on Templestowe Road, and those who struggle in the traffic jams on the Eastern Freeway and Springvale Road know that that is not the case.

The government continues to posture in terms of its contribution to public transport but the people of Doncaster, whether it is on the average working day or particularly on weekends, feel that they have been let down very much by a government that claimed it would improve matters. The budget is coming up and the challenge to the government is to deal with these matters.

The first and most critical point is the city end of the Eastern Freeway. I call upon the government to fund at least the planning of a connection between the Eastern Freeway and CityLink and/or the Tullamarine Freeway to at least have some ray of light, to have a grade separation of the level crossing on Springvale Road at Nunawading, and to take some meaningful steps to improve public transport, firstly on weekdays so that people have got the choice between car and public transport, and especially on weekends.

Surf Coast: lifesaving clubs

Ms NEVILLE (Bellarine) — I take this opportunity to acknowledge the surf lifesaving clubs in my community. I thank them on behalf of the community of Bellarine and the many thousands of visitors to the area. I thank them for the service they provide by making our beaches safer each year. As we know, Victorians love their beaches and thousands flock there every year. Each year we see thousands participate in nippers programs and in just enjoying family fun on the beaches at Point Lonsdale, Queenscliff and Ocean Grove.

In fact since November 2005 until Easter Monday, 181 people have been rescued in the region. This is an increase on previous figures due largely to the increase in the numbers of people who attended those beaches. The highest number of rescues in the region occurred at the Point Lonsdale beach, which recorded 57 rescues, up from 13 the previous year. This stretch of beach at Point Lonsdale is in fact one of the worst stretches of beach in Victoria. I had the opportunity to spend a fair bit of summer at that beach with my son and I was able to watch and speak to a number of the lifesavers who patrol that beach. They not only promote good practice and swimming between the flags but also ensure people are actually swimming safely. Ocean Grove is our busiest surf beach in Victoria.

I congratulate both clubs for their great efforts on behalf of our community.

Road safety: headlights

Mr DELAHUNTY (Lowan) — Today I am calling on people operating all trains and vehicles to travel with their headlights on 24 hours a day. Daytime running lights will improve visibility and therefore public safety on our country roads. This issue has been highlighted by the unfortunate fatal train and truck accident at Trawalla last Friday afternoon which impacted on many western Victorian families. I support a full independent investigation into the circumstances surrounding this accident. The terms of reference should include visibility, signage, signals, colour of train, rail and roadside vegetation.

Many people have raised with me the concerns that trains are hard to see, and I have previously called for reflectors and lights to be on the sides of trains. The parliamentary library has informed me that there are no regulations or protocols forcing trains to travel with headlights on. Further research from the library has shown that trains and all vehicles travelling with headlights on will improve visibility by up to 400 per cent. In some European countries it is mandatory to travel in daytime with lights on. I believe that with increased vegetation on the sides of rail and roadways and with trains travelling up to 160 kilometres an hour we need to ensure that the public are safe and that the visibility of vehicles is increased.

This city-centric Labor government seems reluctant to remove rail and roadside vegetation to increase public safety; with the colour of trains and cars blending into the country landscape, particularly on overcast and wet days, steps need to be taken to increase visibility. Therefore I am calling on the government to mandate that all trains and vehicles travel with their headlights on.

Anzac Day: Torquay

Mr CRUTCHFIELD (South Barwon) — Most members in this place would have attended an Anzac

Day ceremony last week. I attended my local Anzac Day ceremony at the dawn service at Point Danger, Torquay. A wonderful addition to the morning was the first official use of the $460 000 redevelopment at Point Danger, which includes walking paths, new seating, road and car park improvements, and — critical to Anzac Day — a wonderful new war memorial and the relocation of the old cairn to a more prominent position near the new memorial.

Congratulations to the Great Ocean Road coastal committee that contributed $340 000 and to the Torquay RSL which gave $27 000 to the new war memorial. Also, the Surf Coast Shire has successfully applied to the Bracks government small towns program for $195 000. It has been a great team effort, which was evident on the morning itself.

The service lived up to its reputation as the best outside Melbourne, with some 7000 people making the dawn trip to Point Danger. The team at the Torquay RSL, led by president Peter Thomas, ran a very slick and professional event. Local veteran Jim Ferguson led the march, Reverend Bernard Long from the Uniting Church did the service and Lieutenant Commander Graeme 'Bill' Davidson was guest speaker. The thought for the day was read by Sergeant Leigh Wright, and the soldiers ritual was read by John McCarthy. The younger generation's acknowledgment was read by Floyd Billows and Georgina Campbell of Bellbrae Primary School.

Finally, I say thank you to the sponsors of the day, Seahaze Development, Alcoa, Torqprint, Quiksilver, Torquay Lions, Fred Meeker and choir, the Torquay State Emergency Service, the Geelong West brass band, the Newtown pipe band, the Torquay Uniting Church, GOR Coast Committee, White Cross Healthcare, the Torquay Hotel, Access Scaffolding, Marshall Hire, the Surf Coast shire, the Torquay Fire Brigade, Torquay Red Cross and the Torquay police.

Mount Waverley Primary School: 100th anniversary

Ms MORAND (Mount Waverley) — Last week I had the pleasure of attending Mount Waverley Primary School to be part of this great local primary school's 100th anniversary. A weekend of celebration was organised by the school, culminating in a special assembly. The Mount Waverley Primary School site was originally used as market gardens and orchards. In 1904 local farmer John Peggie owned an orchard of 40 acres in Mount Waverley. He and other local farmers Albert and Charles Closter offered to donate 2 acres of land, and the government of the time agreed to build a school, which opened on 24 April 1906 with 70 pupils.

The grandson of John Peggie, Mr Ian Peggie, and descendants of Len and George Closter attended the ceremony last week. Ian Peggie's grandchildren, Emma and Thomas Cairnes, and George Closter's granddaughter, Courtney March, attend the Mount Waverley school today. This is an amazing continuity of a local family's involvement in this school.

Mount Waverley grew from a rural community to a booming suburb in the 1950s. By 1968 it had the largest primary school in Victoria, with a population of almost 1200 students. The school now has a population of just over 600 students and has a great reputation offering an education program with an emphasis on the social and emotional wellbeing of students. Over the past 100 years Mount Waverley primary not only has provided local children with an education but has been a focal point for the community. It is important to reflect on the thousands of students who must have attended this school over those 100 years. I congratulate the school council, the parents committee and the school staff who organised the celebration, with particular appreciation to the principal, Trevor Saunders.

Beekeeping industry: testing program

Mr PLOWMAN (Benambra) — The bee and honey industry in Victoria has been under the threat from a disease called American foulbrood. In Victoria all beekeepers are subject to a comprehensive testing program, under which every registered beekeeper is required to provide a sample of honey for testing. The disease is widespread and spreads slowly, as it is in the honey. If the disease is located, all the hives, the honey trays and the beekeeping equipment have to be destroyed.

In New South Wales there is a random testing program which is conducted in the packing sheds. As a result there are some beekeepers in New South Wales — a very small minority — who come into Victoria and put at risk our honey industry. I point out that almost all New South Wales beekeepers are responsible professionals. At a beekeeping conference recently in New South Wales it was announced that both New South Wales and South Australia are moving towards the introduction of a scheme which is similar to the Victorian program. In Victoria we have 28 000 hives at Robinvale for the pollination of the almond industry. This is a vital use of these bees. It must not be put under threat, and I ask the minister to review this industry.

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

Women: football teams

Mr MERLINO (Monbulk) — I recently attended Mater Christi College in Belgrave to talk to a group of students about government and the political process. As usual with Mater Christi students, I was impressed with their knowledge and interaction. When talking about local issues, the issue most strongly raised was the need for activities targeted at young women. They gave the example of skate parks being predominantly wanted and used by boys. A few of the students expressed a strong interest in playing football; however, there is no team in the hills.

The students set me thinking. My office contacted Nicole Graves, female football development manager at Football Victoria. Nicole was very keen to support any expansion of the sport and informed me of the youth girls competition established in 2004, with 122 girls competing. It has since grown by 127 per cent, with 278 players registered today. Overall football participation has expanded, with over 18 000 girls and women playing in organised community and school competitions around Victoria.

The Victorian Women's Football League is now a fully supported annual competition with eight teams. Nicole advised me that a number of teams are competing in the youth girls competition, including schools such as Mercy College in Coburg and Sacre Coeur in Glen Iris. Games are played at Casey Fields in Cranbourne; however, training can be done at a local school or footy club, ensuring that you can build an identity in a local area. Football Victoria offers a generous support package. For an all-inclusive annual fee of $1500 per team, players will receive jumpers, mouthguards, coaches, umpires, medical provisions and water bottles. I will be organising a meeting with Mater Christi shortly to further explore this exciting opportunity.

Federal government: interest rates

Dr HARKNESS (Frankston) — Yesterday's announcement of an interest rate rise is the latest federal setback for Frankston families, but the Howard government does not care. Interest rate rises, skyrocketing petrol prices and draconian industrial relations laws are a triple whammy which will hit families hard in outer suburbs such as Frankston. The interest rate rise is particularly galling.

The federal government fought the last election on this issue and has now broken its promise in the most callous and uncaring way. We remember the Liberal Party's television advertisements and its bunting around the polling booths saying it would protect people from interest rate rises. It said it would keep interest rates low, and it has broken that promise. The uncaring and out of touch Liberal Party waged a disgraceful scare campaign in Frankston, but now Frankston families are being punished.

Yesterday's rate rise was the second in 14 month, the sixth since 2002 and the 11th since the Howard government was first elected. Add to this the massive increase in petrol prices, which is making it very hard for Frankston people to get their kids to school and themselves to work. And when they do get to work they have no job security. The new draconian industrial relations laws will result in many families having to choose between less take-home pay and getting the sack. These laws are all about shifting profits away from workers to the fat cats. The tradition of a living wage and fair and reasonable conditions is something from which all Australians have benefited, but that tradition has now come to an end.

Australia has one of the highest interest rate regimes in the industrialised world. We are paying more for fuel than ever before, and working Frankston families are being treated with absolute contempt at work by an unscrupulous federal government and the top end of town. The federal government has a massive surplus of around $15 billion but you never hear a peep out of the federal member for Dunkley in support of working Frankston families.

Kurt Bruhn

Ms BEATTIE (Yuroke) — I rise to pay tribute to Kurt Bruhn who passed away suddenly on 22 April. As Hume's director of city sustainability Kurt was responsible for, among other things, fostering economic growth, assisting existing businesses to grow and develop, attracting new value-adding investments to the city, increasing employment opportunities and reducing unemployment through job growth. Kurt was an energetic leader driven by strong personal values. He wanted to make a real difference and had a passion for improving the City of Hume while addressing social disadvantage. His ability to stimulate investment and improve community prosperity and resilience was widely admired. He worked tirelessly to balance often competing demands to create positive solutions and achieve outcomes all round. Kurt consistently set and achieved high standards.

Kurt was loved and admired by his staff and by those of us who had the pleasure of working with him over a

number of years. He was also a dedicated husband and father, and I offer my sincere condolences to his wife, Paula, and his children, Sigrid and Konrad. Kurt Bruhn will be sadly missed. This is a great loss to the City of Hume, but his memory and legacy will live on for many years to come as those projects he pursued with a passion continue to be implemented and the benefits enjoyed by the community. Vale Kurt Bruhn.

Road safety: speed cameras

Ms DUNCAN (Macedon) — I also wish to pass on my condolences to Kurt Bruhn's family.

While I frequently disagree with the policies and values, as few as they are, of the Liberal opposition, in recent weeks I have been appalled by its policy on speed cameras. The Bracks government has been working very hard, as has the community, in trying to reduce our road toll. A number of strategies have been developed to achieve this end, including an education campaign that has focused on encouraging people to slow down on the road — Wipe Off 5 is the catchcry. Another strategy involves the use of speed cameras. This is also designed to slow drivers down. We can see the results of this campaign with the last three years having the lowest road tolls on record — more than 60 fewer deaths per year than in previous years. We have a legislated tolerance of 3 kilometres an hour in place. In addition, police have operational independence to use discretion in enforcing speed limits, and drivers are slowing down.

What has the opposition said it would do? It would introduce a 10 per cent tolerance. In other words, it would either compromise the independence of the police by instructing them to exercise a higher tolerance or it would have to legislate. Either way we would see speeds increase. Instead of Wipe Off 5, it would be tack on 10. Worse than that, the opposition seems to believe it is a driver's right to know where mobile speed cameras are. A recent letter to a newspaper summed it up when the author said to let them know where the ticket inspectors are so they know when they do not have to buy a ticket for a train trip. The Liberal policy says tell me how fast I can drive before I will be fined and tell me where I can drive fast with impunity. This is not a road safety policy, it is a disgrace.

Anzac Day: Yan Yean electorate

Ms GREEN (Yan Yean) — I was pleased to join record crowds at five Anzac Day ceremonies in my electorate over the past week. All four RSLs, Hurstbridge, Epping, Diamond Creek and Whittlesea, were overwhelmed by the support shown by locals. I want to congratulate all the committees who took such care in organising each ceremony to commemorate the fallen and keep the Anzac spirit alive, in particular presidents Noel Morse, Herb Mason, Des Vincent and Ned Panuzzo. I know that they were all impressed with the large numbers of families and children who were in attendance.

At Hurstbridge on Saturday I was privileged to present badges to scouts in attendance. Retired Lieutenant Colonel Bernie Pearson was an entertaining guest speaker at Epping RSL, and Ken Jeffery was awarded a well-earned life membership. Thanks to Epping RSL staff and members who served dawn service attendees a hearty breakfast yet again. Whittlesea's march was again led by retired Colonel Laurie Chambers. Air force cadets added colour to the march, and afternoon tea was brilliant as usual.

In my home town of Diamond Creek the community saw the improvements to the cenotaph and memorial, which has been officially dedicated to the Wadeson family, which has a long history in the town going back to the 1860s. I urge the Premier to support the club's application for a $2000 grant for further improvements to the cenotaph and memorial, and I want to thank the Diamond Creek RSL for again allowing me to speak at the local ceremony.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This is an historic day for Victoria. Today the government fulfils its commitment to provide better protection for human rights for all people in Victoria through the enactment of a charter of rights and responsibilities that will strengthen and support our democratic system. Whether you are a man or a woman, young or old, whether you live in Mildura, Moe, Melton or Mordialloc, whether you are living with a disability, whatever your income or your background or your religion — this bill is about those rights and values that belong to all of us by virtue of our shared humanity.

Australia has a proud record of respect and acknowledgment of human rights. In 1948 the United Nations adopted the Universal Declaration on Human Rights, and Australia played a significant role in developing several of its resulting treaties. In 1980

Australia ratified the International Covenant on Civil and Political Rights. Signed by a federal Labor government in 1972 and later ratified by a federal coalition government, the ICCPR represents a widely recognised and accepted standard of democratic civil and political rights and values which transcend political differences and have widespread acceptance in our community.

However, Australia is the last major common law-based country that does not have a comprehensive human rights instrument that ensures that fundamental human rights are observed and that the corresponding obligations and responsibilities are recognised. Many other common-law countries have recently enacted human rights charters, and it is to these countries which we have often looked for guidance in developing our laws.

This bill is based on human rights laws that now operate successfully in the Australian Capital Territory, the United Kingdom and New Zealand. Importantly, it is nothing like the United States Bill of Rights. This bill promotes a dialogue between the three arms of the government — the Parliament, the executive and the courts — while giving Parliament the final say. Unlike the United States, courts will not have the power to strike down legislation.

The bill represents the first legislated charter of human rights for an Australian state. It follows a comprehensive community consultation undertaken in 2005, during which around 2500 people and organisations took the time to provide views about whether human rights could be better protected in Victoria. That consultation revealed overwhelming community support for a change in Victorian law to better protect human rights. This support came from across the state, in city and rural areas, and across all sections of the community. After giving detailed consideration to the human rights consultation committee's report and the views of the Victorian community, the government has decided to introduce a bill based on the model recommended in the committee's report, but modified in light of responses to the report.

This bill further strengthens our democratic institutions and the protections that currently exist for those human rights that have a strong measure of acceptance in the community — civil and political rights. We must always remember that the principles and values which underlie our democratic and civic institutions are both precious and fragile.

The bill will benefit all Victorians by recording in one place the basic civil and political rights we all hold and expect government to observe. There are of course many laws operating at both the commonwealth and state level that protect human rights and set out the responsibilities of governments, organisations and citizens in the general community. However, as these rights are included in a variety of places they are often hard to find. In addition, there are gaps in the existing legal protection of human rights.

The bill will be a powerful tool in assessing whether human rights protection in Victoria reaches minimum standards. The bill will promote better government, by requiring government laws, policies and decisions to take into account civil and political rights. The charter will make sure that there is proper debate about whether proposed measures strike the right balance between the rights of Victorians and what limits can be justified in a free and democratic society.

The bill will also be a powerful symbolic and educative tool for future generations and new arrivals in Victoria. This will help us become a more tolerant society, one which respects diversity and the basic dignity of all.

Importantly, the charter recognises that with rights come responsibilities, and that everyone in the community has a responsibility to respect the human rights of others. The bill explicitly states that nothing in the charter gives a person, entity or public authority a right to limit or destroy the human rights of any person. In other words, nothing in the charter may be interpreted as giving any group or person any right to engage in any activity aimed at destroying any of the rights recognised by the charter or aimed at limiting them to a greater extent than is provided for in the charter. Human rights cannot be used as a pretext to violate the rights of others. For this reason, the bill provides that rights should not generally be seen as absolute but must be balanced against each other and against other competing public interests.

Some people would have preferred other human rights to be protected in the bill, including economic, social and cultural rights, and rights specific to particular groups in the community. Victoria's experience of a formal human rights instrument is only just beginning. It will be a matter for us as a community to determine, in light of Victoria's experience with this charter, whether further rights should be protected by the charter in the future. These are issues that can be looked at as part of the review of the charter in four years time. Furthermore, nothing in this bill abrogates or limits any human rights or freedoms, including economic, social and cultural rights, children's rights and women's

rights, which are protected in any other law, including international law.

I will now turn to the features of the bill. I would first like to focus on the rights which will be protected in the bill.

Part 2 — Human rights to be protected in the bill

The human rights which are protected by the bill are set out in part 2.

The bill focuses on civil and political rights. These are the rights which have a strong measure of acceptance in the community. As in other jurisdictions, the International Covenant on Civil and Political Rights has been the starting point for the rights set out in the bill, making it consistent with other human rights instruments in places such as the Australian Capital Territory and New Zealand. However, there are some ICCPR rights which have been modified by the bill to ensure consistency with existing Victorian laws. In some instances, a right or part of a right contained in the covenant has been omitted from the charter. Where there is a lack of consensus within Australia and internationally on what a right comprises, or where rights cover matters of commonwealth jurisdiction and are consequently inappropriate in state legislation, the rights have not been included in this bill.

Part 2 reflects that rights should not generally be seen as absolute but must be balanced against each other and against other competing public interests. Clause 7 is a general limitations clause that lists the factors that need to be taken into account in the balancing process. It will assist courts and government in deciding when a limitation arising under the law is reasonable and demonstrably justified in a free and democratic society. Where a right is so limited, then action taken in accordance with that limitation will not be prohibited under the charter, and is not incompatible with the right. It is intended that the law in this context includes limitations specified by the common law as well as by statutory provisions. This approach is adopted in many modern human rights instruments, such as those in the ACT, New Zealand, Canada, and South Africa. The general limitations clause embodies what is known as the 'proportionality test'. The weight to be attached to each of the factors listed in clause 7 will vary depending on the particular right and circumstances that are being considered.

Laws which are necessary in order to protect security, public order, public safety or public health which limit human rights are examples of laws which can be demonstrably justified in a free and democratic society. This bill provides a way of discussing how new powers can be balanced against existing rights. This bill will not stop the government from taking strong action to protect the community from terrorist threats or criminal activity.

Similarly, the reasonable limitations provision will apply in well recognised situations where full, free and informed consent to medical treatment might not be possible because of an emergency or because the person is incapable of giving consent. Recognising that some types of therapeutic research are integrated with medical treatment, recent amendments to the Guardianship and Administration Act provide procedures for the conduct of such research, including where consent is not able to be obtained. These are also expected to be within the ambit of the reasonable limitations provision.

Again, the reasonable limitations clause will apply in respect of the right to freedom of movement when there is a properly made order whereby a person is imprisoned or detained, and also where those with legal responsibilities for people who may present a risk to themselves or others, such as a guardian under the Guardianship and Administration Act, have a discretion to act to restrain their freedom of movement or decide where a person for whom they are responsible should live. Nor should the right to move freely within the state apply when someone is subject to a lawful order that restricts their movement, such as a family violence intervention order. It is also important to state that the right to freedom of movement is observed through government restraint and is not a positive right to services, such as public transport services, to facilitate people's movement.

There are some particular rights where it is necessary to detail some specific limitations. Such limitations are not exhaustive and do not exclude the application of the general limitations provision in clause 7. There are obviously many situations in which consideration of a human right may arise and it reflects common sense that the limits of the right should be determined by reference to the general limitations clause if there is no specific exception.

The charter builds upon the existing strengths of Victorian law, for example, the charter adopts Victoria's existing antidiscrimination legislation as the basis for the grounds of discrimination addressed in the charter.

The right to freedom of thought, conscience, religion and belief includes the freedom to choose a religion or belief, and the freedom to demonstrate the religion in

various ways, either individually or as part of a community and either in public or private.

The right to life is a key civil and political right and is protected by the bill. As the provision is not intended to affect abortion laws, a clause is included to put beyond doubt that nothing in the charter affects the law in relation to abortion or the related offence of child destruction. The government is mindful of the range of strong community views on this issue and has never intended the charter, which is aimed at enshrining the generally accepted core civil and political rights, to be used as a vehicle to attempt to change the law in relation to abortion.

The bill also provides for the widely accepted and recognised rights in the criminal justice system, such as the right to humane treatment when deprived of liberty, the right to a fair hearing, rights in criminal proceedings, rights of children in the criminal process, and the right not to be tried or punished more than once. In relation to rights in criminal proceedings, the bill provides that a person charged with a criminal offence has certain rights, without discrimination, including the right to choose a defence lawyer or to be defended through legal assistance provided by Victoria Legal Aid if eligible. It is intended that the bill reflect the limits on the right to representation at public expense under current Victorian law. The terminology used in the bill is consistent with that used in the Legal Aid Act 1978.

The bill establishes a right to privacy and reputation. A person must not be subject to interference with his or her privacy, family, home or correspondence that is either unlawful, or that is arbitrary (even if lawful). It is intended that the right to privacy be interpreted consistently within the context of Victoria's extensive information privacy and confidentiality or health records framework, which allows for disclosure of information in limited circumstances.

Consistent with the international covenant's protection of ethnic, linguistic or religious rights, the bill provides for the rights of all persons to enjoy their identity and culture, declare and practise their religion and maintain and use their language. Recognising the special importance of the Aboriginal people as descendants of Australia's first people, the bill provides for indigenous people to maintain their kinship ties, and to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources to which they have a connection under traditional laws and customs.

Part 3 — Application of human rights in Victoria

The processes for the parliamentary and court functions under the bill are set out in part 3.

Clause 28 of the bill gives effect to the government's preferred model for protecting human rights — namely, a parliamentary-based model, including a mechanism whereby legislation being introduced into Parliament is certified as compatible with the jurisdiction's human rights obligations. The tabling in Parliament of a statement as to the compatibility of a proposed bill with the charter is a key feature of successful human rights laws in the United Kingdom, New Zealand and the Australian Capital Territory.

The bill requires a member of Parliament introducing the bill to prepare a statement of compatibility for the bill. This statement must indicate whether in the member's opinion, the bill is consistent with the charter, and if so, how it is consistent, or, if the member considers that the bill is inconsistent with human rights, the nature and extent of the inconsistency. A failure to comply with the requirements for preparing and tabling a statement of compatibility does not affect the validity of any statutory provision.

Clause 30 of the bill provides a role for the Scrutiny of Acts and Regulations Committee to consider any bill introduced into Parliament and to report to the Parliament as to whether the bill is inconsistent with human rights. There is also a consequential amendment in the bill's schedule to recognise the committee's new role.

Consistent with preserving the sovereignty of Parliament, clause 31 of the bill provides that in exceptional circumstances Parliament can declare in an act that the act or a provision within the act will operate notwithstanding that it is incompatible with one or more of the human rights contained in the charter. 'Exceptional circumstances' may include threats to national security or a state of emergency which threatens the safety, security and welfare of people in Victoria. It is the intention of the government that this override power should only be used in such circumstances where it can be shown that the public interest will be best served by doing so. The member of Parliament who introduces a bill containing an override declaration must make a statement to Parliament explaining the exceptional circumstances that justify the inclusion of the override declaration.

The consequence of Parliament making such an express declaration would be that the charter would have no application to the act or provision for a period of five

years. This would mean that for five years after the provision comes into operation, the Supreme Court would not be able to make a declaration that it cannot interpret a statutory provision in a way that is consistent with a human right and that the courts would not be required to interpret the statutory provision in a way that is consistent with human rights. The override declaration does not remove the usual rules of statutory interpretation or the application of the common law. The bill also provides for Parliament to be able to re-enact the override declaration at any time where exceptional circumstances continue to exist.

Clause 32 of the bill recognises the traditional role for the courts in interpreting legislation passed by Parliament. While this bill will not allow courts to invalidate or strike down legislation, it does provide for courts to interpret statutory provisions in a way which is compatible with the human rights contained in the charter, so far as it is possible to do so consistently with their purpose and meaning. It allows for international law and international judgments to be considered in interpreting a statutory provision. This means that the judgments and determinations made in respect of the International Covenant on Civil and Political Rights will be relevant in interpreting a statutory provision. The bill states that statutory provisions are still valid even if they are inconsistent with a human right.

Clause 33 of the bill allows a court or tribunal to refer a question of law or statutory interpretation that relates to the application of the charter to the Supreme Court upon application by a party to the proceeding and if the court or tribunal considers that such a referral is appropriate. This recognises the need for a court with the authority of the Supreme Court to determine the significant issues that may arise under the charter.

Clause 34 of the bill provides for the Attorney-General to intervene in any proceeding before any court or tribunal involving the application of this charter. Clause 35 provides that a party to a proceeding must give notice to the Attorney-General and the Victorian Equal Opportunity and Human Rights Commission if an issue arises in a Supreme Court or County Court proceeding regarding the interpretation of a statutory provision in accordance with the charter or if a question is referred to the Supreme Court. This will ensure that the government and relevant statutory bodies are not caught unawares by possible developments in the interpretation of the charter and that the government has the opportunity to make representations on these important issues.

Where the Supreme Court is of the opinion that a statutory provision cannot be interpreted consistently with a human right, clause 36 provides that it may make a declaration that such statutory provision cannot be interpreted consistently with a human right. Such a declaration does not affect the validity of the statutory provision, nor does it create in any person any legal right or give rise to any civil cause of action. Its purpose is to allow the Parliament to reconsider the provision in light of the declaration of inconsistent interpretation. This will be achieved by requiring a notice of the declaration to be sent to the Attorney-General.

Pursuant to clause 37, the notice will be tabled in Parliament at the same time as the relevant minister's formal response to the notice. These provisions ensure that there is transparency and parliamentary accountability in the way the government responds to such findings by the court. This is consistent with the dialogue model of human rights that seeks to address human rights issues through a formal dialogue between the three branches of government while recognising the ultimate sovereignty of Parliament to make laws for the good government of the people of Victoria.

Clause 38 of the bill provides that it is unlawful for a public authority to act in a way that is incompatible with a human right protected by the bill or to fail to give proper consideration to a human right protected by the bill. This is a key provision of the charter. It seeks to ensure that human rights are observed in administrative practice and the development of policy within the public sector without the need for recourse to the courts. The experience in other jurisdictions that have used this model is that it is in the area of administrative compliance that the real success story of human rights lies. Many public sector bodies that already deal with difficult issues of balancing competing rights and obligations in carrying out their functions have welcomed the clarity and authority that a human rights bill provides in dealing with these issues. In conjunction with the general law, the charter provides a basic standard and a reference point for discussion and development of policy and practice in relation to these often sensitive and complex issues.

The definition of 'public authority' in clause 4 is an important provision that determines the limits of the duty in clause 38. The intention is that the obligation to act compatibly with human rights should apply broadly to government and to bodies exercising functions of a public nature. To promote consistency with existing statutory definitions, the bill makes reference to the definition of 'public official' contained in the Public Administration Act 2004. This definition includes within the scope of the charter public sector employees, certain judicial employees, certain parliamentary

officers, persons holding a statutory office or a prerogative office and directors of public entities.

Other core government bodies which will be bound by the charter include Victoria Police, local councils and entities created by statute that perform a public function (for example, the Office of the Ombudsman).

The charter does not apply to private businesses or entities or non-government organisations, except to the extent that they may be exercising functions of a public nature on behalf of the state or a public authority.

The obligation to comply with the charter extends beyond 'core' government to other entities when they are performing functions of a public nature on behalf of the state. This reflects the reality that modern governments utilise diverse organisational arrangements to manage and deliver their services.

The bill lists a number of factors that may be taken into account to determine if a function is of a public nature. These factors are intended to guide the courts and government on the scope of this concept but are by no means prescriptive. Similarly, the fact that one or more of the factors exists does not necessarily mean that the function is of a public nature. The tests for whether or not a body is exercising a public function need to be distinguished, however, from situations in which the private sector is merely being regulated by statute in the operation of a private business. In the latter case it is not intended that private businesses be covered by the charter merely as a consequence of being subject to regulation by a public authority.

Clause 4 of the bill also provides guidance on the meaning of 'on behalf of the state or a public authority' by clarifying that this phrase is not intended to be confined to situations of agency, in the strict legal sense. In relation to entities acting on behalf of the state, the degree of government regulation and control of the functions being performed will be one factor to consider. For example, non-government schools are independent of government and, although subject to regulation, are not controlled by government. As such, they are not acting on behalf of the state for the purposes of the charter and will not be covered by the charter.

Clause 46 of the bill sets out regulation-making powers to enable further certainty to be provided in relation to the application of the charter by prescribing entities to be public authorities or prescribing them not to be public authorities for the purposes of the charter, as provided for in the clause 4 definition of 'public authorities', including when exercising specific functions.

In the 18-month period leading up to full implementation of the charter, the government will continue to work with interested organisations and will use the regulation-making power if and where necessary to give certainty to organisations by ensuring they are appropriately prescribed as public authorities or that they are not prescribed public authorities for the purposes of the charter in relation to the exercise of certain functions.

Clause 39 of the bill also sets out who may seek a remedy for a breach of the obligation on public authorities to give proper consideration to a human right protected by the charter. It also provides for the circumstances in which a remedy may be sought. It is intended that there should be no new causes of action in respect of breaches of human rights and that damages should not be awarded for breaches of human rights. This reflects the government's intention that any available remedies should focus on practical outcomes rather than monetary compensation. Public authorities will still be bound by the charter, and existing causes of action that are available to address unlawful actions by public sector bodies are still available in respect of breaches of the charter in the same way that they are available for breaches of other laws.

Part 4 — The Victorian Equal Opportunity and Human Rights Commission

Part 4 of the bill confers various additional functions on the Equal Opportunity Commission Victoria, which is renamed as the Victorian Equal Opportunity and Human Rights Commission.

The bill recognises the need for an identifiable and independent monitor of the charter, as well as the importance of community education about human rights. Conferring these functions on the existing commission has the advantage of removing the need to establish a new statutory agency whilst building on existing expertise. Under clause 41, the commission will report each year on the operation of the charter. The annual report will examine the operation of the charter, including declarations made by the Supreme Court during the year and any override declarations made during the year.

The commission, when requested by a government department, may review a public authority to determine the consistency of programs and practices with human rights. These types of cooperative activities would

make a significant contribution to the development of a culture of human rights in Victoria.

The bill provides for the commission to undertake community education about the charter.

This bill does not allow individual complaints about human rights breaches to be made to the commission. Involving the commission in complaints handling would conflict with the primary responsibility of the courts and tribunals to interpret Victorian law. This bill seeks to achieve a rights respecting culture across government and the community. It is therefore appropriate that the energies of the commission be focused on achieving that cultural change across government and in the wider community.

Part 5 — General provisions

The bill provides for a review of the operation of the charter after four years, and again after eight years of operation. Human rights are not static, nor are the values and aspirations of the Victorian community. These reviews will help to preserve the flexibility of the charter, to assess whether it is working effectively and to ensure that it continues to reflect the values and aspirations of the Victorian community. The range of matters to be considered in the review include whether the charter should include additional human rights and whether the right to self-determination should be included. Some of these matters were supported during the community consultation and it is appropriate that they be considered further once the charter has been implemented and there has been an opportunity to consider its impact.

Conclusion

This is a significant day in the history of the Victorian Parliament and, in fact, in the history of Victoria itself. We have a proud heritage of reform that puts the fair go front and centre and, in this tradition, this bill is the first human rights legislation enacted in any state in Australia. Having drawn on the experience of comparable jurisdictions such as New Zealand, the UK and the Australian Capital Territory, the government has developed a carefully tailored model that reflects the aspirations, values and circumstances of the Victorian community.

It is a model which encourages and promotes dialogue about human rights between all the institutions of government — the Parliament, the courts and the executive. It ensures that human rights are taken into account when developing new laws and policies. It ensures that the courts consider human rights when interpreting laws. And above all else, it promotes the need to respect and promote human rights across government and in the community.

As with all human rights charters, the bill owes much to the vision enshrined in the Universal Declaration of Human Rights that arose in response to the horrors of the Second World War. Emerging from the shadow of so many atrocities and acts of inhumanity, the global community recognised that civilised societies needed a lasting statement of the fundamental values shared by everyone. Because they are so fundamental for the freedom and good government of our communities, those human rights are still relevant today. It is with this background and legacy that this bill brings human rights to the Victorian community in a relevant and practical way. It enshrines values of decency, respect and human dignity in our law, and lays the foundation for protecting human rights in the daily lives of all Victorians.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 18 May.

INFRINGEMENTS (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The bill is cognate with the Infringements Act 2006, which received royal assent on 11 April 2006. As members will be aware, that act provides for a new infringements system. It has two principal purposes:

first, to improve the community's rights and options in the process and to better protect the vulnerable who are inappropriately caught up in the system; and

second, to provide additional enforcement sanctions to motivate people to pay their fines in order to maintain the integrity of the system.

Broadly, the new elements of the system are:

overarching legislation to cover infringements law and process;

a fairer infringements process based on early intervention and improved information to the public;

process improvements which include a right of internal review by the issuing agency;

measures at various stages, including internal review stage, to filter people out of the system who cannot understand or control their offending behaviour (e.g. people with mental or intellectual disabilities, the homeless, people with serious addictions);

improved administration by issuing agencies of the infringements environments they manage;

firmer enforcement measures to improve deterrence in the system, reducing 'civil disobedience' and the undermining of the rule of law;

arrangements to establish a gatekeeper role for the infringements system who will take a system-wide view and be responsible for managing ongoing improvements to the system; and

changing the name of the current PERIN court to Infringements court.

The introduction of a new overarching infringements system requires numerous consequential amendments to around 60 other pieces of existing legislation to refer to the new Infringements Act and to repeal or amend provisions which would otherwise have been redundant or inconsistent under the new system. Acts which are more extensively amended include the Road Safety Act 1986, the Marine Act 1988 and the Transport Act 1983. Remaining consequential amendments are included in a schedule to the bill. The bill also includes a schedule of transitional and savings provisions which will allow for the orderly transition from the existing system to the new system on 1 July 2006 when the Infringements Act commences operation.

In addition, the bill amends the Infringements Act to incorporate minor technical amendments to correct typographical, cross-referencing and consistency errors.

Amendments to the Liquor Control Reform Act 1998 have been included in the bill which allow for two existing offences to be enforceable by infringement notice. The first offence relates to failure to notify the Director of Liquor Licensing within 14 days that a person has ceased to be, or has become, an associate (section 103A(2)). The second offence is permitting any other person to carry on the business of supplying liquor on licensed premises without the consent of the director (section 106(1)). As the infringement penalty for section 103A(2) is proposed to be 1 penalty unit, an amendment to section 144 of the act is included to make specific provision that the penalty departs from the standard 10 per cent of the maximum penalty set under that section.

Finally, the bill encompasses a number of amendments to the Infringements Act, which involve minor changes of policy. In summary, these amendments provide for:

the extension of the front end protections contained in parts 1, 2 and 3 of the Infringements Act as well as the majority of the provisions of part 13 of the act regarding service to local laws and children and young persons;

clarification of the extent to which the Magistrates Court needs to consider the definition of special circumstances contained in the act by expressly providing that the infringements registrars and the court are not bound by the act's definition of special circumstances in hearings for revocation of enforcements orders or in considering the substantive infringement offence upon a referral of it to the court following a failed internal agency review or revocation hearing;

improved provisions to allow for prosecution of breaches of community work permits issued under the act;

amendments to the provisions relating to the Sheriff's powers to direct VicRoads not to renew motor vehicle registration and not to transfer registration to close potential loopholes which would undermine the intended effectiveness of the provisions;

*a new provision to allow for the service of interstate warrants under the commonwealth's Service and Execution of Process Act;

[**See **Personal explanation**, 30 May 2006, pages 1373–74*]

inclusion of 'return to sender' provisions deeming infringement notices posted to the address given by the offender to VicRoads or to a public transport enforcement officer to be validly served even if returned to the issuing agency and marked 'return to sender'. The effect of the amendment will be that the enforcement of an infringement notice will be able to continue in the event that a person opportunistically returns an infringement notice in the hope of avoiding paying his or her fine. The Infringements Act already contains a safety net, so that persons who are genuinely unaware that an infringement notice has been issued against them can apply to the Magistrates Court to have the infringement withdrawn; and

inclusion of a deemed service provision in response to concerns that there is a lack of clarity as the actual

date when service by post is effected. The amendment will provide that, subject to evidence to the contrary, where a document is served by post it is deemed to be served 14 days after the date of issue of the notice.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 18 May.

JUSTICE LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Background

This bill gives effect to the government's decision to make a series of technical amendments to legislation related to the Justice portfolio. The amendments are primarily of a mechanical nature.

While none of the amendments alone mark a significant policy initiative, together they reflect the government's commitment to ensuring that the justice system continues to work efficiently and fairly.

Crimes Act 1958 — forensic procedures

The Victorian DNA sampling laws, set out in the Crimes Act 1958, define the circumstances in which a forensic (DNA) procedure can be conducted and what use can be made of the person's DNA profile on the DNA database.

Different rules apply, depending on whether or not a person has been found guilty of a relevant offence. A finding of guilt means that the person comes under the rules applying to offenders. Offenders' profiles can be retained indefinitely, whereas the profiles of suspects or volunteers must be destroyed at the conclusion of the proceedings in which that DNA evidence is relevant, if the person is not found guilty.

Under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, people who are assessed as being mentally (intellectually or psychiatrically) impaired may be charged and tried. However, they cannot be criminally liable for the commission of the offence because of their limited capacity to understand the implications of their actions and/or the trial process. At the end of the proceedings, a finding of 'not guilty by reason of mental impairment' is entered.

This bill addresses the particular position of defendants found not guilty by reason of mental impairment with regard to the DNA sampling laws.

As far as DNA sampling is concerned, such defendants fall within the ambit of the provisions relating to suspects, not offenders:

> A person found not guilty by reason of mental impairment may have been sampled as a suspect during the investigation of the crime. If so, his/her DNA profile would have been entered on the DNA database and searched against all unsolved crime scenes for the duration of the investigation and ensuing proceedings.
>
> A finding of guilt for a relevant offence permits police to apply for an order either to retain the offender's DNA (if previously obtained), or to require the offender to undergo a forensic procedure so that his/her DNA profile can be entered on the offenders' DNA database.
>
> A 'not guilty' finding precludes either of these options. It requires any DNA sample and related information (including the DNA profile) that has previously been obtained to be destroyed. There is no basis under the current Crimes Act 1958 provisions to require a defendant who has been found 'not guilty' to undergo a forensic procedure.

Since November 1997, when the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 commenced, approximately 125 people have been tried under this act. The act permits a range of custodial and non-custodial orders to be made for the care and treatment of defendants found not guilty by reason of their mental impairment.

The implications for crime detection need to be considered. There is a risk that a person who has been found not guilty of conduct which, but for his/her mental impairment, would have constituted a criminal offence, may at some stage have engaged in conduct which resulted in harm to others. Alternatively, they may in the future engage in such conduct.

The forensic benefit to be gained from broadening the scope for DNA sampling to this cohort is:

the detection of any future criminal acts that these defendants may commit; and

the matching of crime scene samples that are entered on the database after proceedings involving such a defendant have concluded.

While the detection of such conduct may not lead to criminal sanctions against the defendant, it will nevertheless assist in resolving the impact of the conduct on victims and their families.

In the *Forensic Sampling and DNA Databases in Criminal Investigations* report, the Victorian Parliamentary Law Reform Committee supported a proposal for an amendment to enable a person's forensic material to be retained or obtained and held indefinitely if he/she has been found not guilty by reason of mental impairment.

The government response to the report subsequently gave in-principle support for relevant amendments to be made to the Crimes Act 1958. This bill makes those amendments and strikes an appropriate balance between the individual rights of mentally impaired defendants and the interests of the broader community.

Crimes Act 1958 — digital technology

The bill makes amendments to subdivision 30A of division 1, part III of the Crimes Act 1958 to provide for the use of digital technology in the recording of specified information.

Currently, the only medium upon which recordings may be made is the surface of a magnetic tape, a medium that is rapidly becoming outmoded and is beginning to create problems for Victoria Police.

The shift to the new form of technology brings with it concerns relating to the risks of tampering or manipulation. Accordingly, the bill provides for the prescription of a safeguard that will ensure that any risks of tampering or manipulation are minimised.

Crimes (Sexual Offences) Act 2006

The bill amends the Crimes (Sexual Offences) Act 2006 to remove an incorrect reference to the relevant offence being committed against a child. The relevant part of the act, which in turn amends the Sex Offenders Registration Act 2004, only relates to sexual offences committed against adults.

Surveillance Devices (Amendment) Act 2004

The bill amends the Surveillance Devices (Amendment) Act 2004 to reflect legislative action at the commonwealth level regarding the reporting regime that applies to the commonwealth ombudsman in relation to the Australian Crime Commission's use of surveillance devices under Victorian law.

Major Crime Legislation (Office of Police Integrity) Act 2004

As a consequence of those amendments to the Surveillance Devices (Amendment) Act 2004, the bill repeals two provisions of the Major Crime Legislation (Office of Police Integrity) Act 2004, which are now redundant.

Working with Children Act 2005

A minor amendment will be made to the Working with Children Act 2005 so that the application form for a working-with-children check will contain the particulars set out in the legislation.

The government is committed to ensuring that Victoria's laws remain responsive and effective.

I commend this bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 18 May.

TRANSFER OF LAND (ALPINE RESORTS) BILL

Second reading

Mr THWAITES (Minister for Environment) — I move:

That this bill be now read a second time.

The amendments to the Transfer of Land Act 1958 and the Alpine Resorts (Management) Act 1997 in this bill are agreed actions in the Alpine Resorts 2020 strategy.

This bill makes amendments to facilitate the registration of leases by allowing for variations to any registered lease or sublease to be recorded in the Land Registry. This provision will give more flexibility for all registered leases, whatever their nature, including Crown leases. The bill also facilitates lease registration by clarifying which of the leasing provisions in the Transfer of Land Act 1958 applies to Crown leases.

Further, the bill requires only the original lease to be lodged for registration and allows for the immediate conversion of original Crown grants to electronic form.

This bill also makes an amendment to the Alpine Resorts (Management) Act 1997 to give the alpine resorts management boards the power to grant leases or licences for a stratum of land. This is required to provide for leases or licences over a dimensioned area below, on or above the surface of the land for purposes such as overhanging balconies and pedestrian overpasses and also above and below roads in the resorts.

I turn now to the particulars of the bill.

Clauses 3 and 4 of the bill deal with the present provisions in the Transfer of Land Act 1958 that require that when a Crown lease is created, both the original and duplicate lease must be lodged at the Land Registry. The original is registered and a duplicate is returned to the lessee or other appropriate person. The purpose of the amendment is to do away with the duplicate Crown lease documents and provide that the registrar of titles immediately convert the Crown lease to electronic form, in accordance with the manner in which the bulk of land titles and related information are now held.

Clause 5 allows for the variation of a registered lease to be recorded. The type of variation that will be permitted to be recorded will not include parties to a lease, the land that is leased or the term of the lease.

Clauses 6, 7 and 8 of the bill deal with the current requirements in sections 68, 69 and 70 of the Transfer of Land Act 1958. These provisions clearly apply to leases under the Transfer of Land Act 1958 but it is not clear whether they also apply to Crown leases. The amendments make it clear that the provisions apply to Crown leases as well as leases of freehold. The provisions are machinery provisions and I explain this in more detail.

Specifically, clause 6 of the bill extends the provisions of section 68 to Crown leases. Section 68 provides that if the lessee becomes bankrupt, and if the trustee in bankruptcy disclaims interest in the lease, in certain circumstances the mortgagee may become registered as to the lessee's interest, or the landlord may apply for a surrender of the lease. The new provision makes it clear that section 68 will apply to the situation where the lessee of a Crown lease becomes bankrupt.

Clause 7 provides for a substitution of section 69 to extend the provision of the clause to Crown leases. There is a machinery provision that requires the surrender by an appropriate form. This is an alternative method of surrender to the more usual method of transfer to the landlord and will make it possible for this procedure to be followed for a Crown lease and for the procedure to match the general process for other applications in the Land Registry.

Clause 8 extends the provision of section 70 to Crown leases. Section 70 allows for ending the lease in the circumstances where a landlord has re-entered the leased property under a court order, because of the provisions in the lease or because the lessee has abandoned the property. This clause allows for the Crown, as landlord, to take advantage of this provision on the same conditions that apply to any other landlord.

Clause 9 is a transition provision that allows the Transfer of Land Act provisions concerning duplicate leases in section 8(2) or section 28 to apply, as if they had not been amended by this bill, to leases issued before the bill commences.

Clause 11 amends the Alpine Resorts (Management) Act 1997 to give the alpine resorts management boards the power to grant leases in stratum. This provides for leases over a dimensioned area below, on or above the surface of the land and will allow the boards to lease, for example a building where the upper levels overhang the footprint of the building.

The boards currently have general leasing powers in the Alpine Resorts (Management) Act 1997 that allow them to grant leases either under the Alpine Resorts (Management) Act 1997 with ministers consent or under the Crown Land (Reserves) Act 1978. In addition, power currently exists to allow the minister to grant a lease of land in the Falls Creek Alpine Resort for a stratum of land, although only for limited generation of electricity purposes.

This clause will give boards greater flexibility in the shape of the land and airspace they lease, subject to the same controls that apply to exercising any of their leasing powers. There are additional controls in the clause that mean that before a lease for a stratum of land can be granted, proper consideration must be given to easements and services, and access by a lessee or licensee of other land. The clause also provides for the consent of VicRoads where the stratum is over or under land that is a freeway or an arterial road within the meaning of the Road Management Act 2004.

Clause 12 inserts a new section in the Alpine Resorts (Management) Act 1997 which provides similar powers to clause 11 but relating to licences rather than leases. In particular, the clause gives examples of a licence for

a stratum where the applicant owns or occupies two pieces of land and wants to pass between the two, or where the stratum is to be used as a crossing over or tunnel under the surface of land. Where a freeway or arterial road is involved, the consent of VicRoads must first be obtained.

Clause 13 amends the Alpine Resorts (Management) Act 1997 to refer to communications systems rather than telephone to account for modern practices.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 18 May.

PLANNING AND ENVIRONMENT (GROWTH AREAS AUTHORITY) BILL

Second reading

Mr HULLS (Minister for Planning) — I move:

That this bill be now read a second time.

In October 2002 this government released Melbourne 2030 — the policy framework to guide Melbourne's development over the first third of this century. It is an ambitious, forward-looking plan which takes a longer term view — a core stewardship role for government.

With Melbourne 2030 the government has articulated its vision for our city. Melbourne 2030 provides the policy basis for better managing urban growth. It outlines nine strategic directions for Melbourne, including ensuring a more compact city, better management of urban growth, achieving a more prosperous city, and a fairer city, amongst others.

It laid the ground work for the transit cities program, and for the protection of green wedges. It provides a basis for better linking Melbourne with regional cities and for better transport links providing genuine options for travellers.

It also established Melbourne's urban growth boundary; the UGB was largely based on the land zonings that were current at the time of the announcement of Melbourne 2030. Five growth areas were identified in Melbourne 2030. A commitment was made to review the development plans for each corridor, and to finalise the UGB once this work was completed.

The growth areas identified in Melbourne 2030 are Casey-Cardinia, Hume, Melton-Caroline Springs, Whittlesea and Wyndham. The Bracks government established smart growth committees to undertake this review of development plans. Each of those committees' reports was assessed, and in November 2005 the government launched *A Plan for Melbourne's Growth Areas*.

That plan included a series of modifications to the urban growth boundary in each growth area to ensure sufficient land for development; land for communities to grow and for housing to remain affordable; land that will be served by appropriate levels of infrastructure; land for employment and industrial purposes; and land to provide opportunities for the development industry. *A Plan for Melbourne's Growth Areas* provided a framework for the development of each of the growth areas over the next 25 years. And the government outlined two further actions to implement its plans for Melbourne.

Along with sufficient land and a framework for development in each area, *A Plan for Melbourne's Growth Areas* announced the introduction of a development contributions regime to support the more timely provision of infrastructure necessary for our new communities.

And the government announced it would establish a Growth Areas Authority to bring together all involved in the development of Melbourne's growth areas.

The Bracks government announced that the new authority will work with stakeholders to ensure a strategic release of land and to secure a more timely delivery of infrastructure and services to new communities. We said that it will also play a role in coordinating other government agencies and streamlining how new developments are planned, approved and delivered in growth areas.

This legislation establishes the Growth Areas Authority.

And now I will turn to the bill.

The Growth Areas Authority is established under new part 3AAB of the Planning and Environment Act 1987.

Division 1 of new part 3AAB provides that the authority will operate in areas of land declared in the *Government Gazette* by the Minister for Planning to be growth areas for the purposes of the legislation. A declared growth area may cover the whole or a part of a municipal district and may comprise land in the municipal district of one of more growth area councils. The growth area councils are as previously stated:

Casey, Cardinia, Hume, Melton, Whittlesea and Wyndham.

The authority will comprise between five and seven members. It will be skills based, with members having skills experience or knowledge in the areas of planning, development, economics, financial management, local government and housing.

The authority will be a body corporate and have all the usual powers of such a body.

The Planning and Environment Act 1987 provides for the planning, use, development and protection of land. The authority has been established to further this objective in growth areas.

The authority's own objectives are provided in new section 46AR, and they relate both to the coordination of development with the timely provision of infrastructure, services and facilities in growth areas and to the nature of that development.

As outlined in *A Plan for Melbourne's Growth Areas* the government is committed to well-planned communities with services that are needed, affordable housing and housing choice, more timely provision of infrastructure and protecting the natural environment. A Fairer Victoria committed the government to finding better ways of working together at a local and regional level. The Growth Areas Authority is an implementation tool for these policy commitments.

The functions of the authority are broad and facilitative. The preferred model for its operations is a partnership model. A close working relationship with growth area councils and developers in those areas will be crucial to its effective operations.

The government has not removed planning or responsible authority powers from growth area councils. Neither has it plans to do so. However, there may be occasions where either the Minister for Planning or councils request the authority to undertake a complex planning task. In some situations it will be efficient for the authority to lead on implementing a particular outcome, for example, where a proposal involves developing provisions intended to be applied consistently across all, or a number of, growth areas.

The authority will work with the Department of Sustainability and Environment's urban development program and regularly advise on land supply issues. Into the future the authority will be tasked with undertaking the studies and analysis necessary to support future consideration of this issue. At that time the minister could authorise the authority to act as the planning authority and prepare the necessary planning scheme amendment(s).

However, priority work for the first period of operations will be to work with councils on an assessment of structure plans in growth areas, ensuring both that these plans are put in place where they do not exist and that they deal with community size — ensuring that communities are planned to develop to a size that supports the provision of public transport and other services — and other matters such as housing diversity, appropriate locations for community facilities and open space.

A Plan for Melbourne's Growth Areas announced the introduction of a development contribution levy to support the provision of state infrastructure in growth areas including roads and public transport, regional open space, trails, creek protection, libraries, neighbourhood houses and major recreation facilities. The other initial priority of the authority will be to administer the development contribution plans being developed by government to introduce this scheme.

As part of this responsibility the authority will operate as the collecting agency for the levies. In line with the legislation the authority will also be able to accept land, works, services or facilities in full or part satisfaction of the levy. One of the authority's functions under new section 46AS is to report on the use and expenditure of levies collected under development contribution plans. This amendment is designed to strengthen accountability for the use of funds paid to development agencies.

In other fora I have advised that the state will introduce the initial development contribution plans for growth areas in July. However, the initial development contribution plan is just that — the first one for each area. The authority will be asked to progressively develop more mature contribution plans. The authority's experience with the initial development contribution plans will inform the manner in which the more mature plans are developed.

In carrying out all of these functions the authority will answer to the Minister for Planning.

I commend this bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Thursday, 18 May.

VICTORIAN URBAN DEVELOPMENT AUTHORITY (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

The objective of this bill is to provide additional and more appropriate, flexible and equitable options to recoup government investment in major urban development projects than currently provided under the Victorian Urban Development Authority Act 2003.

VicUrban, the Victorian government's sustainable urban development agency, was established by the Victorian Urban Development Authority Act 2003 to undertake strategic urban renewal projects across Victoria. It has an explicit focus on the delivery of the government's key urban and regional renewal projects, particularly in areas where there has been market failure or there are other impediments to overcome.

The Victorian government is committed to delivering high-quality infrastructure to enhance the social, economic and environmental outcomes across the state. Sustainable development and urban renewal projects are critical to the future of Victoria and the way we live. In order to continue to fund these VicUrban declared-area projects, it is necessary for the government to have a range of options available to fairly recoup a portion of its investment specifically, and only in VicUrban declared-project areas where levels of investment are expected to be substantial.

This bill will enable this by allowing VicUrban to levy an infrastructure recovery charge based on development value. The trigger for the charge will be development. The bill defines development as being the subdivision of land into more than two lots, development of more than two dwellings on a lot and works to a value of more than $250 000 for development of any other kind. This figure will be indexed to ensure that, over time, small-scale developments continue to be unaffected. The charge will therefore apply to people undertaking works on a commercial scale or for a commercial purpose only. It is important to note that because charges of this type will always be associated with significant additional government investment in a declared area, the value of development opportunity and land value increases are expected to significantly exceed the quantum of the proposed charge, so as to deliver a net economic benefit to landowners within a declared area.

Major urban development projects, including the high levels of government investment dedicated to them, would not be possible without the opportunity for government to recoup a portion of its investment. Where government leads, private investment follows.

In September last year the government announced a $92.8 million infrastructure funding package to initiate the revitalisation of central Dandenong. The central Dandenong area was then declared under the VicUrban act. In April this year, the government announced a further $197 million, bringing the total investment to around $290 million. The area's revamp will be one of the largest urban renewal projects undertaken in Australia. This 15 to 20-year project is expected to generate more than $1 billion of investment from the private sector and create around 5000 jobs. This will leverage great private sector growth, and in addition to the partnership between the state, VicUrban and the City of Greater Dandenong will make Dandenong a better place to live and raise a family.

The revitalising central Dandenong project is the first of its kind in transit cities and is crucial to the prosperity of Victoria, this key Victorian city and its local community. This bill enables fairer options for government to recoup some of its investment, a necessary measure to enable a regeneration project of this scale and future VicUrban projects to occur.

As I have informed the house, the bill defines 'development' as being the subdivision of land into more than two lots, development of more than two dwellings on a lot and works worth more than $250 000 for developments of any other kind. The charge will not apply to ordinary home owners or small-scale non-commercial development.

The charge will be calculated on a percentage of development value. Development value is the cost of the building works plus the site value of the land at the time of development, or in the case of subdivisions, the estimated site value of the land after subdivision, and the actual or estimated cost of building works. Estimates will be determined by the Valuer-General and will be subject to an appeal process provided for as part of the amendments. An upper limit for the percentage of the development value will be set at 10 per cent. It is likely that, in many cases, a lower percentage would be charged. In the Dandenong case, based on extensive modelling, it is expected that 5 per cent of the development value will be charged.

The current provision for VicUrban regarding what is called a 'general charge' in a declared area will remain under its existing powers. Some minor changes will be

made to the framework for these existing charges under the bill, these being:

allowing the charge to vary depending on the relative distance of the land from a service or facility; and

allowing the general charges to be levied on development only. This is called a 'general development charge'.

These comparatively minor amendments are designed to enable fairer application of the general charge. These options remain available to VicUrban so as to retain flexibility in options to levy a charge in future instances as appropriate. It is the government's preference that a charge be levied at the time of development, that is, using the general development charge or infrastructure recovery charge. These options, provided for in the amending bill, are fair and will only affect those undertaking works on a commercial scale.

The money collected from the charges must be paid into the VicUrban declared project fund. To ensure proportionality between the level of government investment and the amount recovered through the charge, the Minister for Major Projects must be satisfied that the forecast revenue will not exceed the estimated level of government investment in the project before recommending that the Governor in Council approve the charge. The bill also states that the resolution levying an infrastructure recovery charge may be revoked if the Minister for Major Projects is satisfied that the estimated amount of public investment is recovered. This ensures that the charge is not an open-ended revenue-raising mechanism.

The bill includes objection and appeal rights against the initial charge levied by VicUrban and for an appeal to the Victorian Civil and Administrative Tribunal (VCAT) where the objector is still dissatisfied. The grounds of objection that can be made differ depending on the type of charge levied. The grounds are set out in the bill. The existing grounds of appeal referred to under the VicUrban Act were extracted from the Water Act 1989 and had limited application. This bill expands and clarifies the existing rights of objection and appeal and are specifically tailored to charges under the VicUrban Act.

Further, the bill gives the president of the VCAT power to transfer appeals against the new infrastructure recovery charge to the Supreme Court where the president is satisfied that the appeal raises questions of unusual difficulty or of general importance.

The bill also makes amendments to the Subdivision Act 1988 and the Building Act 1993. The amendments require notification by councils and building surveyors to ensure VicUrban is aware of development applications in declared areas.

This bill will enhance VicUrban's ability to find the best fit between a charge and the government's objectives. The decision surrounding the introduction of a charge in any declared area, including the Dandenong transit city project, must take into account social equity, efficiency, simplicity and certainty, as well as the development objectives for the specific declared area and broader government policy.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 18 May.

ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

This is an omnibus bill to amend the Electricity Industry Act 2000, the Gas Industry Act 2001, the Local Government Act 1989 and the Gas Safety Act 1997.

Clause 3 of the bill amends the Electricity Industry Act to repeal redundant provisions which confer power on the Australian Competition and Consumer Commission (ACCC) in respect of regulation of charges for connection to, and use of, the electricity transmission system. As part of the national energy market reform program, these functions are no longer provided by the ACCC and have been transferred to the newly formed Australian Energy Regulator, which assumed these functions on 1 July 2005.

Clauses 4 and 5 of the bill amend section 27 of the Electricity Industry Act and section 34 of the Gas Industry Act respectively. Sections 27 and 34 require energy retailers, in certain circumstances, to act as a supplier of last resort in order to prevent situations where a customer is left without a retailer, where a customer's normal retailer ceases to be licensed or otherwise ceases trading activities.

Sections 27 and 34 require that the tariffs, terms and conditions of a contract between a supplier of last resort and a customer must be approved by the Essential

Services Commission. The bill streamlines the Essential Services Commission's approval processes in relation to the submission of tariffs, terms and conditions by energy retailers under these provisions. In particular, the bill will allow the Essential Services Commission discretion to approve classes of contracts, where contracts are homogenous or substantially similar in terms.

The amendment also gives the Essential Services Commission discretion as to whether a retailer is required to submit a particular class of contract for its approval. This will allow the Essential Services Commission discretion to not require submission of contracts between retailers and large users, as the Essential Services Commission, under normal circumstances, has no role in relation to the negotiation of these arrangements.

Clauses 6 to 9 strengthen monitoring and enforcement provisions in the Gas Safety Act and will assist Energy Safe Victoria in enforcing existing safety standards.

Clause 6 of the bill amends section 71B of the Gas Safety Act, which currently provides that a person must not affix a label on a type A appliance, which falsely represents that the appliance has been approved or authorised by Energy Safe Victoria. The bill inserts a prohibition on persons who also 'cause' a false label to be affixed, which represents that an appliance has been approved or authorised by Energy Safe Victoria.

In effect, the amendment will enable Energy Safe Victoria to prosecute persons who act either as principal or agent in the false labelling of appliances.

This amendment was sought as Energy Safe Victoria was unable to take action against an Australian agent who imported appliances from Italy, where misleading labels were affixed to the appliances in Italy.

Clause 7 of the bill amends section 99 of the Gas Safety Act, and will enable an inspector, after obtaining the written consent of Energy Safe Victoria, to require a person to give information to and assist the inspector to the extent necessary for the purpose of determining compliance with the act or the regulations. This amendment will provide consistency with the powers of inspectors under the Electricity Safety Act, and will assist Energy Safe Victoria in monitoring compliance with the Gas Safety Act.

Clause 8 of the bill amends section 117AB of the Gas Safety Act by inserting a definition of 'inspector' into the act, to enable the plumbing industry commissioner or a plumbing inspector to issue infringement notices under section 72 of the act, in respect to gasfitting work on standard gas installations undertaken by plumbers. This is an operational amendment which will assist enforcement of safety standards under the act and also assist in improving the safety performance of installation work being carried out by plumbers.

Clause 9 of the bill makes a minor amendment to the regulation-making powers under section 118 of the Gas Safety Act.

Currently, the act provides that regulations may be made to exempt persons from any of the provisions of the regulations. More specifically, the Gas Safety Act provides that Energy Safe Victoria may exempt a gas company from complying with prescribed standards relating to quality of gas. For the purposes of administrative efficiency, and consistency with the exemption-making power in relation to gas quality, the amendment will expressly provide that Energy Safe Victoria may exempt persons in relation to complying with prescribed standards with respect to testing of gas.

Finally, clause 10 of the bill amends the Local Government Act. The Local Government Act currently preserves any right, power or interest held by a 'public authority' in relation to infrastructure in or near a road, where a local council deviates or discontinues a road, or part of a road. 'Public authority' is defined in the act. However, this definition does not include energy companies and therefore does not reflect the privatisation of Victoria's energy sector. The bill will ensure that, on a road closure, existing rights in land will be preserved for licensed entities under the Electricity Industry Act, Gas Industry Act and Pipelines Act 2005, in order to cover those utilities responsible for the provision and operation of gas and electricity infrastructure in or near a road.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 18 May.

PRIMARY INDUSTRIES ACTS (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr CAMERON (Minister for Agriculture) — I move:

That this bill be now read a second time.

The Primary Industries Acts (Miscellaneous Amendments) Bill 2006 makes amendments to two acts within the agriculture portfolio: the Fisheries Act 1995, and the Meat Industry Act 1993.

Amendments to the Fisheries Act 1995

The bill introduces amendments to the Fisheries Act 1995 (the Victorian act) to facilitate improvements to fisheries arrangements under the Offshore Constitutional Settlement (OCS). The OCS is the jurisdictional arrangement between the commonwealth, the states and the Northern Territory (NT) which sets out responsibilities for offshore fisheries, mining, shipping and navigation and crimes at sea.

The Fisheries Management Act 1991 of the commonwealth (the commonwealth act) and reciprocal state and NT legislation provide the legal and administrative basis for the Commonwealth, the states and the NT to make an OCS arrangement, which in turn provides for the holistic management of fisheries. At present, there are some 50 arrangements in place between the commonwealth, the states and NT jurisdictions.

The 2003 commonwealth fisheries policy review identified inadequacies with the current OCS fisheries arrangements, highlighting the lack of consistency and effective cooperation on the management of some fish stocks straddling commonwealth, state and the NT jurisdictions. The commonwealth therefore introduced the Fisheries Legislation Amendment (Cooperative Fisheries Arrangements and Other Matters) Act 2005 (the amendment act) to address these concerns. The amendment act provides for three main changes to the commonwealth act:

1. The amendment act provides a broad, express power for the government to vary existing and future OCS fisheries arrangements. This will ensure that OCS arrangements are current, accurate and accord with developments in fisheries management.

2. The amendment act also provides a broad, express power to commonwealth, state and NT ministers to create and terminate OCS fisheries arrangements, which currently rests with the Governor-General and state and NT governors.

3. Finally, the amendment act introduces a further option for the management of fisheries resources by commonwealth, state and NT governments by providing for regional fisheries arrangements. This allows state laws, not just commonwealth laws, to be applied under an arrangement involving the commonwealth and more than one state as well as allowing more than one law to be applied in a fishery under a single OCS.

To take into account these proposed changes to the commonwealth act, the bill will amend the Victorian act to provide for the variation of an arrangement in accordance with the commonwealth act. It also allows for the granting, issuing, renewal of licences, permits and other instruments for the purposes of the operation of the arrangement as varied.

The bill also introduces amendments to the Victorian act to provide for a fee to be imposed for notifying the departmental secretary of the holder of an abalone fishery access licence who is nominated to take abalone under an individual abalone quota unit.

Amendments to the Meat Industry Act 1993

Amendments to the Meat Industry Act 1993 (the Meat Act) will enable the sale of pre-packaged pet food within retail butcher shops.

Currently, under the Meat Act, a person at a butcher shop must not sell any meat that is unfit for human consumption, which includes pre-packed pet food. These products are currently sold in supermarkets in Victoria along with fresh meat for human consumption, and in retail butcher shops in NSW and Queensland. Manufacturers in the pet food industry wish to expand their retail options by being able to supply pre-packaged pet food for sale in butcher shops in Victoria.

The bill will overcome this restriction in competition by allowing an exemption for some defined pet food products being sold in retail butcher shops in Victoria. The type of pet food products that will be able to be sold at a retail butcher shop in Victoria under the act amendment will include:

pet food that is manufactured, processed, pre-packaged and labelled in a sealed, robust, leak-proof container at an approved pet food processing facility operating in accordance with a licence under the Meat Act or an equivalent facility in another state or territory; and

pet food that is manufactured, processed, pre-packaged and labelled in a sealed, robust, leak-proof container overseas and that has been approved for importation under the commonwealth legislation by the Australian Quarantine and

Inspection Service of the commonwealth Department of Agriculture, Fisheries and Forestry.

The implementation of relevant standards will prevent health risks through cross-contamination of meat for human consumption with pet food.

Pre-packaged pet food includes canned and chub-packed formulations of pet meat, grain dry extruded kibble (pellets), and dry extruded snacks (for example treat strips). This amendment is not intended to include fresh uncooked pet meat.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 18 May.

STATUTE LAW (FURTHER REVISION) BILL

Second reading

Debate resumed from 1 March; motion of Mr BRACKS (Premier).

Mr McINTOSH (Kew) — While it touches on a broad range of acts this bill essentially corrects a number of minor typographical and grammatical errors and other minor errors in various pieces of legislation. It further repeals a number of redundant pieces of legislation. The opposition has been fully briefed by the Office of Chief Parliamentary Counsel; I thank Gemma Varley from that office for her briefing. I have also been briefed by the government. Further, I have had the benefit of reviewing the report prepared by the Scrutiny of Acts and Regulations Committee. The opposition has no difficulty with this bill and accordingly supports the bill.

Mr RYAN (Leader of The Nationals) — The Nationals support this legislation. It is important in a machinery sense, albeit that on the face of it there is not much direct content from a legislative perspective. However, its import is significant in the way legislation operates throughout the state. I have had the opportunity to carefully consider the provisions of the bill, and The Nationals support it.

Ms D'AMBROSIO (Mill Park) — I also support the Statute Law (Further Revision) Bill. As has been stated by the previous speakers, the bill before the house is fairly perfunctory. However, I want to remind the house that on 2 March, on a motion moved by the Premier, the house referred this bill to the Scrutiny of Acts and Regulations Committee for review. That was certainly in keeping with the committee's ongoing reference to inquire into legislation which is ambiguous, unclear or indeed redundant. The Statute Law (Further Revision) Bill certainly falls into that category. I tabled the committee's report on this bill on 28 March. That was after the committee received a report from the Chief Parliamentary Counsel, who attended a meeting of the committee to report on the contents of the bill.

Like most of these bills, this bill will in no way alter the substance of existing law. Rather it will tidy up Victoria's statutes, which has no real consequence for intentions of law. We had the pleasure of having the Chief Parliamentary Counsel, Mr Eamonn Moran, QC, furnish the committee with a certificate declaring that the amendments arising from this bill do not intentionally alter the substance of any of the existing laws, and that where the bill sets out to repeal certain acts those acts are entirely spent. The committee was satisfied that that is the case, that there are no inadvertent consequences of the bill.

I do not wish to speak at length but essentially the bill amends typographical errors and inadvertent omissions in miscellaneous acts and makes clarifications in terms of the cross-referencing of sections in various acts. The bill also repeals 147 acts which have been declared by the Chief Parliamentary Counsel to be spent or redundant. I commend the bill.

Ms NEVILLE (Bellarine) — I am pleased to make a very brief contribution in support of the Statute Law (Further Revision) Bill. As other speakers have indicated, this bill is really a result of a regular review of our statute law here in Victoria. It is a practice we undertake regularly to ensure that the laws we have here in Victoria are clear, remain relevant and do the job they are intended to do. A large part of this bill seeks to fix up typographical errors and omissions and things that might be a little bit ambiguous. The other part of the bill is the repealing of acts which are no longer applicable. Most of these acts are amendments to substantive acts which might have, for example, contained transitional provisions which are no longer required because time has passed and they are no longer relevant. As has been indicated, no substantive changes are being made to any legislation that applies in Victoria. This is really only reflective of the normal procedures required by this Parliament. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 6 April; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — This bill is essentially a terrorism bill. In respect of the provisions relating to the Public Records Act and the Freedom of Information Act, the bill perhaps goes beyond what you would normally consider to be part of a terrorism bill. There is a connection but the opposition is concerned about a couple of provisions in there, and I will raise those later in the debate.

This is a bill which will assist in the fight against terrorism. All members of the Liberal Party are more than happy to support the government's moves in the fight against terrorism, not only in this state but around the country, and we accordingly support this bill. I think the community would not expect anything else of the opposition but for it to support this legislation.

I will now refer to the provisions that deal with terrorism. This bill extends the definition of 'terrorist act' to include disruption or destruction of electrical systems and delivery of vital services, whether publicly or privately owned. Apparently there was some anomaly in relation to that matter, and that provision clarifies any anomaly. Certainly the opposition has no difficulty with that. The bill also extends the offences relating to terrorism to provide a prohibition on doing any act or providing any material, including documents, that would facilitate a terrorist act. Again, the opposition has no difficulties in relation to those matters.

It extends police powers compared with previous terrorist legislation. Everybody understands the significance of the police being able to deal with and respond rapidly to a terrorist attack or the consequences of a terrorist attack, including the removal or disposal of contamination that may result from such an attack; accordingly the opposition has no difficulty with that.

The bill contains a power for the police to enter land subject to the permission of a land-holder, but in an emergency they will have an overriding ability to enter private land. That is a proportional response given the fact that it has to be exercised reasonably. That power to enter is so police can prevent the spread of contamination or contain the extent of a terrorist attack that may occur. Accordingly while the opposition is always concerned about entry onto private land, in these circumstances it is a proportional provision, and the opposition has no difficulties about that.

Mr Hulls interjected.

Mr McINTOSH — Thank you very much. I thought you just said I was a decent bloke and couldn't do the job.

Mr Hulls interjected.

The ACTING SPEAKER (Mr Ingram) — Order! Through the Chair!

Mr McINTOSH — I was speaking about the spread of contamination, and perhaps I will just limit my comments to that. However, the most important thing is that we get back to the bill.

This is a very important bill. One of the things that came up in the preventative detention debate earlier this year concerned situations involving children under the age of 18. This bill contains a provision that requires where an applicant is seeking a preventative detention order for a person under the age of 18, the Department of Human Services be notified. The Department of Human Services has jurisdiction on matters relating to child justice, and that provision in the bill fixes perhaps an anomaly that was created under the original legislation.

It also contains provisions that relate to reporting by the owner or occupier of land where prescribed chemicals are located. You may recall, Acting Speaker, that last year we debated legislation about prescribed chemicals such as ammonium nitrate. While any diminution in the quantity of those stored chemicals had to be reported, it was unclear whether an unexplained loss or slight reduction in quantity had to be reported. This bill puts beyond any doubt that any unexplained loss of prescribed chemicals must be reported to the relevant authorities.

A number of provisions in the bill relate to infrastructure: the requirement to have a proper infrastructure plan, and a mechanism by which the training of private providers will be supervised by the Minister for Police and Emergency Services and the

Chief Commissioner of Police — all of which is complex and no doubt puts a burden on business and statutory corporations. However, in this circumstance I think it is appropriate, and these provisions provide clarity about the training mechanisms that are to be supervised by the minister and the Chief Commissioner of Police, and about the requirement to have those training exercises and infrastructure plans regularly updated. Accordingly the opposition has no difficulties with those provisions.

Our concerns run to the provisions that relate to the Public Record Office Victoria (PROV) and the Freedom of Information Act. At the briefing by the government it was made perfectly clear that the reason the Public Records Act is being amended was to prevent, if you like, ammunition, or information that may be publicly held being provided to people who would seek to undermine society and the community.

An example used was of plans for a railway station that would be held in the PROV, which would normally be available for scrutiny by members of the public. That could enable somebody with a nefarious purpose to peruse those plans to see where and how they could gain access to maximise damage from a gas attack, some form of contamination or explosive device — in other words, where they could achieve the maximum detrimental outcome.

This legislation provides that the minister will publish in the *Government Gazette* a prohibition on a class of documents that would otherwise be available for perusal by members of the public in accordance with the holding of those documents by the PROV. The bill will remove from public scrutiny or public debate documents that are held in the PROV, and that is a matter of some concern; but on balance the opposition says there is a need for such a provision. It understands the need for that provision and certainly supports the government in its fight against terrorism.

One note of caution is that the provisions should not extend too broadly so that other matters are removed from the public record. The provisions should simply apply in matters of national and state security, and to prevent terrorist attacks; it should not be taken any further than that. The opposition will be scrutinising the activity of the government in that regard to ensure that the open and transparent activities of the government and its records being held in the PROV are balanced in measure so as to protect the community at large from a potential terrorist attack, through protecting information that could facilitate a devastating attack.

There are also amendments to the Freedom of Information Act, again put largely in the guise that this will protect the public by including in the provisions a prohibition on the release of material into the public arena which could impact on matters of national or state security or could somehow be used by a terrorist in an inappropriate way. Accordingly the opposition supports the extension of exemptions from the Freedom of Information Act, because there is a balance there.

But the opposition is greatly concerned that the amendments relating to the Freedom of Information Act go quite a bit beyond what would normally be incorporated in an act before this place dealing with counter-terrorism measures to protect the public. Its much broader scope and parameters give the opposition some pause for thought, because it is more in the nature of an omnibus bill. While it is tied up as an amendment to the Terrorism (Community Protection) (Further Amendment) Bill, and while it is directed largely at terrorism, there are provisions in the Freedom of Information Act that go beyond what you would normally expect to be included in such a provision.

I can understand the government's need to amend the legislation to ensure that material created by the counter-terrorism coordination emergency management department of Victoria Police that would endanger the security of premises, and documents prepared under the Terrorism (Community Protection) Act, such as risk management plans and the like, should not be disclosed. I have no difficulties with clause 22 in particular, but I want to raise two matters that go well beyond the nature of the fight against terrorism.

There is an amendment to section 25 of the Freedom of Information Act that would extend the provision to cases where a grant of request would disclose information that was irrelevant to the request. Usually all documents are subject to disclosure, but the normal circumstances are that some documents are exempted in totality. A classic example would be a cabinet document or a document prepared by the counter-terrorism coordination emergency management department of Victoria Police under these new amendments, and we understand why that comes about. The overriding flavour of the Freedom of Information Act is that all documents should be released for public scrutiny, except where there is a clear exemption. This provision is saying that a document or parts of a document can be subject to an exemption, whatever that is, under the Freedom of Information Act — and parts can be deleted from a document, but the reasons for the deletion have to be provided.

From my experience the classic example of that is where you get private information dealing with a third party that is deleted from the document, and you can understand why that would occur. What this provision is doing is taking the act a bit further by saying you have to be very precise in your request. Therefore any material that is irrelevant to your request is also going to be deleted, notwithstanding that it is not otherwise exempt. That will have two effects. Having been involved with freedom of information requests on behalf of the opposition, and having been involved in a number of my own down at the Victorian Civil and Administrative Tribunal (VCAT), it is clear that there will now be, from the outset, an opportunity for the government to continue the debate about freedom of information. For example, if you ask for a contract you get a response from the government asking, 'What do you define as a contract?'. There will be even more nitpicking with this new ability to remove any irrelevant material, with more debates about the extent and breadth of any request.

The second thing that concerns me is that under the act the government has an obligation to anyone who makes a request, be it a member of the opposition or a member of the public, to facilitate that request. One would hope that the government takes on board its obligation under the act to facilitate the release of any document that is not subject to any other exemption by ensuring that the request covers all the parts of a document that could be disclosed, whether it is relevant or otherwise to that request. This gives me some pause for thought, because the provision goes well beyond what you would consider would be included in a piece of anti-terrorism legislation, as it will have general compass across a broad spectrum of areas, whether or not they relate to terrorism.

Essentially, any irrelevant material will now be able to be deleted from a document, so I fear there will be an increase in debate from the very outset as to what is in a request, with the increased potential for more conflict about the request. This will make it difficult for members of the public and certainly for members of the opposition to gain access to documents that would otherwise be fully disclosable in accord with the act. There is an inconsistency with the purpose of the bill, which is that all documents should be disclosed, other than those covered by a specific exemption.

There is now an extension in relation to cabinet documents. There is a provision that says that the Secretary of the Department of Premier and Cabinet can provide a certificate that a particular document is a cabinet document. Of course that is conclusive evidence of that document being a cabinet document. I have been involved in a number of disputes at the Victorian Civil and Administrative Tribunal, and I am grateful that it is something rarely used by the government. It gives the opportunity for a factual discussion at VCAT about whether a document is a cabinet document or not. If the secretary of a department provides a certificate, that is conclusive evidence that it is a cabinet document and is therefore exempt from the operation of the act.

This amendment is not necessarily limited to counter-terrorism measures. There is an amendment to the Freedom of Information Act in relation to that cabinet certificate that the Secretary of the Department of Premier and Cabinet is not required to provide the documents — that is the exemption and it is conclusive evidence of it being a cabinet document — but also the secretary does not have to acknowledge whether a document exists or otherwise. It may well be there is a need for that in relation to counter-terrorism measures, and I would certainly understand that, but it would appear on my reading that this has a much broader application than something that is just dealing with counter-terrorism measures. Accordingly, those matters do give me pause, and they certainly go well beyond a bill that deals with antiterrorism legislation in this house.

The opposition has always supported the government in its move to enter into a cooperative arrangement with the commonwealth government. These amendments are not necessarily based upon any agreement with the commonwealth; they are tidying up existing legislation. The community expects the opposition to support the government on these measures and the opposition, apart from the matters I have just raised that give us some concern and will no doubt play out in the coming months, supports this legislation.

Mr RYAN (Leader of The Nationals) — The Terrorism (Community Protection) Act, which is the principal act for these purposes, was template legislation passed by all states, territories and jurisdictions in about 2003. Earlier this year a further bill which dealt with amendments to the principal act was introduced, debated and passed through the house. Those amendments related to preventative detention orders, special police powers of different ilk, and now additional amendments are being made.

One of the queries I raise with the minister is whether the amendments to the original template legislation are also being made in other jurisdictions across Australia. Are we going to maintain what I think is a necessary element of all of this by ensuring that a consistent approach is adopted by all concerned in

accommodating the important and critical issues of the fight against terrorism?

The question of freedom of information (FOI) illustrates one of the fascinating aspects of this whole discussion, because the topic we are dealing with, which is encompassed by the terms of the principal act and the ongoing amendments — this bill containing some of them — highlights the extent to which this terrorism issue has impacted upon our communities. This is another bill that serves in different and disparate ways to curtail different freedoms and rights that people in the community otherwise enjoy. It is a very fundamental issue, and each time these bills come forward they are given enormous consideration by all of us in this Parliament, no less by The Nationals in our consideration of these things in the party room.

However, I cannot help but think that in previous days if this sort of legislation had been introduced in a vacuum, as it were, without the context of today's events, the Attorney-General, who sits at the table as I speak, would have gone utterly berserk at the prospect of this bill coming before the house. Without for one moment seeking to encapsulate the Attorney-General's general agreement with the statement I have just made, I think it fair to say that he acknowledges that such is the case. It does show how far our community has moved on this sort of critical issue.

On the question of freedom of information, there are still challenges for the government, albeit that this legislation is being passed in the context of the fight against terrorism. I think it can fairly be said that despite all the rhetoric leading up to the election of the current government in 1999, and despite all the assurances consistently given by it since, the fact is that for the very main part this government consistently spurns the operation of the freedom of information legislation. The government conducts itself in a manner that frustrates the terms of that legislation wherever it possibly can. It fails to cooperate in each and every instance unless it feels the material being provided to the opposition parties is benign. Generally when legislation of this nature comes before the house there is an understandable concern on this side of the chamber as to the extent to which it is going to be used.

I have also encountered at the Victorian Civil and Administrative Tribunal issues such as the breadth of the definition given to the term 'cabinet document', which thereby entitles that document to be exempt for the purposes of the act and accordingly does not have to be produced. That ongoing discussion is reflective of this government's attempts to do what it possibly can to constrain the operations of the freedom of information legislation. Now we have before us a further curtailment of that. While The Nationals as a party acknowledge the need for it, see the rationale behind it and do not oppose its application, I suppose the high-water mark of what we can simply ask of the government is that there is adherence to not only the black-letter law that is set out in the terms of the bill before us, but also to the general spirit of the legislative intent.

Clause 22 is an example in question. It enables the Secretary of the Department of Premier and Cabinet to certify that certain documents are exempt under section 28(4) of the Freedom of Information Act without necessarily disclosing whether such documents exist. When you think of it, that creates quite a remarkable situation, because it will mean that on the basis of the certificate issued by the secretary under the terms of that provision that there is utterly no mechanism whereby the public will have any capacity to know if the documents chosen to be incorporated within that certificate have ever existed at all. It imposes on the government of the day an enormous responsibility to make certain that any such provision is exercised with extreme caution.

In a way it makes a case for the necessity of governments being subject to some sort of oversight. I do not know whether that should be done by an established body such as the Office of the Auditor-General or the Office of Police Integrity; I do not profess to be able to nominate the office that should have the role. It is quite extraordinary when you think of the extent of that provision and the way in which, if it so chose, the government could apply it so as to maximise what I think is its established intent — that is, to frustrate the way in which the freedom of information legislation operates. Nevertheless, in the spirit of what everybody intends, The Nationals accept that the amendments to the FOI act are appropriate as a matter of general principle.

Similarly the amendments to the Public Records Act will apply to those documents which would otherwise be available for disclosure at the expiration of the times specified in the Public Records Act but which nevertheless might be seen as being able to aid terrorist acts if they were exposed to public examination. We accept that it is sensible to constrain the release of those different forms of documentation.

The amendments to the principal act, the Terrorism (Community Protection) Act, are numerous and touch upon a number of issues. Without necessarily allocating them a priority, one of the most important of them touches on the point I began with — that is, the

curtailment of freedoms. Under the principal act there is a capacity for people to be apprehended and be the subject of preventative detention orders (PDOs) which impose severe constraints upon their freedom — and indeed absolute constraints in the sense that they will be able to be held by police without charge for specified periods of time and subjected to certain forms of questioning.

This provision ensures that in the event that a person under 18 years of age is the subject of that process, advice must be given to the Secretary of the Department of Human Services, so that in the event of an application for a PDO pertaining to that individual, DHS is in effect included in the loop. By the same token the fact that the secretary is not included in the loop will not invalidate an application. Nevertheless, the amendment highlights this basic point. Fancy having a situation where a person under 18 years of age can be plucked from the streets and held by the police for a period of time, without charge and with very limited capacity to be appropriately represented and advised and to have contact with parents and friends, as well as being subjected to the sorts of processes that are envisaged by the principal act.

As I said at the start, in many respects it is astounding that the Parliament is debating a bill which is amending legislation that already provides those extraordinary powers to the police in any event but which now is making a further amendment so that at least for those who are under 18 years who are subjected to these orders there will be a process that gives an added capacity to represent their interests and their welfare. It shows again how far we have come in the sense of the preparedness of the community to trade off something that, once upon a time before the advent of these terrorism issues, we would have regarded as being beyond the pale. The very idea that the police would be empowered to do things like this would, I suspect, have simply been rejected by the Parliament of Victoria and by the other parliaments around Australia. But here it is, already in a legislative form, and now we have a minor but significant amendment in its own way to the powers which have been provided to the police.

Various other powers are being extended to the police regarding the destruction of different forms of contamination which they may apprehend. There is an amendment to an existing provision that deals with the facilitation of what is termed a reasonable request for medical treatment from a person who is subject to one of these orders. Various other orders deal with appropriate notice having to be given regarding the unexplained theft or loss of prescribed chemicals from premises. There is an additional amendment dealing with the removal of the requirement that the declaration of an essential service for the purposes of the principal act has to be published in the *Government Gazette.* I instance that as an example of how far we have come with this style of legislation.

Another amendment requires not only that risk management plans must be prepared by an operator as defined under the terms of the principal act but that, in addition, those plans have to comply with appropriate standards. Of course the import of that is that people cannot make it up as they go. Organisations will have to prepare plans which satisfy the relevant criteria to the effect that such plans, when executed, are capable of what they are intended to achieve.

I pause for a moment to consider an interesting amendment in clause 13, which amends section 33 of the principal act. That section relates to the duty to participate in training exercises. Existing subsection (1) says that on at least one occasion each year, or on any longer period which may be determined by the minister in a particular case, the operator of a declared essential service has to prepare a training exercise to test the operation of the risk management plan for that declared essential service and — and this is the interesting point — participate in that training exercise under the supervision of the chief commissioner.

Clause 13 of the bill will require that, in addition to the chief commissioner being there in a supervisory role, the minister also has to be there. That is interesting, because I would have thought that as a matter of general course the minister would want to be directly involved in an exercise of this nature and would want to be right across the issues at hand.

I suppose the idea behind this is to provide a legislative requirement that it has to happen, thereby overcoming any objection to the minister's presence, so from that point of view I can see the legitimacy of it. On the other hand, I would like to think that the minister of the day, whoever it might be, would be anxious to ensure their participation in this form of activity so that they can be satisfied personally that things are being done in a manner which is appropriate to the needs of the legislation. There are various other amendments which are of a relatively minor scale in the scheme of things and which add to the powers already contained within the principal act.

When we debate these things I believe it is important that all members continue to reflect on how vital it is in our way of life that we continue to enjoy the raft of freedoms we so often take for granted — be that freedom of movement to go about our business as we

may choose within the ambit of the law, freedom of speech and the many other freedoms that are part and parcel of who we are and the way we live our lives.

When we have this type of legislation before the house we should see it in the context of our fight against terrorism, that we continue to chip away at some of the elements that are so basic to our way of life. I believe very strongly that we should not just be introducing or passing this type of legislation without constant reflection of that being the fact.

Mr MILDENHALL (Footscray) — It is a pleasure to join this debate on behalf of the government. This is more significant legislation in the continuing momentum of not only milestone legislation but also additional, strategic and carefully thought-out measures that are geared to stay one step ahead of those who would cause what we may call the maximum and terrifying mischief in our community.

It is an interesting approach by Victoria as a jurisdiction. The Leader of The Nationals asked whether these provisions were part of a template approach by other states. The answer to that is while it is consistent with the agreement made at the Council of Australian Governments and the national summit on terrorism and multijurisdictional crime in April 2002, there are some particular Victorian components and aspect to this legislation.

In November 2002 the Premier released a statement entitled *Enhancing Victoria's Domestic Security*, which highlights new measures for the fight against terrorism. In the statement he identified some of those organisational and logistical measures that are manifest in this bill. They include the setting up of the risk assessment and counter-terrorism coordination group, acquisition of specialist equipment and Victoria's capacity within the police and emergency services area to respond to and manage extreme events, the state crisis centre, the creation of a security policy unit within the Department of Premier and Cabinet to ensure a coordinated effort, and finally new measures to ensure the security of Victoria's essential services by ensuring that owner-operators of those services have in place risk management systems to respond to the terrorist threat.

As we see in this bill, the protection and security measures around documentation plans, at this stage, are peculiarly Victorian measures and initiatives to stay one step ahead of the game. That is to Victoria's credit. I guess it comes under the category of the smart things that we try to do, to think of possible scenarios as they might emerge.

I might suggest that is also the case with the amendments to the Public Records Act and the Freedom of Information Act. Someone who is intent on mischief might try to use the Freedom of Information Act or use proceedings from FOI cases to confirm whether security documents exist under section 29A of that act. These are documents created by security agencies which are sent to cabinet or which may be under a more benign heading but contain security information. The confirmation of the existence of those documents might be enough for someone who was mapping a clever course around or trying to identify what the government was up to in protecting vital information that could compromise security.

The opposition, in its various manifestations as present in the house during this debate, has suggested we might be going too far with this legislation and that this is a plan by the government to nobble freedom of information. These provisions are still subject to Victorian Civil and Administrative Tribunal oversight. Whether the certificate of exemption issued by the Parliamentary Secretary to Cabinet has been validly issued is still a matter that can be dealt with at VCAT.

The issue raised by the member for Kew about the deletion of matters from released documents that are irrelevant to the nature of the request is not only about this government staying one step ahead of the game in terms of the clever ways by which someone with mischievous purposes may get access to information that might create some security issues but also about bringing the Victorian legislation into conformity with the federal legislation. I am not hearing the other side say that the federal freedom of information legislation is fundamentally lacking in this matter, so I assume that the Liberal Party and The Nationals would see that as having an appropriate level of consistency.

It also highlights in my mind, when we contemplate this legislation and sit it alongside the legislation that the house was dealing with last night and what will emerge in the coming weeks as we strengthen the hand of the state and create new powers to impinge on people's liberty and freedom of action — and the Leader of The Nationals mentioned the power to apprehend people under 18 years of age under this legislation, despite the fact that we are improving the provisions dealing with how people under 18 years of age might be incarcerated by giving ourselves a capacity to invite Department of Human Services officials to advise on the vulnerability of people aged under 18 years and whether juvenile justice or adult detention is appropriate — that these still are extremely significant powers.

It makes a charter of human rights on racial and religious vilification all the more important. We need to balance the provisions we are dealing with today with a clearer understanding and an enhancement of people's rights and the conditions under which the state can interfere with them. We require a delicate balance at this time in our legislative history, at both a state and national level. We at the state level are probably doing better than they are in Canberra, where it is more one-way traffic; but under the guidance of the Attorney-General and the Premier we are getting the balance just about right. I support the legislation before the house.

Mr LANGUILLER (Derrimut) — The first comment I wish to make relates to the background of the Terrorism (Community Protection) Act. We ought to put that into context and remind ourselves that it was at the national leaders summit for terrorism and multijurisdictional crime on 5 April 2002 that the commonwealth government and the states and territories agreed to a wide-ranging agenda of reform to combat terrorism and transnational crime.

That agreement included the obligation the states and territories and the national government undertook that all jurisdictions would review the legislation and counter-terrorism arrangements to make sure they are sufficiently strong. That is the background. I am very proud of this government and other governments because they are continuing to update legislation and undertake reforms, which, sadly, as many other speakers have indicated again and again in the last couple of years, we have had to undertake.

The amendments and the principal act reflect the times we live in, as well as those of other nations and other states in previous decades. As I have indicated on a number of occasions, I object to all forms of terrorism, be it by individuals or groups — or states, for that matter. I note with interest that the United Nations has attempted for a number of years to define terrorism. Of the order of 109 definitions have gone through United Nations forums and debates, and I generally concur with most. Consequently I have formed the very considered view that, as I do, every other member of this Parliament objects to any form of terrorism.

One inevitably brings in personal views. As I have indicated in previous debates, I recollect sadly how a personal friend of mine, based in New York, happened accidentally to be on the second aircraft on September 11. He was a good Australian, a good Uruguayan, a good athlete and community activist who had received numerous awards in Sydney as a volunteer for a range of community organisations. He was an employee of Qantas and a good union member of the Australian Workers Union. His name was Pocho Dominguez and he happened to be involved in a tragic terrorist event.

When one experiences that so close to home, as unfortunately we in Australia have now, together with New York, Bali, Madrid and other places, it makes it somewhat easier, even though we would all recognise the difficulties, to consider the values and freedoms that we are all proud of in this nation — the rule of law and the freedom of speech, association and movement. Inevitably when one has to bring up names of people one has known who, tragically, have been the subject of terrorist attacks, or the names of their families and friends, it makes it easier to say that unfortunately this is the price that our community and we as legislators have to pay.

Like everyone else in this chamber, I have had many discussions about this around the kitchen table and in various other places throughout the community. I have no doubt that this legislation and its amendments form the type of legislation that most people in this community will, unfortunately, have to embrace and accept, and in doing so they will regard this government and the opposition as having undertaken responsible legislation. I reiterate, the legislation reflects the times we live in.

The primary objectives of the amendments to the existing provisions of the act, as set out in the explanatory memorandum, are to:

> extend police powers following a terrorism act to include the disposal or destruction of a contamination source or the entry on land to protect persons and prevent the spread of contamination;
>
> improve the operation of existing provisions that require the operators of essential services to prepare risk management plans to protect those services …
>
> …
>
> clarify the obligations of occupiers of premises with respect to the reporting of the theft or loss of prescribed substances.

It will make further amendments to the Public Records Act 1973 and the Freedom of Information Act 1982.

I note that other members have referred to those freedoms and to the other acts that we in this community treasure. But again I say, and I say this firmly and with determination, as would every other member of this government, I commend the stewardship of the minister and the government, because we all value those freedoms. However, to protect those freedoms and to ensure that we can enjoy

them, we must undertake these measures. I look forward to the time when we can repeal this legislation and put it behind us.

We are very privileged because we in Australia have had to develop this legislation only in the last few years. Other countries have had to live with this for decades — Spain, the United Kingdom, parts of Latin America and other parts of the world. It is tragic that it has now come so near to home and that we have to undertake these measures, but they are good, responsible measures, and I commend them. Every Australian, every person who has suffered, be it in Bali, in London — many Australians were there — and indeed in New York and so on, would look at this Parliament, at this legislation, at members of both the government and the opposition and say, 'Regrettably these are the measures they had to undertake'. We hope that every operational decision and measure is undertaken responsibly and that it helps to prevent an act of terrorism.

Finally, some amendments and provisions have been made in relation to the potential detention of minors, which is regrettable. I am sure it will be conducted in the most responsible way, that authorities will undertake a process that will allow transparency and accountability, but the reality is that they are minors who could well undertake or assist in the discharging of a terrorist act. Tragically there are many examples around the world that simply confirm that this additional measure is required.

The bill's amendments are good and are in line with the requirements of the time. I look forward to governments hopefully not having to implement any of the measures contained in the principal act or subsequent amendments, but this is good and responsible legislation that contains measures which a good government and a good minister must implement at this point in time. I commend the bill to the house.

Mr LUPTON (Prahran) — The Terrorism (Community Protection) Act 2003 is the principal act that is being amended by this bill. It came about as a result of agreements entered into between all levels of government in Australia — state, territory and national — through a number of Council of Australian Governments meetings. This Parliament has played an important and responsible role in carrying out the most important task of protecting the community from possible terrorist threats in Victoria.

In the last few years we have witnessed around the world a very alarming and growing number of terrorist incidents. Close to home we have experienced the terrorist attacks in Bali and Jakarta. There have been attacks in the United States, Britain, Spain, Turkey, Israel and recently in Egypt. It is a fundamental role of any government to take appropriate and responsible steps, wherever there is a threat to community safety, to ensure that appropriate laws are put in place so that the community is adequately and properly protected in every possible way from the actions of those who would seek to cause havoc and mayhem through committing terrorist acts anywhere they believe their goals may be advanced by doing so. We cannot and must not assume that Australia and Victoria will be immune from the worldwide threat of terror that is faced.

Accordingly, over the last couple of years the Premier has made a number of landmark statements in relation to tourism, counter-terrorism and community protection. They have outlined this government's approach to the protection of the community from possible terrorist attacks. This Parliament passed the Terrorism (Community Protection) Act 2003 which, as I said, is the principal act being amended by this legislation. The principal act has been amended in recent months, and this bill will make further refinements to that principal legislation.

The 2003 act established a risk assessment and counter-terrorism coordination group within Victoria Police. It also allocated increased and improved funding to the intelligence and risk-analysis capacity of Victoria Police. That legislation also led to the acquisition of specialist equipment, and the enhancing of the capacity of Victoria Police and Victorian emergency services to respond to and manage terrorist and extreme events. The legislation also established a state crisis centre, with dedicated encrypted communication networks between Victorian and commonwealth emergency agencies to enable proper coordination during an emergency. It created the security policy unit within the Department of Premier and Cabinet to facilitate a coordinated effort across the Victorian government in response to any security issues, and it put new measures in place to ensure the security of Victoria's essential services.

The act was developed to implement commitments made through Council of Australian Governments agreements. It provided for the use of covert search warrants with appropriate judicial oversight; it gave police the power to detain and decontaminate victims of any chemical, biological or radiological attack. It required essential services providers to develop risk management plans for the prevention of terrorist acts, and a mandatory reporting requirement regarding the theft of chemicals was put in place.

The act was subsequently amended in more recent times to provide for preventative detention provisions and powers to stop, search and seize. That legislation was subject to very considerable community and parliamentary debate. The government decided to let that legislation lie over during the Christmas period. There was considerable and very important work done on that legislation, with input into its operation. It resulted in an act that provided for a very good balance between the need for community protection and the appropriate safeguards that the community would expect in relation to people's rights and freedoms.

The bill before us today makes some further amendments to that regime. The primary objectives of these amendments are to extend police powers following a terrorist act to include the disposal or destruction of a contamination source or allow entry onto land to protect persons and prevent the spread of contamination — that is an important but technical change to the legislation that was put in place a little earlier to make it more workable and manageable.

This legislation is also intended to improve the operation of the existing provisions that require the operators of essential services to prepare risk management plans. It also clarifies the obligation of occupiers of premises with regard to the reporting of the theft or loss of prescribed chemical substances. Certain of the details that needed to be worked out in relation to the requirements that were put into the legislation earlier on are given more form and substance by these amendments.

This legislation does not deal with any of the coercive powers in relation to preventative detention, but it makes a minor amendment to assist the Supreme Court's deliberations on the appropriate place of detention of persons aged under 18 years. That also was part of the consultative process the government has entered into regarding this legislation. In my opinion this is a sensible and important refinement to the legislation that has already been passed.

This bill also makes amendments to the Public Records Act and the Freedom of Information Act to prevent the disclosure of certain security-sensitive documents. The amendment to the Public Records Act will add an additional basis for restricting public inspection of sensitive documents held by Public Record Office Victoria in addition to the existing restrictions under the act.

The basis of documents being unavailable for public inspection is confined for security reasons or to prevent damage to international relations. The amendments to the Freedom of Information Act ensure that documents relating to plans or exercises under the act cannot be disclosed and extend the existing exemptions to security-related units within Victoria Police. The bill also makes other amendments to the Freedom of Information Act that are not specifically related to security matters but bring the Victorian Freedom of Information Act into line with the federal legislation. That also is a sensible and appropriate course to be taking.

The government, and the Premier in particular, should be commended and congratulated for the way in which it has undertaken these very important responsibilities to ensure community safety and enacted legislation that in my opinion is appropriate. This takes matters of community safety very seriously but also protects important rights and liberties of individuals. I commend the bill to the house.

Mr SEITZ (Keilor) — I rise to support the Terrorism (Community Protection) (Further Amendment) Bill. This is a further refinement of the legislation we introduced for community protection in 2003. Amendments were made to that legislation after the federal Senate inquiry to introduce laws as part of the development of template legislation for all the states and territories. All this followed the terrorist acts in America, particularly in New York, which affected and shook up the whole world.

Terrorism has been acted out in different countries, as other speakers have mentioned. We well know about the Irish fight for independence which went on in England and which we saw through the media and our news services, and we know about the terrorist acts perpetrated on the state of Israel, but terrorism has never been seen in so massive a form as the action we saw taken at the New York trade centre. That really woke people up to the dangers of terrorism and to what it is possible to do these days with modern technology and information.

These proposed changes relate to the Public Records Act and the Freedom of Information Act. When you look at the Internet it is possible to see details of all the railway stations and many other things. It is a terrorists' feast, enabling them to plan from a distance by looking at and studying the layouts of tracks and roads and how to access important buildings. This bill goes some way towards closing a gate which has been open and available to people for a long time. With the adoption by our society of the Internet, everything was able to be displayed and made available, including how to make terrorist bombs. Training manuals have also been set up for publishing on the Internet.

I support the amendments in the bill, in particular the amendments relating to the detention of people under 18, which will introduce some protection and will mean that the Department of Human Services will have some say. The secretary will be involved and will assist the Supreme Court in determining the appropriate place for and detention of young persons. These are important amendments.

There are other amendments to the act that will expand the power of the police to detain and decontaminate persons who may have been contaminated by a terrorist act. They include the power to seize and dispose of a source of contamination and the power to enter land or premises to protect public safety and prevent the spread of contamination. I support police having the power to detain and decontaminate persons, and failing to comply with the directions of an authorised police officer will be an offence. These amendments refine the original legislation in line with the need to deal with practical situations which have occurred after the act. These situations have been brought to the attention of the government, and dealing with them forms an important aspect of the amendments before the house.

The bill also amends the Public Records Act 1973 and the Freedom of Information Act 1982 to prohibit the disclosure of sensitive documents, which is another important step. That might be a bit too late, because a lot of information is already available on the Internet.

Looking at risk management, plans that are prepared by private operators and documents relating to the training of personnel should also be unavailable through the freedom of information (FOI) process. That exclusion is also important: documents which would endanger the security of buildings should not be disclosed. Once again the amendments are consistent with FOI legislation in New South Wales and Queensland. Intelligence documents created by the counter-terrorism coordination and emergency management department of Victoria Police should also not be disclosed.

We can see that these are sensible amendments which further protect our society and the people who have to implement and uphold the act so that they can operate more easily and flexibly, and the reasons for them are understood by the courts. Terrorists will have access to lawyers who can defend and upset actions by officials. The bill also will give those in charge of the safety of the state more powers and it clarifies provisions in the original act. I support the bill and wish it a speedy passage through the house.

Ms MARSHALL (Forest Hill) — It gives me a great deal of pleasure to rise and contribute to the debate on the Terrorism (Community Protection) (Further Amendment) Bill. The purpose of these amendments is to add to the provisions of the Terrorism (Community Protection) Act 2003 and to meet the ongoing and changing challenges that our society faces through terrorism.

In our free and democratic society, striking the right balance between liberty and security is a constant challenge. While effective law enforcement and a strong national defence are necessary to protect our freedom, we must not sacrifice fundamental freedoms in an attempt to close security gaps. This is especially true today, as all governments work to address the threat of terrorism using new technologies in the process. Whilst we are working towards the goal of preventing attacks on our nation and its people, there are and will continue to be disagreements about how to best achieve this — and at what cost.

In the wake of the previous terrorist attacks, the government took a variety of steps to strengthen defences and improve our security. Such changes bring potential for great progress, as terrorist acts challenge the principles of democracy that underpin Australia's constitution and strong tradition of civil liberties. Following the meeting of the Council of Australian Governments on counter-terrorism in September 2005, the government viewed further measures as necessary to protect Victorians. This is not the final step by any means, as this government recognises the ever-changing face that is terrorism and the need to re-evaluate on a regular basis. Additions have been made to the legislation based on events since the passage of the 2003 terrorism legislation.

It is very sad that there is a need in the first place to create these laws. We all understand the vital role that governments play in finding the balance between protecting its citizens and ensuring civil liberties are also being protected. Whilst the future is uncertain, we know through devastating events overseas not only that it is important to act once a terrorist act has been committed but also that we must also use any information to try and prevent these terrorist acts from being carried out in the first place. We also know the increasing likelihood of chemicals being used at these times and implications that contamination could have.

This bill specifically enhances police powers to detain and decontaminate people who have been exposed and possibly contaminated, and it allows the police to dispose of and destroy a source of contamination, including permission to enter a premises to limit the spread of that contamination. The balance for our civil liberties is that when police require access to a

residential property, a consent to enter must be obtained from the occupier.

There are occasions where police are given the difficult task in high-pressure situations of directing people where there is limited or no knowledge of the events by the general public. When a person deliberately disrupts the procedure attempting to be fulfilled by the police by failing to comply with a direction or obstructing or delaying a police officer, they will now be guilty of an offence.

Any person who has been detained will have their right to medical treatment protected by law. As with the increased awareness of how and what chemicals can be used in a destructive way, this bill clarifies and simplifies the requirements of occupiers where there has been an unexplained loss or theft of chemicals and stipulates what is their duty in reporting this information to authorities.

Our critical infrastructure encompasses major sectors of our economy, such as banking and finance, transport, energy, health, food supply, information technology and communications. A terrorist strike against any element of these vital systems could have serious consequences for our economy and potentially lead to significant loss of life. The government is facilitating work on identifying and assessing infrastructure, developing risk mitigation plans, and harnessing analytical and modelling tools to support the development of integrated, protective strategies.

Within the bill of 2003 there was a requirement for operators of essential services infrastructure to plan for the protection of those services from the effects of a terrorist act. This bill requires risk management plans to be provided and for training exercises to be participated in to ensure they are meeting a prescribed standard. The relevant minister has the power to penalise any party not willing to comply.

The bill will now ensure a more consistent approach across Victorian legislation regarding the disclosure of security-sensitive information specifically related to security-sensitive documents held by Public Record Office Victoria. This decision has been reached with the understanding that the state's own documents could be used against the community and our infrastructure — a thought unfathomable in times gone by.

By way of allowing public access to public records but protecting the community from any of that information being used against it, there is now a provision for the minister to permit access to withheld documents on any condition or restriction. This will not stop researchers or other legitimate users of public records from obtaining access; it will just prevent that information from being passed on indiscriminately. We are aware that providing that information or documentation to known terrorists is a substantial form of assistance that may have an impact further down the line.

A great deal has been done at all levels of government, by the private sector, the research community and the people of Australia to increase our protection against terrorism. But we cannot be complacent. As a government we cannot guarantee that we will not be subject to terrorist attacks. The Bracks government will, however, do everything in its power to take resolute action to protect Victorians against the threat of terrorism.

In marshalling our physical and intellectual resources to defend our citizens and interests against the threat of terrorism, we also reassert our values as a democratic society. This bill succeeds in forming part of the Victorian and national response to the threat of terrorism, whilst also representing the values we are seeking to protect — respect for the right of every individual to safety and the freedom to pursue their goals peacefully and productively within the laws of society. I commend the bill to the house.

Ms NEVILLE (Bellarine) — I am pleased to make a contribution in support of the Terrorism (Community Protection) (Further Amendment) Bill. This bill amends the terrorism laws that this Parliament has previously supported. The focus of the bill is to put in place measures to better secure the Victorian community and our infrastructure.

Certainly, as many members have referred to in this debate, these are difficult times. It is unfortunate that we are in a position of needing to contemplate laws of this nature. As a Parliament we are again being asked to consider that fine line between the broader interests of protecting the community of Victoria and possibly infringing on individual rights. In fact we had a similar debate yesterday in relation to another bill about that issue of getting the balance right. At times there is a fine line between what we need to do to acknowledge and protect the broader interests of a community and the level and extent of the loss of particular individual freedoms that might go with that.

That is why the government has remained committed throughout this whole process over the last few years of ensuring that we maintain that balance, continuing to monitor and analyse developments and looking at the

extent of risks to the Victorian community and the extent of the impact on our civil liberties.

The key provisions that are contained in this bill will see some extension of police powers in relation to destroying or disposing of a contamination source and allowing greater entry rights on land to prevent that contamination spreading. The bill also improves the way risk management plans, which are required to be prepared by essential services, are undertaken. These plans are focused on protecting critical infrastructure from a terrorist attack.

An issue which has been raised in the house today as a matter of concern is the issue of the limitation of access to documents or information which could facilitate a terrorist act. Obviously restricting access to information and documents should be a matter of concern and debate in this house. Again, it is an issue of our weighing up the loss of this right of access to this information against our responsibility to protect the broader community — the risk of a terrorist act in this country versus the loss of that right. Some of the debate today has been about that and the struggle with the nature of the provisions in the bill.

Individual freedom is not an absolute. Over many years, probably over its 150 years, the Parliament has acknowledged that and weighed that up while taking steps to protect the broader community from particular risks that might exist at particular times. In this case we are balancing individual freedom against the right, freedom and capacity of people in the broader community to feel that they live in a safe community.

The Freedom of Information Act is an important piece of legislation in Victoria. Some limitations will be placed on that act under this bill. However, it is important for the house to note that those limitations relate to and are focused on documents which would endanger security. Again, it is about that balance. We as a community have this important piece of legislation which gives us right of access to particular documents, but in this case a decision has been made that some access may endanger the broader community and that therefore that right of access needs to be restricted. I do not think anyone in this house would think it was appropriate that those sorts of documents be accessible and therefore create a risk to the Victorian community.

I want to briefly comment on one of the statements made by the Leader of The Nationals. He indicated that it is amazing to think that the community is accepting of these sorts of laws now. I think he is right. Unfortunately we are in this situation where we have had enormous debate and we have seen some very distressing incidents across the world in terms of terrorism and its impact on the community. The community has therefore said that it expects its parliaments to provide greater protection from these acts in Australia so we can continue to enjoy the freedoms and way of life that are so important to us.

I think this bill gets the balance right. However, we need to continue to be vigilant about our freedoms and the impact of it on them into the future. I would like to commend the bill to the house.

Ms DUNCAN (Macedon) — I am also pleased to speak on the Terrorism (Community Protection) (Further Amendment) Bill 2006. As has been pointed out by previous speakers, this whole terrorism issue is a bit of a moving feast. The federal government and all of the state governments are grappling with this. We have made a number of amendments to the original act, and I presume we will continue to refine legislation such as this right across the country as the terrorism debate continues. We do not know what lies ahead, so we need to ensure that as a country we are as prepared as we can be. I guess we unfortunately learn from the ongoing terrorist attacks in other parts of the world. Some of these amendments have arisen as a result of the things we have learnt from the London bombings. I guess we will all continue to grapple with this.

These are commonsense amendments. They are an attempt to balance the need for continued and further protection of the community with the rights of individuals. The bill makes further amendments to the Terrorism (Community Protection) Act 2003 to enhance the existing counter-terrorism measures and powers. As I said, these changes have arisen in response to some of the things we have learnt from the London bombings and as a result of the Council of Australian Governments meeting last year.

The primary objective of these amendments to the provisions of the principal act is to extend police powers following a terrorist act to include the disposal or destruction of a contamination source and entry onto land to protect persons and prevent the spread of contamination. As has been said by previous speakers, these incidents are often unknown to the police and they need to be able to respond appropriately.

The other amendments improve the operation of existing provisions that require the operators of essential services to prepare risk management plans to protect those services and the infrastructure critical to the delivery of those services from the effects of a terrorist act. They are simply about trying to set a standard format for these risk management plans. The

changes also clarify the obligations of occupiers of premises with respect to reporting the theft or loss of prescribed substances. This is a commonsense amendment which will ensure that, if this occurs, there will be a standardised reporting process on each and every occasion.

A minor amendment is being made to the preventative detention provisions in the principal act to assist the Supreme Court's deliberations on the place of detention of persons under 18 years of age. Again, this is part of the ongoing refinement of all of these different acts as we learn from things that are occurring elsewhere.

A number of amendments are being made to the Public Records Act 1973 and the Freedom of Information Act 1982. When you look at those provisions, they are not an attempt to prevent information in a general sense but just to prevent access to information that may present a security risk to Victoria or Australia generally. There are a number of other amendments in the bill. It is a progressive reform. We are continuing to try to get the balance right between the existing rights of individuals and community safety. I commend the bill to the house.

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. On Tuesday I asked the Premier why the Australian Transport Safety Bureau was not involved in the Trawalla investigation. He said it was because of its specific interstate rail line responsibilities. He was wrong. Yesterday the Premier claimed the Australian Transport Safety Bureau could not be involved because there were fatalities in this case but not in earlier cases. He was wrong again. I ask again today: what is the real reason the Australian Transport Safety Bureau is not conducting the Trawalla tragedy investigation?

Mr BRACKS (Premier) — Could I, first of all, thank the Leader of the Opposition for his question, and before going to the answer could I take the opportunity of acknowledging the four years of leadership he has provided to the Liberal Party in this state. It is a difficult position being leader of any political party, and I wish him success in the future.

Honourable members interjecting.

Mr Thompson — On a point of order, Speaker, question time is to do with government business, and I ask that the Premier respond to the question.

The SPEAKER — Order! The Premier, to continue.

Mr BRACKS — In answering the question, could I indicate that we have full faith in the investigation by the coroner and full faith in the ongoing investigation by the police. Also, of course, there is a separate V/Line-initiated investigation which is being undertaken. We believe that will determine the cause and outcome of those two events. We had a choice to make, of course. The federal transport safety operator is mandated for interstate operations; the choice can be made for intrastate operations. We have made that choice, and we believe that from the coroner's investigation and the other investigations we will determine the outcome of this case, which will be of benefit to all Victorians.

Industrial relations: WorkChoices

Ms ECKSTEIN (Ferntree Gully) — My question is to the Premier. I refer the Premier to the government's commitment to protecting Victorian working families. I ask the Premier to detail for the house what action the government is taking in light of the federal government's extreme new industrial relations laws.

Mr BRACKS (Premier) — I thank the member for Ferntree Gully for her question. All members of the government have grave concerns about working families in this country. We have grave concerns about their conditions and their future prospects in making ends meet, and that coming just after a further rise in interest rates. Members will remember the slogan at the last federal campaign, 'Keeping interest rates low'. Interest rates have gone up, and we know what is happening with petrol prices, but as well as that the wages, the entitlements and the working conditions of families are under attack from the federal government.

As a consequence, with other states in Australia we have launched today a High Court challenge to the WorkChoices legislation. That challenge is based on the constitutionality of the arrangements which the federal government put in place using the Corporations Law. The Corporations Law was intended to ensure that we had common and uniform corporations law around this country. It was never intended to be utilised to catch people on long service leave, occupational health and safety leave or awards or other entitlements. It was never intended for that, and it is that intention we

are challenging in the courts as part of the High Court challenge.

Mr Smith interjected.

The SPEAKER — Order! The member for Bass!

Mr BRACKS — This goes back to the formation of the country at Federation in 1901. It was very soon after Federation that the Conciliation and Arbitration Act 1904 was enacted, which has been in place for 102 years — —

Mr McIntosh — On a point of order, Speaker, this matter is sub judice. It is currently before the High Court and is being heard today. If this government would not address the issue relating to George Droutsas because it was sub judice, why can it deal with this issue, when it is before the courts?

The SPEAKER — Order! Can I clarify that the matter is being heard by the High Court today; is that correct? Has it been listed with the High Court today?

Mr BRACKS — Yes, today, Speaker. The answer to the question is really to the general issue, which I am happy to address.

The SPEAKER — Order! The Premier cannot address any issues which relate to the challenge before the High Court. They are sub judice.

Mr BRACKS — The system has been in place for 102 years. In fact it was initiated by John Christian Watson, leader of the first Labor government anywhere in the world, and finalised of course by the conservative Reid government when it put in place the Conciliation and Arbitration Act of 1904. It has stood the test of time. It was seen internationally as groundbreaking legislation and has been a model in conciliation and arbitration and in determining disputes. It is that very institution that is under threat from the federal government's actions.

That will effectively mean that a whole series of conditions will be going. If we look at award conditions, which have been the protection for working families around the country, we see they are going, and they will go as enterprise agreements expire. If we look at penalty rates, we see they are going as well, particularly as enterprise agreements expire. If we look at overtime pay, we see that is also going and it will go with the expiration of contracts. Holiday loading is going as well at the expiration of those agreements. Redundancy pay is going. The Industrial Relations Commission is going and collective bargaining and unfair dismissals have already gone.

We on this side of the house believe it is patently unfair that the notion of a fair go, of jobs and justice, which is the principle on which this country was based back in 1904, is under attack. Not only is it under attack by the federal government, but we know that the Liberals are complacent. They are divided, but they are also complicit in supporting the federal government in that. We call upon all Victorians to stand up on these unjust federal laws.

Fuel: prices

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the windfall gains in GST revenue being received by the state government due to increased fuel prices. I also refer to the Premier's repeated refusal to take any action to help families cope with the increase in fuel prices, which have a severe impact on country people in particular. I ask: given that the Premier will do nothing to relieve the pressure of fuel costs, will the government at least include in this year's budget a freeze on the thousands upon thousands of fees, fines and charges which are indexed to increase on 1 July this year?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. I again refer him to the comments of the Prime Minister who has indicated quite clearly — —

Mr Ryan interjected.

Mr BRACKS — You do not like hearing it but you are actually in coalition with them federally — —

The SPEAKER — Order! The Premier will address his comments through the Chair.

Mr BRACKS — The Prime Minister has indicated — and it is technically correct — that if you spend more money on one item, you have less money in your budget to spend on other items. The GST is on all expenditure items across a budget. When you are spending money you have a fixed amount. You spend money on petrol and you take that out of your budget, and the rest is spent on other goods and services. All of it has a GST, so the displacement factor means that the more you spend on petrol, the less you spend on other goods and therefore the less GST is spent on other goods.

Mr Smith interjected.

The SPEAKER — Order! The member for Bass will be quiet.

Mr Ryan — On a point of order, Speaker, on the question of relevance, the issue is whether the fees or fines will be frozen to help country Victorians. That is the question.

The SPEAKER — Order! A point of order is not the opportunity to repeat the question. The Premier, to continue.

Mr BRACKS — On the question of GST and windfall gains, which the Leader of The Nationals alleged, there is no windfall gain. The estimates, which the federal government determines, are based on the total GST. That is what the federal Treasurer and the Prime Minister determine, and that is what has occurred. Over and above that, we know that at least $1 billion of our GST is going to subsidise other states and territories, so not only do we — —

Honourable members interjecting.

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

Mr BRACKS — I reject the premise of the Leader of The Nationals — —

Mr Ryan — On a point of order, Speaker, again on the question of relevance, the way this issue is now being answered by the Premier has nothing to do with the essence of this question: will the government freeze the fines and charges? That is the question.

The SPEAKER — Order! The Leader of The Nationals has raised a question which was based on a number of premises to which the Premier is addressing his answer.

Mr BRACKS — If the Leader of The Nationals constructed his question differently he would of course elicit a different answer. It is his construction. He talked about windfall gains; he talked about the GST; he talked about the gains we were getting — and I refute the principle of the question because it is technically wrong.

Secondly, the price of fuel is based, under the federal government's scheme, on world parity pricing, which means it is pegged to international prices and as a consequence means prices go up in Victoria and Australia at the same time as they go up overseas. If the Leader of The Nationals does not like that system, why does he not talk to his colleagues who support it? Why does the Leader of The Nationals not talk to his Nationals colleagues who are in coalition with the federal government, which supports the scheme of world parity petrol pricing? We know he supports the federal Nationals and the federal coalition. This is a matter of convenience that suits him.

The reality is that there is no windfall gain; petrol is pegged on world parity pricing. The real question to answer is why the federal government has broken its promise to keep interest rates low. That is the real question.

Industrial relations: WorkChoices

Dr HARKNESS (Frankston) — My question is to the Minister for Industrial Relations. I ask the minister to detail for the house how the government's court challenge to the federal government's extreme industrial relations regime is seeking to protect Victorian working families.

The SPEAKER — Order! I call the Minister for Industrial Relations and ask him to take into account the comments made earlier in relation to sub judice matters.

Mr HULLS (Minister for Industrial Relations) — Before I commence I, too, want to congratulate the Leader of the Opposition for the work he has done over the last four years. I know he is a racing man, and in racing parlance I think he has actually been a very good jockey — the trouble is he has been riding a lame horse!

Mr Doyle — I am glad some things don't change.

Mr HULLS — They are about to.

Mr Doyle interjected.

Mr HULLS — With respect to the High Court challenge — and I understand the sub judice rule — it is a very important challenge. The Victorian government wants to protect Victorian workers and their families whose rights, lifestyle and living standards are really under attack as a result of the WorkChoices legislation.

If one accepts the general principle that corporations power actually allows the commonwealth to control anything that touches on a trading corporation, then it follows that the commonwealth can completely control universities; it can completely control private schools; it can completely control private hospitals; and it can completely control large aspects of things such as town planning and significant aspects of local government in a general sense.

Mr McIntosh — On a point of order, Speaker, this is a sub judice matter. The issue of the extent of corporations power is the very issue that the High Court is dealing with today. Accordingly any answer in relation to the breadth of Corporations Law on industrial relations is a matter that is sub judice and should be ruled out of order.

Mr HULLS — On the point of order, I am not talking about specifics and I am certainly not attempting to try and influence an outcome in the High Court. In respect of the general thrust of the corporations powers, if you have a look at Speakers' rulings in relation to sub judice, at page 171 of *Rulings from the Chair — 1920–2005* you find it says:

> Merely because some particular matter in a very broad sense is before a court does not say any reference to it in the chamber should be barred, but aspects likely to affect the course of justice must not be debated.

Talking about the general principle of corporations power is not, I would argue, impinging upon the sub judice rule.

The SPEAKER — Order! For the benefit of the house I will read the ruling made by Speaker Plowman and supported by Speaker Coghill. It says:

> The sub judice principle is imposed by Parliament upon itself with two main objectives. The first is not to prejudice a trial by discussion under parliamentary privilege of matters which might be reported in the press and which may influence a judge and jury or others who may be considering matters before them. The second is that Parliament should not usurp the function of the judiciary whose role it is to study facts as presented to it and make a decision under the law. Whilst it is for the Speaker to invoke the rule, that does not preclude a member from drawing the matter to the attention of the Chair. It is not the wish of the Chair to impede members in what they have to say, but they must exercise discretion to see that fair play is seen to be done.

Therefore, in answering the question the minister may refer to the High Court case, but he must not comment about any matters contained inside the challenge or which may have an effect in relation to the reporting of that challenge, or indeed on the decision that might be a result of that challenge. It is a very fine line, and I ask the minister to be circumspect in his approach to his answer.

Mr HULLS — I understand that, Speaker. The case that is before the court is effectively going to decide whether the commonwealth can do whatever it wants under our constitution. That is what the case is about. If the commonwealth were successful — —

Honourable members interjecting.

The SPEAKER — Order! I ask members on my left to be quiet. The minister does seem to be addressing matters on which he has sought advice from the court. I therefore ask him to refrain from entering into matters which may affect the judgment or may suggest to the court what decision it should take.

Mr HULLS — There are many academics and experts right around Australia who are watching this case with interest and the potential it will have in relation to commonwealth powers. The last thing Victorians want is for the commonwealth to be embarking upon a naked grab for power — —

Honourable members interjecting.

The SPEAKER — Order! The comments are out of order.

Mr HULLS — What I am saying is that the government is involved in this High Court challenge because it believes that it is important that the rights of Victorian workers are protected.

Mr Honeywood — On a point of order, Speaker, despite your three rulings on this matter, the minister is now referring to the outcomes that could transpire from this case, and that goes to the very heart of your ruling. This is a complete abuse of parliamentary privilege, and I ask you to curtail, as you have done previously, the minister from speaking further.

Honourable members interjecting.

The SPEAKER — Order! This a serious matter, and I ask members to behave in an appropriate manner.

Mr Cameron — On the point of order, Speaker, I draw your attention to the ruling to which you have referred that relates to Parliament not wanting to usurp the judiciary. It is important to remember which judiciary we are talking about. If we are talking about the judiciary in Victoria, is it fair that comments are being made by the government of Victoria in relation to the judiciary? It would be seen that Parliament and the government — the executive — is trying to impose a view on the judiciary.

Here we are talking about the Australian judiciary that is appointed by the federal government. There is a very big distinction because the government of Victoria is not capable of making any appointments to that judiciary.

Mr Thompson — On the point of order, Speaker, the key question that the earlier ruling referred to is that Parliament should not usurp the function of the

judiciary. The Attorney-General is currently riding a horse with three good legs and one wooden leg, and I suggest that he best sit down.

The SPEAKER — Order! There is a delicate line between what is acceptable and what is interfering with the court's jurisdiction. I do not believe there is anything in the Speakers' rulings that draws a distinction between the federal and state courts, as the Minister for Agriculture said, nor is there anything in the Speakers' rulings that suggests that the Attorney-General cannot address issues of importance in relation to this matter, as long as he does not stray into an area which could be seen to be interfering in the matter before the court or indeed the outcome of that matter.

Mr HULLS — This house should stand united and stick up for the delivery of decent standards for Victorian workers. That is the reason — and I will get back to the question — why we are attempting to do all we can to protect those decent standards for Victorian workers and their families. I will conclude on this note. There will be a new Leader of the Opposition shortly. Here is an opportunity for that leader — —

Mr Thompson — On a point of order, Speaker, the member is not answering the question that was asked of him. I ask you, Speaker, either to get him to sit down or to make him answer in a way that is relevant within the parameters of your earlier ruling.

The SPEAKER — Order! Whoever is the Leader of the Opposition is not relevant to the question.

Mr HULLS — I would hope that every member of this house actually gets behind Victorian families, gets behind Victorian workers and shows a united front. Indeed it will be a test for the future — a real test — as to whether or not that occurs. Otherwise, if it does not occur, the new leader will stand condemned.

Government: annual reports

Ms ASHER (Brighton) — My question is to the Premier. I refer to section 46 of the Financial Management Act, which requires government annual reports to be tabled in Parliament between 1 July and 31 October in a given year. I further refer to the fact that the last sitting day for this year is 4 October. Will the Premier guarantee Victorians that the government will table all annual reports prior to the election?

Mr BRACKS (Premier) — I thank the Deputy Leader of the Opposition for her question. I think I was asked this question — the media asked me this question — late last year, and I indicated in my answer that, yes, we would be bringing forward the dates on which the reports are required from each department. Subsequently I have written to each department — and the head of my department has also communicated it — indicating that all reports will be tabled and presented in the sitting periods that are available. That is on the record. That action has been taken, and action will be taken to bring forward those reports.

Wind energy: code of practice

Ms MARSHALL (Forest Hill) — My question is to the Minister for Environment. I refer the minister to the proposed national code for wind farms recently released by the discredited federal environment minister, Senator Campbell, and I ask the minister to detail for the house what effect the code would have on the development of renewable energy industries in Victoria.

Mr THWAITES (Minister for Environment) — I thank the member for Forest Hill for her question. Climate change caused by greenhouse gas emissions is already impacting on Australia and Victoria. It will mean — —

Honourable members interjecting.

The SPEAKER — Order! The member for Benambra should not interject in that manner.

Mr THWAITES — The member for Benambra just demonstrates how little he knows. Climate change will mean more droughts, more bushfires and more extreme weather events. What we do know — and I hope the member for Benambra knows this — is that wind power reduces greenhouse gas emissions.

Mr Ryan interjected.

Mr THWAITES — Apparently the Leader of The Nationals does not know that either. Despite their claim to be in favour of wind power, at every stage they oppose it. For example, we know that at Bald Hills the wind farm proposal would produce enough energy for 60 000 homes with — —

Mr Smith interjected.

The SPEAKER — Order! The member for Bass is trying the patience of the Speaker this week. I ask him to be quiet; either that or I will remove him again.

Mr THWAITES — The Bald Hills wind farm proposal would provide enough energy for 60 000 Victorian homes with virtually no greenhouse gas emissions. Despite this, Senator Campbell has

blocked the development, which would have provided jobs for regional Victoria. Senator Campbell has politicised wind power by refusing to approve that wind farm, based spuriously on its imagined impact on the orange-bellied parrot. His own report says that no such parrots have been sighted at Bald Hills, and using his own consultant's formula he indicates that perhaps it could result in one dead parrot every 1000 years. Make no mistake — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is too high. I ask the minister and the Leader of The Nationals to cease their conversation across the table, and I ask the minister to address his answer through the Chair.

Mr THWAITES — Make no mistake: it is not just Bald Hills, it is the whole of the renewable energy industry that Senator Campbell has in his sights. This threatens jobs, it threatens investment, it threatens a reduction in greenhouse gases and it threatens a sustainable future for Victoria — and now the federal government wants to go even further and kill off wind energy altogether. Senator Campbell has written to me and said that he is considering making a new regulation which would require all proposed wind farms to be referred to him. He wants a national wind farm code under his control. There is no doubt that that would kill off wind energy.

We do not want to put wind farms and wind energy in the hands of a federal minister who is known more for wacky ideas than anything else. Connecting cows to satellites? What a great idea! Or — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection and conversation across the table is unacceptable. I ask members to be quiet.

Mr THWAITES — Using carbon dioxide to power toasters was another good idea from this minister, and true to form — —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster!

Mr THWAITES — True to form, his other crazy idea was to take water from the states and give the federal government power over water. The Bracks government will not abandon the wind industry. We are not going to abandon jobs in Victoria. Our planning minister is challenging Senator Campbell's orange-bellied parrot decision in the Federal Court, and our energy minister in the other place is working with wind industry companies to promote renewable energy. On this side of the house we are working in a united way — while the opposition is divided — to stand up for jobs and the environment in Victoria.

Snowy Hydro Ltd: sale

Mr INGRAM (Gippsland East) — My question without notice is to the Premier. In light of the potentially disastrous economic consequences for Victoria if the Snowy Hydro scheme is privatised without adequate due diligence, I ask: will the Victorian government halt this fire sale until the conclusion of the New South Wales parliamentary inquiry and Victoria's own independent public inquiry into the state's risk?

Mr BRACKS (Premier) — I thank the member for Gippsland East for his question. I cannot believe he is still playing football, by the way.

An honourable member — He isn't!

Mr BRACKS — Not anymore! As I said, I thank him for his question. We believe we have protected Victorians' interests. The first part of the question was about the potentially disastrous economic outcomes from privatisation. We believe we have protected Victoria's interests. We believe we have protection and support. All those agreements in place as part of corporatisation have been reinforced as a condition of Victoria's entry into the sale of Snowy Hydro.

Separately, in relation to the New South Wales parliamentary inquiry, we will facilitate and assist any presentations to that inquiry. My understanding is that the other parties to the sale, predominantly the New South Wales government, which owns the majority interest, and the commonwealth, which has another interest, wish to proceed concurrently with the New South Wales parliamentary inquiry. We will join with them in also proceeding, but we will also facilitate any entry required to the New South Wales parliamentary inquiry.

It is more appropriate for that inquiry to be based in New South Wales, given that the asset, the infrastructure and the majority ownership is with New South Wales Snowy Hydro. We believe our interests are protected adequately as a result of the agreement we have as part of the privatisation to ensure that when it is sold the money is returned to other public assets in the state — $600 million will be going to schools and a further $50 million between New South Wales and

Victoria will be going back into further contributions over and above the 21 per cent flow of the Snowy to assist and support that effort. We believe all the environmental flows and the irrigators' interests have been protected as part of this arrangement we have struck to ensure those matters continue.

Child care: funding

Ms LOBATO (Gembrook) — My question is to the Minister for Children. I refer the minister to the government's commitment to making Victoria a great place to raise a family. I ask the minister to detail to the house how the government's task force on child care is seeking to address the crisis in child care numbers in Victoria as a result of policies of the federal coalition government.

Ms GARBUTT (Minister for Children) — I thank the member for Gembrook for her ongoing interest in child care. Getting affordable and decent child care is one of the biggest challenges facing Australian families today. It is not an easy issue for state governments to solve alone because, of course, the federal government funds child care — it is one of its responsibilities. Unfortunately, it is a responsibility that federal government members do not take seriously. They do not fund it properly, and they do not plan it at all. They leave it absolutely in the hands of the market.

This is a disaster for low-income families or families living in inner suburban areas where land is expensive because those areas are not profitable for private providers and not affordable for community providers. Obviously the federal government's approach is not working. We know it is not working because thousands of Victorian families are unable to get affordable, decent child care. Another problem is that we do not have an accurate picture of where those families are or what sort of child care they want and where the needs are.

This government has already provided $16 million to build new children's hubs — providing child-care places for over 2000 children. We have provided another $10 million to fund renovations and upgrades to a range of children's services. We have now set in place a new task force headed by the member for Prahran, that will look into the extent of child-care need across Victoria. That will help Victorian families to know where places are available, but it will do much more than that: it will do the very thing that the federal government refuses to do — that is, to find out where the needs are.

The federal government does not want to do that, because it does not want to be faced with the evidence that will confront it showing that its policies have failed. If the federal government will not face its responsibilities, we will help it. Victoria's children are far too important to be ignored.

Development tax: imposition

Mr CLARK (Box Hill) — My question without notice is to the Premier. I refer to the Bracks government's new development tax slug that will force property owners in designated areas to pay up to a 10 per cent tax on property subdivisions and I ask: will the government rule out extending this tax grab to centres such as Box Hill, Frankston, Geelong, Ballarat and Bendigo?

Mr BRACKS (Premier) — I thank the member for Box Hill for his question. I reject the imputation in his question. It is not a slug in the order that he said at all, so the premise of his question is incorrect. We have already indicated where this development contribution will apply. We have specified that clearly, and it will apply to the areas that the government has already announced.

Federal budget: outcomes

Mr MERLINO (Monbulk) — My question is to the Treasurer. I ask the Treasurer to detail to the house what the Victorian government needs in the 2006 federal budget to ensure that the government can get on with the job of making Victoria a great place to work, live and raise a family.

Mr BRUMBY (Treasurer) — I thank the member for Monbulk for his question. As honourable members know, last year the Premier released the Victorian government's proposal to the federal government for a new national reform agenda, which we called the national reform initiative. It was a detailed paper that called for a third wave of national economic reform across Australia, with a particular focus on human capital, competition policy reform and regulation reform.

It is history now that that paper became, with the cooperation of the Prime Minister and the federal government, the national reform agenda which was agreed earlier this year between the commonwealth and each of the states. In the context of that and the context of the challenges facing Australia, the challenges from the brick economies internationally — Brazil, Russia, India and China — the challenge of an ageing population and the need for continuing productivity

growth, one of the essential ingredients we need to see in this year's federal budget is a genuine commitment from the commonwealth to enable the states to get on with the national reform agenda.

The modelling that we have done in Victoria shows that the national reform agenda will add about half a percentage point a year to gross domestic product, in turn the commonwealth government will be the major beneficiary of that. Accordingly each of the states and territories argued at the Treasurer's council that the commonwealth should put aside $1.2 billion in this year's budget, 2006–07, to ensure that the states are properly rewarded for implementing and encouraged to implement reforms of the national reform agenda. If we want to see a more productive economy, more jobs and a stronger Australian economy, we need that $1.2 billion put aside in this year's federal budget.

The second reform that the Victorian government wants to see from the federal budget is a fairer share of the GST revenues. I think there is a bipartisan view on this going back through successive governments. As it stands now, for every dollar that Victorians pay in GST we get back just 85 cents. I do not think any member of this Parliament would object to assisting taxpayers in Tasmania, South Australia and the Northern Territory, but we certainly object to our taxes subsidising Queenslanders and Western Australians.

Honourable members interjecting.

Mr BRUMBY — We do, there is bipartisan support on that — especially when it is being used to prop up the West Coast football team.

The third area of reform is roads funding. Victoria now contributes 26 per cent of national fuel excise, and at a time when petrol prices are causing huge pain throughout the economy it is not just unfair but unjust and inefficient that Victoria gets back just 18 per cent. We pay 26 per cent and get back 18 per cent! I know the Leader of The Nationals could name dozens of national road projects across the state where he would want to see more federal funding.

The fourth area is hospital funding. Under the Medicare agreement hospitals are meant to be funded fifty-fifty by the commonwealth and the state. At the moment, because the Bracks government has been putting more resources into our hospital system, the actual funding ratio is 59 to 41. We are the 59, so we want that rectified.

I raise the final issue. As the Premier remarked earlier, at the last federal election the Prime Minister and the federal Treasurer promised to keep interest rates low. That was their key, core commitment to the people of Australia, and they failed. Yesterday's interest rates — —

Honourable members interjecting.

Mr BRUMBY — They made the commitment.

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is too high.

Mr BRUMBY — The reality is that yesterday's interest rate — —

An honourable member interjected.

Mr BRUMBY — Ask your farmers, ask your National Party supporters whether they are happy about paying thousands and thousands of dollars more for mortgages, as you apparently are!

Honourable members interjecting.

The SPEAKER — Order! I ask members on my left including the Leader of The Nationals to cease interjecting in that manner, and I ask the Treasurer to address his comments through the Chair.

Mr BRUMBY — The interest rate rise adds a very large amount to family household budgets. One way that the federal government could fix that is by increasing support for child care and for child-care rebates. Families are feeling the pinch, and this would enable families across Victoria and Australia to remove at least some of the pain that higher interest rates and higher prices for petrol have caused.

We look forward to the federal Treasurer's release of the budget next Tuesday. We want to see a fairer deal for Victoria in the areas I have outlined.

TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL

Second reading

Debate resumed.

Mr HONEYWOOD (Warrandyte) — I rise to make a brief contribution to the debate on the Terrorism (Community Protection) (Further Amendment) Bill. In doing so I should note that this Parliament does not take lightly its provision of further powers to the police force and to others charged with enforcing the security

provisions of the state laws when it comes to taking over powers that this Parliament would normally want held within the legislature. Having said that, we all know we are living in a very different climate from that of several years ago. Therefore it is with some hesitation that the opposition supports the extension of police powers proposed in this bill.

However, our key concern in providing our police force with this addition to its powers is that the government of the day does not use this as a Trojan horse for the freedom of information process, to which this government has paid lip service when it comes to making FOI more transparent. But in reality it has done its darnedest to make sure it is almost impossible to get documents of a sensitive nature out of any government department by either a journalist or a member of Parliament. The opposition has concerns with this legislation in so far as it constrains the freedom of information procedure from being transparent in the true sense of the word. It is with that condition or concern expressed that the opposition provides support for this legislation.

Who could have predicted that Australia would have been subjected to not one but two acts of appalling terrorism in neighbouring Bali? Who could have predicted that some of these appalling terrorist acts could have affected our country as they have, coming off the back of the September 11 tragedy? We therefore have to ensure that our laws are updated from time to time, to be cognisant of the situation we are now presented with, so the extension of police powers, while it is one that any legislature has concerns about, has support in this case.

However, my concluding comment is that we do not want this government to use it as a device through this bill to ensure that freedom of information restrictions are enforced to a greater extent than they are. I know from my own involvement in the scrutiny of government that getting any information out of a minister of this government — particularly the Minister for the Arts, who is at the table — is almost impossible. Therefore the opposition and the media find it impossible to get from this government legitimate documentation that previous governments would have willingly provided.

Mr JENKINS (Morwell) — It gives me a great deal of pleasure to rise in support of the Terrorism (Community Protection) (Further Amendment) Bill. For the second time this week I get to stand here and speak on a bill for which there is a degree of bipartisan support. Yesterday when debating another bill we had some but not universal support, but we have that level of support here. That is a reflection of the bipartisan view right across the country through the development of a reasoned response to the growing threat of terrorism, as has been brought home starkly to people in this country in particular after the whole range of terrorist activities that have taken place in Bali, London and elsewhere.

We know clearly that this will not be the last time that we will be here discussing the best way to operate terrorism legislation. A time will come when modifications will have to be made as circumstances change, as we gain further understanding of the mechanisms that terrorists use and also the ways in which they will attempt to hide information from the authorities, the police and governments. It is therefore important that we continue this debate and lend this degree of cooperation across this house and across Australia to ensure we get the support that is being offered today.

The amendments extend police powers following a terrorist act to including the disposal or destruction of a contamination source or the entry on land to protect persons. They also improve the operation of existing provisions that require the operators of essential services to prepare risk management plans. We now understand that governments should not take a reactive role in response to terrorism but a proactive role. We need to ensure that all those who are delivering essential services are also proactive in their response to an ever-changing terrorist threat and the challenges that have been brought about by that terrorist threat. It is important that we clarify our responsibilities, the responsibilities of government authorities that are delivering services and also of those individuals and private companies who are delivering essential services to the community.

As has been increasingly the case, many of those essential services, such as security services, are being delivered by others; and we need to make sure that those risk management plans are put in place to protect those services and ensure those essential services continue.

Again, it is the nature of our constitution that we need to do this cooperatively with the federal government. Any outcomes of the discussions we have or the changes we make will require cooperative approaches and quite often will require state and federal governments to legislate concurrently to ensure that we protect the Australian people.

That ultimately is why the Victorian and other governments, not only here but overseas, have seen fit

at various times and with a great deal of soul-searching to make changes and modifications to some rights that in the past have been considered to be inalienable. We need to make those modifications to ensure that the community as a whole is protected and is in a position to respond effectively when terrorist activities take place, as well as ensuring that we are fully prepared for continuing terrorist threats.

The support of the opposition parties is something that, as I understand it — and I have been here only a limited time — has been there from the initial implementation of this sort of legislation. It is important that we have opposition support not only in this house but outside it so the Victorian community can have confidence that we are making legislation which, at the same time as providing protection, also restricts any limitation on the freedoms individuals have enjoyed since the state of Victoria could implement any powers.

The extensions that are currently proposed will not only make Victorians safer from the terrorism threat but also make sure that we are in the best position to respond to terrorist activities. We are moving carefully, and we should continue to move in increments, because there are such fine lines between competing rights and responsibilities and between the individual rights and freedoms that we enjoy and those that are enjoyed by and important to the good functioning of our society.

I endorse the purposes of the bill. I also endorse all the hard work that has been done at an intergovernmental level between the states and territories and the federal government to make sure that we have the best legislation and best protection possible and that Victoria remains a great place in which to live, work and raise a family. I commend the bill to the house.

Mr MAXFIELD (Narracan) — I rise this afternoon to talk in support of the Terrorism (Community Protection) (Further Amendment) Bill. I also acknowledge and support the comments of the previous speaker, the member for Morwell. It is certainly pleasing that this is one of those bills on which, recognising the threat we are under, we have come together to work for the community.

There is no doubt that this bill is one about which we have to be particularly careful. We cannot afford to charge in and ride roughshod over people's civil liberties and rights. We have to value our freedoms and civil liberties along the way. But one of the threats to our civil liberties and our freedoms is terrorists who want to take away those civil liberties and freedoms and have us living in fear as though under attack, perhaps to force us into taking some extreme measures that they believe may further their cause.

We are not going to fall into that trap. In introducing this bill, with the support of the members of this house, we are delivering on protection against terrorism that gets that fine balance right between maintaining the freedom of the individual and being able to act appropriately, swiftly and firmly in the face of the threat of terrorism in our community.

I will go through a number of the issues raised by the bill. One is the right to enter residential premises without the consent of the occupier if it is necessary to protect the safety of other people. I think it is very important that we actually acknowledge the requirements here. We cannot have police just charging willy-nilly into a house because they feel like it; but in the case of a major terrorist threat or terrorist incident we need to ensure that the police have the appropriate powers to respond properly and efficiently to that threat.

In the same way the bill clarifies and simplifies the reporting process relating to the theft, disappearance or loss of prescribed chemicals — and a number of other substances as well. We need to keep track of and monitor very closely what substances have been taken or accessed, because there is a possibility that terrorists may be using those sorts of materials. As we know, a number of fertilisers and other such materials have been used in the production of bombs. We need to have a simplified and fundamentally clear way for members of the community to keep a record of what is going on in their community so that we can be aware of and alert to the loss of particular products, which would certainly help our police forces in their fight against the threat of terrorism.

I come to another issue which I think is important, that being the security of sensitive documents held by Public Record Office Victoria. We have to ensure that people have the right to access public records. This is similar to accessing information under the Freedom of Information Act and the exemptions that apply there. In both cases — public documents and documents available under freedom of information — we have to ensure that we do not deny the community legitimate access to them, but where possible records that could be used by terrorists can be restricted to stop them getting access to those records.

As I am the member for Narracan and have part of the Latrobe Valley in my electorate, I am familiar with the power industry in the valley and the power stations and the high-tension lines going to Melbourne. We have the

gas pipeline too, because the majority of Victoria's and Melbourne's gas supplies come by pipeline through the Latrobe Valley. That is not to mention the fact that some of Melbourne's water supply also comes from the Thomson Dam. You do not have to be very observant to realise that we have vital public infrastructure in the Latrobe Valley. I know the member for Morwell shares my concern. It is not only a matter of protecting that infrastructure for the wellbeing of the state; we are also very keen to ensure the safety and protection of workers and of all those who live in the Latrobe Valley.

Thus we have a particular interest in providing the right sort of framework with which to protect our infrastructure, especially in the Latrobe Valley. At the same time we acknowledge the need to get that balance right and protect the freedoms of individuals. We do not want to take away the freedoms that we are trying to protect. We are not going to throw the baby out with the bathwater. I think this bill really gets that balance right because it reflects those sorts of needs. So it is with great pleasure that I commend the bill to the house.

Mr WYNNE (Richmond) — I am delighted to join the debate on the Terrorism (Community Protection) (Further Amendment) Bill. In doing so I acknowledge that this bill is supported by both sides of the house. It has been a hallmark of debate on the terrorism community protection legislation that, after proper consideration, it has been unanimously supported across the chamber.

As members will recall, when we introduced the Terrorism (Community Protection) Act 2003 we indicated that as time progressed further refinements might be needed in consultation with Victoria Police and other community services. As an outcome of the enactment of the bill and the passage of time we have the further amendments that are before the house today. Reflecting on my own contribution to the debate on the 2003 bill I recall that I indicated this was extremely strong legislation but was appropriate for the circumstances. At the state, national and international level the broader community found itself under the threat of terrorism. We are all aware of subsequent events, not only in our own region but also in the broader international, geopolitical arena — shocking acts of terrorism perpetrated upon innocent parties.

I am aware that when the government drafted the initial legislation in 2003, it desired to balance the need for the protection of the community against the legitimate and hard-fought liberties that we enjoy in this state, and indeed this country. A balance is required. I believe the government got it right in 2003, because judicial oversight was a hallmark of all the provisions of the act that allow people to be detained. I reiterate that, because it is an important point to make. Governments ought not interfere with people's liberties without appropriate checks and balances being made available to the people suspected of illegal activity. They should be able to go before a court to argue aspects of the case relating to their proposed detention, and they should have access to legal representation.

By way of background, it is important to set this amending bill in the context that led to it coming before us today. Briefly, the objectives of the bill's amendments, as set out in the explanatory memorandum, are to:

> extend police powers following a terrorist act to include the disposal or destruction of a contamination source or the entry on land to protect persons and prevent the spread of contamination —

which I think is a logical and very straightforward aspect of the bill. They include improving:

> … the operation of existing provisions that require the operators of essential services to prepare risk management plans to protect those services …

They also aim to:

> provide offence provisions to support the obligations in part 6 to prepare risk management plans or participate in training exercises; and
>
> clarify the obligations of occupiers of premises with respect to the reporting of the theft or loss of prescribed substances.

These are logical changes that have emerged since the 2003 bill. It is important to note, as is stated on page 1 of the explanatory memorandum of the bill:

> There is no further refinement of the preventative detention provisions or the special powers of police to stop, search and seize that were introduced into the act by the Terrorism (Community Protection) (Amendment) Act 2006.

These are important ancillary provisions to the 2006 act. They are sensible provisions, which are supported by both sides of the house. There was some concern in relation to the withholding of information that is potentially on the public record where it relates to security matters, but if people read the second-reading speech carefully they will see that there is the capacity for exemptions for people who wish to undertake research. Subsequent governments can obviously further review this legislation over time. These amendments are appropriate. They arise out of the act having been in place for some period of time. I commend the bill to the house.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

DISABILITY BILL

Council's amendments

Returned from Council with message relating to following amendments:

1. Clause 5, page 15, after line 15 insert —

"( ) acknowledge the important role families have in supporting persons with a disability;

( ) acknowledge the important role families have in assisting their family member to realise their individual physical, social, emotional and intellectual capacities;

( ) where possible strengthen and build capacity of families who are supporting persons with a disability;".

2. Clause 5, page 16, after line 5 insert —

"( ) be designed and provided in a manner which continues to reflect the role of the Secretary in providing and funding planning for persons with a disability;".

Ms GARBUTT (Minister for Community Services) — I move:

That the amendments be agreed to.

The Disability Bill has come back from the Legislative Council with essentially four amendments to the principles. I am moving that we agree to the Council's amendments.

The Legislative Council has just put in place a new system for dealing with bills. As well as having a committee-of-the-whole process, it has established a Legislation Committee which examined this bill outside of the chamber process itself. That committee of six members of the Council considered the bill over three sittings totalling around 10 hours of detailed examination, clause by clause in many stages. Many possible amendments were considered; some were not accepted by the government because they would undermine the effectiveness of the bill or indeed the intent of the bill. However, the government has had regard to the comments made in committee and other comments made to us by interested people and stakeholders, and in fact itself moved these four amendments.

I turn to those amendments. Three of the four, in fact the first one standing in my name, cover three different amendments to the principles, and these strengthen the recognition of the role of families. We want to make it absolutely clear that we recognise and acknowledge the role of families and support them in their role. We want to strengthen that and make it much more obvious within the legislation, so I have moved three amendments today to better recognise the role of families. The amendments are to:

acknowledge the important role families have in supporting persons with a disability;

acknowledge the important role families have in assisting their family member to realise their individual physical, social, emotional and intellectual capacities;

where possible strengthen and build capacity of families who are supporting persons with a disability.

These are important amendments. They all recognise the varied role of family members as carers and the absolute importance of them in carrying out those roles of supporting people with disabilities. We recognise that they make enormous personal sacrifices, many for a lifetime, and that that role needs to be acknowledged within the bill. The bill already contains a number of provisions that recognise the role of families and carers. It has general principles. Clause 5(3) states that disability services should:

(h) consider and respect the role of families and other persons who are significant in the life of the person with the disability;

(i) have regard for the needs of children with a disability and preserve and promote relationships between the child, their family and other persons who are significant in the life of the child with a disability …

Likewise, in the planning provisions there is an important recognition of the role of family members. Clause 52(2) says that in planning for the person with the disability, planning should:

(c) where relevant, consider and respect the role of family and other persons who are significant in the life of the person with a disability;

(d) where possible, strengthen and build capacity within families to support children with a disability …

As well, the bill also provides that where a person appears to be incapable of understanding information that is required to be given to them about planning, service, a new initiative, a notice or advice, that information can be given to a family member, guardian, advocate or other person chosen by the person with the disability.

In this bill there is strong recognition of the role of families and carers, and that is very appropriate. I believe everyone in this house, certainly everyone on our side of this house, understands the vital importance of families in supporting, nurturing and assisting with the development and achievement of the goals of the person with the disability within their families. The system could not do without families and carers, and families as carers. We recognise those. However, we have also been listening to the community and added these three extra principles as amendments to further clarify and strengthen our recognition and consideration of families.

We believe it is appropriate to move these amendments and put them front and centre. It is also important to note that we have put them into the principles of the bill and that means, as principles, they carry forward right through every clause and every page of the bill. These are principles that underpin whatever else is said and directed in the bill. There is a very strong recognition of that through these extra amendments.

The second amendment concerns the planning issue. It addresses the misconception that the bill actually diminishes the responsibilities of the Secretary of the Department of Human Services for planning for people, particularly for people with an intellectual disability. There was a misconception that we were trying to diminish, reduce or drop entirely the responsibility of the secretary. We have put this amendment into the bill, again an amendment to the principles, to ensure that it is obvious that the secretary continues to play that role and have that responsibility.

There was also a misconception that planning may not be properly coordinated, so that where a person, particularly a person with an intellectual disability, had need of several different services from a range of providers they might end up with several different plans that were not connected and coordinated. This amendment picks that up as well and makes it obvious. It says about planning that it:

> … be designed and provided in a manner which continues to reflect the role of the Secretary in providing and funding planning for persons with a disability …

It is an amendment made by the government to ensure there is greater clarity around those issues that have been put to us. As I said, I believe it has been a misconception and a misreading of what is intended, and this amendment should clarify that. It is certainly not the government's intention to reduce the current availability of and access to planning for people with an intellectual disability. I think the inclusion of this as a principle reaffirms this commitment.

These two amendments, covering four different principles, have been accepted by the Legislative Council, and I am now moving that we accept them in this place.

The bill more broadly goes back to the *State Disability Plan 2002–2012*, which is based on a recognition of the rights of people with a disability to community membership. It recognises, first and foremost, that they are citizens of this community, with all the entitlements, rights and responsibilities that go with that. It also, of course, recognises and embraces the importance of the community in the lives of people with a disability. The bill is about making sure that people with disabilities are included and participate in the community and that services need to be more accessible and relevant and inclusive of people with a disability. That is the fundamental basis of the bill. It sets in place the government's vision for people with a disability as outlined in the state disability plan. It recognises the importance of the community in the lives of people with a disability, and it recognises that the community needs to be more inclusive, more embracing, more accommodating and more accessible for people with disabilities.

Another key component of the bill is the establishment of the disability services commissioner. This was discussed considerably by the Legislative Council Legislation Committee. There was some concern and confusion regarding the disability services commissioner, but it was pointed out that this was the same as the appointment process for the health services commissioner. Indeed it is the health services commissioner's act that we modelled this one on. The disability services commissioner will be independent and will prepare an annual report that is to be tabled in Parliament.

The legislation also strengthens the protection of people with a disability by providing that certain decisions are reviewable by the Victorian Civil and Administrative Tribunal (VCAT). That sets in place two very important independent mechanisms to ensure that disability service providers are more accountable to people with a disability and that people with a disability have some capacity to have their complaints heard independently.

This bill is the culmination of many hours of very hard work over three years. It involved extensive consultation with the whole sector, including, primarily, people with a disability and their families, carers and advocates, and also disability service providers and the broader community. We considered very fully the range of issues that were thrown up during that

consultation process. We released a discussion paper, a report of recommendations, an exposure draft and finally, of course, the new process debated in the Legislative Council. Hundreds of people have been involved, and there have been forums, discussion papers, submissions, personal representations and, as I said, many hours of hard work.

I want to place on the record my thanks to the many people who have worked very long and hard and with great commitment and passion to get the bill to this final stage. I would like to thank my parliamentary secretary, the member for Derrimut, for his great passion and commitment. I am sure that he is going to be very well satisfied by seeing this bill and these amendments go through this house.

Thanks must go to my adviser, Mr Ian Parsons, whose great belief in this progressive legislation carried us along through many hours of hard work. Thanks also to Mr Arthur Rogers, the executive director of disability services in the department, and his staff, who spent many hours on this bill and pushed it forward and worked through the many issues that we had to consider; and thanks too to the advisory committee of sector stakeholders that were also involved at every step along the way.

This is a contemporary, forward-looking piece of legislation. It is a framework that is going to create greater flexibility in providing services, greater accountability among all service providers, greater protection and an emphasis on the rights of people with a disability. I now wish the amendments a speedy passage.

Mrs SHARDEY (Caulfield) — I rise to speak on these amendments, which I received just a few hours ago. The process that has been put in place in the upper house with the establishment of the Legislation Committee offers a great opportunity for a more minute examination of some very significant bills going through this Parliament. In that sense I congratulate the government and the upper house on the establishment of this committee and the process by which it examines pieces of legislation in detail.

However, I note that despite the many hours — 8 hours and 44 minutes, in fact — spent considering this legislation in that process, looking at 250 clauses and moving and debating some 25 amendments, only two basic amendments were agreed to. It is a pity that the government asserted its role in that committee and used its numbers to vote down — —

Mr Nardella interjected.

Mrs SHARDEY — It is called government, that is true, but this was a process for a detailed examination. I guess when you have the numbers, you have the numbers. I acknowledge that. However, it meant that a large number of the concerns that had been raised about the more detailed elements of this bill were ignored. Some people have written to us detailing a large number of continuing concerns with the legislation, concerns which have not been addressed in this process.

While the Liberal Party is prepared to support these amendments in terms of the changes to the principles, a large amount of detail in the bill has not been amended. This indicates that the government has not listened.

Mr Nardella interjected.

Mrs SHARDEY — You will have your turn, okay? I suppose it goes to the heart of the concerns the peak bodies and families had with the latter part of the process in relation to the examination of the disability legislation.

The Liberal Party supported a review of the legislation. Indeed, I think the first part of the process was handled well. However, the latter part of the process was not. First of all it was not originally the government's intention to provide a draft bill. The peak bodies and the community had to work really hard and speak with a very loud voice, which we supported, to get that draft legislation on the public record. Then there was a very short time over the Christmas period for that draft legislation to be looked at. A number of letters were written by very significant bodies publicly and to members of Parliament expressing concern about that process. I think that needs to be acknowledged.

Finally there was the very short time between the second-reading speech on the bill being delivered and the debate on the bill, where it was shown that there were a large number of changes in the final legislation — —

Mr Nardella interjected.

The ACTING SPEAKER (Mr Seitz) — Order on the government side!

Mrs SHARDEY — A large number of changes were made to the bill between the draft and the final legislation stages. I want to place those concerns on the record, because I think they continue to this day. In fact, it is probably fair to say that even these amendments have not been considered by the peaks and the community in terms of whether they are satisfied that these amendments address all the concerns that were expressed as part of the response to the draft bill and the

final bill. In a sense, while the Liberal Party will be supporting the amendments, we are still not satisfied that the bill addresses all of the issues and the concerns of the community in relation to this legislation.

I will quote a couple of people who are very passionate, people who are carers for the disabled and who speak out very publicly in relation to these matters because of the many years of care they have given their loved ones and because they live the life of caring for a disabled person every single minute of every single day. We need to acknowledge that these people have a right to a voice.

The first amendment refers to the new principle of acknowledging the important role of families, because this was an area that was seen to be completely missing. It requires the government to acknowledge the important role families have in assisting their family member to realise their individual physical, social, emotional and intellectual capacities. Jean Tops, a person who speaks loud and clear and expresses her views very forthrightly, said:

> They can acknowledge your aunt, your uncle, your fluffy pussycat, school, doctor, dear old granny, the fact is that they cannot do up their own laces —

referring to the disabled —

> but this means nothing … All it really acknowledges is that the caregiver will be the damned, ignored, neglected, an unpaid labour force to a state which can pass a bill that offers and means nothing, that abrogates responsibility.

That is a fairly strong and emotional view of the situation. Others have written in a more detailed way. I acknowledge the letter from Max Jackson, who put quite detailed submissions to the government in relation to the legislation. He commented in his letter about the Victorian Advocacy League for Individuals with Disability report. He said:

> I strongly support the many concerns and reservations expressed in the VALID report about the bill. Things such as:
>
> > the lack of clarity of planning and the reliance on the need for 'much policy development work';
> >
> > the 'generality of these (planning) provisions as being a "threat"';
> >
> > acknowledgment, 'the powers of the commissioner will not satisfy the demands of some complainants';
> >
> > the bill being 'light on detail' in the area of standards;
> >
> > disappointment at the 'absence of a firm funding guarantee'.

Max goes on to talk about his detailed concerns.

Mr Nardella interjected.

Mrs SHARDEY — It is all right. He can rabbit on, he always does. No-one takes any notice of him.

Max goes on to talk in more detail about his concerns with the bill. I think we should record this list because it shows continued concern which I believe needs to be addressed, and perhaps even answered. He talks about the provision to proclaim any residential service a residential institution. He is very concerned that the use of the word 'institution' has come back into the thinking and the wording of the legislation. He is concerned about the denial to persons who have a decision-making incapacity the right to have information, planning or eligibility decisions made available to their carers or parents.

Ms Garbutt interjected.

Mrs SHARDEY — This is the concern that has been expressed, this is what people are worried about. Perhaps the minister should be listening to these concerns and responding to them. The concerns listed also include:

> rejection of the inclusion of persons with a dual disability;
>
> rejection of autism spectrum disorder;
>
> the condoning of eviction notices being served upon persons with a severe or profound disability without telling anyone other than the disabled person, who is then expected to appeal unaided;
>
> the fact the bill discriminates against persons with disabilities by excluding them from the protection of the Residential Tenancies Act —

which is something that was argued.

The letter states that the bill is discriminatory:

> … in that only persons with an intellectual disability will be subjected to compulsory treatment orders …

The other concerns are:

> … elimination of general service plans;
>
> makes asking for a service a free-for-all with no requirement for a plan of any sort until after a service is offered and implemented;
>
> establishes a soup-kitchen model of priority access — 'get in line and hope like hell you get there before the food runs out';
>
> a failure to include early intervention services;
>
> the exclusion of children under six from a legislated assessment framework.

A lot of concerns have been expressed by the sector in relation to this legislation. I understand that the minister has attempted to some degree to respond to just a few of these concerns, as expressed in the amendments before us today as they have come from the upper house. We support those amendments, but I still believe there is a vast body of concern that has not been responded to by the government, and I believe the final process indulged in by the government was one to accelerate this legislation as fast as possible.

Given that the implementation of this legislation will not take place until next year, there would have been ample time for longer consideration and then perhaps a better response which would have negated the need for the government to bring in amendments at the last minute. These are last-minute amendments. They are a bit of a bandaid approach to some very deep concerns — —

Mr Nardella — Support the process.

Mrs SHARDEY — There are some people in this house who would like to think this is all a bit of a joke and that the concerns of people out there who live the life of looking after a disabled person every single day should be ignored.

Honourable members interjecting.

Mrs SHARDEY — And you would want to ignore them — because that is what you are doing in this house today by your actions!

These are very serious issues that we, as legislators, are responsible for addressing; we have a responsibility to listen to those who are affected. I am appalled by the fact that there are members of this house who think it is okay to sit up the back and just bellow, to make no sense at all and not really respond to very serious issues in this place.

Mr MAUGHAN (Rodney) — The Nationals will be supporting these amendments and opposing the bill for reasons similar to those outlined by the member for Caulfield. The work done by the Legislative Council's Legislation Committee has been shown to be a good process. The committee has done good work in going through this bill in detail and drawing out a lot of the issues. The members have certainly spent a lot of time on it; they spent some 10 hours in committee and considered a whole range of amendments — in excess of 200.

Today, to get this legislation through, the government is introducing two amendments, which, I might say, we support; the sentiments are good. Essentially they are cosmetic; they change nothing. They do not commit to any resources. They do not address the concerns that were raised by disability service agencies and individuals like Jean Tops and Margaret Ryan, who are supporting the carers.

They are the people who are out there day after day, dealing with this issue. They are not happy with this legislation. They are the people we really should be listening to. The member for Melton, in his previous interjections, indicated that there has been widespread consultation. I agree, on paper, there does appear — —

Mr Nardella interjected.

Mr MAUGHAN — He is bellowing again — —

Mr Nardella interjected.

Mr MAUGHAN — Acting Speaker, I object to the member for Melton bellowing. He will have his opportunity to speak later. If he wants to shout down the member for Caulfield, which he tried very hard to do, and if he wants to shout me down, he can try, but he is not contributing anything to addressing this issue.

Mrs Shardey — He never does.

Mr MAUGHAN — He doesn't. He just bellows. I wish he would make a concrete contribution and do something about addressing the problem. While on that issue, an earlier interjection was, 'Why didn't the previous government fix this problem?'. The reasons are very simple. When the previous government assumed office, the state was broke — —

Mr Nardella — Cut it out!

Mr MAUGHAN — Have a look at the Auditor-General's report — —

The ACTING SPEAKER (Mr Seitz) — Order!

Mr MAUGHAN — Again, if he wants to bellow, so be it, but the indisputable facts are that the state was broke. You only have to read the independent reports at the time that demonstrate that. The coalition government, whatever its faults, really did address the financial problems of the state and left Victoria in a very good position in terms of its financial affairs. The state was solvent. It had paid off its debt, and it had cash surpluses.

This government got off to a very good start and has since had the benefit of $8 billion a year coming in from the commonwealth in GST, which goes up each

year, as well as all those other taxes and charges that are indexed.

That is the reason why the previous government was not able to do all the things that it would have liked to have done. This government does have the capacity to do much, much more. It has the choice of how it wants to spend its money. We can spend $1000 million, or whatever it is ultimately going to be, on the Commonwealth Games; we can waste $800 million on a fast train that is no faster and is hundreds of per cent over budget — and I could go through a whole range of other things, but it is not appropriate to do that.

I will come back to the legislation, because there is a capacity for this government to do something about some of the most disadvantaged people in our community, particularly the carers who are dealing with a disabled family member. In many cases they have been doing so with little assistance from governments. I accept that the previous government did not do enough, but that is no excuse for this government. It is in a very much better financial position to do something about it — but has not done that — when it is spending significant amounts of money on a whole range of other projects.

Mr Cooper — Including parties.

Mr MAUGHAN — Including parties. Yes, one could argue whether it is appropriate to be spending $400 000 on the opening of a hospital, for example, or the money the Minister for Transport spent on a party at what used to be Spencer Street station — I cannot recall the new name; I think it is Southern Cross — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! Interjections are disorderly, and the honourable member for Rodney will ignore them.

Mr MAUGHAN — I will ignore them, Acting Speaker. One could argue whether the government has got its priorities right in spending millions of dollars on parties, public relations and on spin when it cannot then provide the resources to assist some of these most deserving people in our community. That is essentially the problem. It is a matter of where this government puts its priorities.

The point is that we will support the amendments we are dealing with today because the sentiments are right. They are doing absolutely nothing about providing more resources to assist those with disabilities. Those people out there in the disability community are still not satisfied that the government has listened to the points they have made and addressed their concerns.

The government talks about consultation. If consultation is about the government saying it has had 25 meetings, and spent three years and gone here and there and elsewhere but it has not really listened or conversed or responded to the concerns raised, then the consultation is for nothing. Consultation is a two-way process, where the government goes out and states its case and listens to what the disability community says back to it. Then hopefully it goes and does something about addressing those concerns, rather than — as the member for Melton spelt out in his jocular interjection to the member for Caulfield — the government having the numbers. Of course the government has got the numbers. Of course the government does not have to listen. The government can be as arrogant as it wants to be in going out and consulting and doing absolutely nothing. But the earlier interjection from the member for Melton, made in a laughing way, 'We've got the numbers', essentially says that it can do what it wants because it has the numbers. I agree. The government has the numbers in this house, in the Legislative Council and in the Legislation Committee. It can do what it wants, but it does so at its peril.

I conclude by saying that carers have been ignored. They live with the problem day by day. They need far more support than they are currently getting. As evidence of that one only has to listen to articulate people like Margaret Ryan and Jean Tops, who have made those points time and again. They are very passionate and clear in what they say and they have been outspoken in their criticism of this legislation because they claim it overlooks the legitimate concerns of carers.

I do not want to go through the second-reading speech again, but I simply note that the legislation does not cover autism. That is a glaring omission. There are other omissions that were certainly brought out in the second-reading debate, but autism is one of those. There are enormous problems for families with an autistic child, and this legislation does not even deal with them. It does not deal with carers and so we will be supporting the amendments but opposing the legislation itself, as we did with the second-reading speech.

Mr LANGUILLER (Derrimut) — It gives me great pleasure to see that we have finally come to the point where the legislation and the government's amendments have come before the house. Hopefully, at some point today, we will be able to pass this

legislation and do what people in the intellectual disability sector, the carer bodies and the whole of the community and government want to do, which is to get on with the business of implementing good legislation fundamentally arising from the recommendations of the state disability plan, which was a great exercise. I talked to people with intellectual disabilities, their carers, families and other parties in the sector, and formed the view that the legislation which was required is precisely what we now have before the house.

The opposition has referred again to a range of issues associated with consultation. If I may I will briefly complement my earlier contribution to this debate by establishing and putting again on the record that this legislation and amendments happen to be the outcome and the result of that long process of consultation relating to the development of this bill. I cannot but remark upon a comment from the public advocate — a strong contributor to Victoria — Julian Gardiner, in a letter to us a few weeks ago which said it was time to act and get on with this legislation. This is what people with intellectual disabilities want.

As I indicated, the review included extensive consultation with people with a disability, their families, carers and others, disability service providers and the broader community to ensure that all issues were properly considered and that the views and interests of different people informed the development of this bill.

For the record, in May 2003 a discussion paper was released with a subsequent three-month period of consultation involving some 1200 individuals and organisations. In October 2004 the government released a review of the disability legislation and a report of the recommendations. The purpose of the report was in fact to enable people to comment on the proposed direction of the legislation. More than 500 people participated in focus groups held across Victoria, and 80 organisations and others made submissions. Incidentally, I am very privileged to have attended almost all of those focus groups. I sat through them from morning to afternoon or evening and participated in a very inclusive way during the course of that consultation.

The government subsequently released the exposure draft of the Disability Bill in November 2005 to ensure that people had an opportunity to consider areas that had changed following feedback on the report of the recommendations. In passing, I recognise the role played and the contributions made by all of the organisations, the peak bodies and individuals who assisted in the development of this bill. For example, one of the strong contributors and organisations that has been part of the process recognised that we may not agree totally on the bill, but during the course of the development of the exposure draft the government had, I think, 15 meetings with the Council of Intellectual Disability Agencies (CIDA), which was just one of many organisations involved. In fact, the government held a similar number of discussions with most peak bodies affected by the legislation.

There were 78 submissions received on the exposure draft, and 13 forums were held across the state to enable people who support those with a disability to make comment on the draft. Additional forums were organised for people from communities with a culturally and linguistically diverse background and complex communication needs. Many people and organisations participated and made comments throughout the entire process.

Subsequent to that process, the bill went from the Legislative Assembly to the recently established Legislation Committee of the Legislative Council, and I commend the role played and the work done by all parties on that committee. We disagreed with the opposition parties there. The government is very confident that this is the right legislation, because it fundamentally recognises where the future is. It is a reality that when the Labor Party came into government in 1999 the disability budget was of the order of $540 million. That was the commitment of the previous government. It is now $980 million — close to $1 billion, as a matter of fact — which is a very significant increase.

Let us put the facts on the table. The government recognises the challenges posed by the state disability plan, but it also recognises its financial imperatives. The reality is that the majority of people actually serviced by or who enjoy the support, services and programs of the plan — who are funded in effect by the $980 million — are not those with disabilities; in fact, the figure is of the order of 30 per cent.

The inevitable challenge for the government and for the opposition is to recognise that we must do business in a different way. People with intellectual disabilities, in the course of that extraordinary consultation on the state disability plan, told us they wanted to be part of a more inclusive community. They wanted to be integrated. The only way forward is to do precisely what this legislation has done, which is to introduce, for example, a whole-of-government and a whole-of-community approach, and recognise that we have to be exceptionally creative if we are to facilitate the process of integration and inclusion in the community of people with disabilities into the future.

The government proposes two amendments, the effect of which inserts four new principles into clause 5(3) of the bill. These new principles are that disability services should:

> … acknowledge the important role families have in supporting persons with a disability.

It does this in recognition of submissions put to it over a period. It recognises the comments made and further clarifies and strengthens the notion that the government is very cognisant of, acknowledges and values the role that families and carers play. The government is now being more explicit, and these amendments are a response to their submissions.

The second principle in the government's amendment to clause 5(3) reads:

> … acknowledges the important role families have in assisting their family member to realise their individual physical, social, emotional and intellectual capacities;

The third principle states:

> … where possible strengthen and build capacity of families who are supporting persons with a disability.

In its fourth principle the government recognises that disability services should:

> … be designed and provided in a manner which continues to reflect the role of the Secretary …

That was one of the issues raised and the government has further clarified its stance on the role of the secretary.

These are good amendments. They are the final amendments that the government brings to the house. The government is very proud of this legislation, and it recognises again the role played by the disability sector, the carers and people with intellectual disabilities. I reiterate my personal appreciation of the minister for her stewardship and her commitment to ensuring that Victoria has one of the most extraordinary legacies by providing very flexible services and at the same time, very strong safeguards that will protect the interests of people with disabilities.

I commend the bill and the amendments to the house.

Mr COOPER (Mornington) — I do not think anybody could quibble with the words that have been added to the principles of this bill, but I want to touch on more than just principles and more than just words. I want to talk about the realities of dealing with the issues confronting people with disabilities and their families because that is the real world. We can have a bill that contains a huge number of pages, and we can put more words into it, but at the end of the day if the resources are not there to deal with the issues confronting people with disabilities and their families, we are simply wasting our time.

I know that most members of this place who have any interest in this area will understand that while costs are rising, and rising rapidly, the amount of money provided by the government to organisations and to people who care for people with a disability is not matching those costs or keeping pace. That is the great problem we have.

I ask members of the house to recall that during the second-reading debate on this bill I and a number of others — I know the member for Rodney certainly was one — commented at length on the resources being made available and the fact that the level of funding appears to be going backwards. This is creating enormous stress and strain for the organisations that I have had something to do with.

Servicing my electorate, although its headquarters are in Rosebud in the electorate of the member for Nepean, is an organisation that was known as Wongabeena but is now known as Disability Opportunities Victoria (DOV). As its costs rise and government funding does not keep pace, it is finding it enormously difficult to continue providing services. This magnificent organisation provides employment opportunities for those people with disabilities who can go out to work. It has established agreements with organisations that are groundbreaking in this state and possibly groundbreaking in this nation, yet DOV has had its subsidy to buy buses to transport its clients — people with disabilities — stripped away from it. Now it has to find money from its own revenue sources to replace buses, the cost of which starts at $60 000 or $70 000.

The stripping away of this subsidy has created enormous cost difficulties for the organisation. In the last few days two parents of clients of DOV have spoken to me about the fact that the increase in costs has now created a situation where the organisation has had to double its transport charges, and that puts another enormous pressure on those families. One of the parents who spoke to me is a pensioner whose 36-year-old son goes to DOV and has got some work. But she is now investigating leaving Victoria and taking her son to another state, either South Australia or Tasmania, where, she said, the governments of those states look after people with disabilities better than they are looked after in Victoria. The plea being made by people at the coal face is, 'Please make sure the subsidies and government funding keep up with the increased costs'. That is what they want, yet this

government does not appear to be hearing that message — or if it is being heard, it certainly is not being acted upon. It is essential that more than words back up this legislation.

I do not doubt the sincerity of everybody who has had a part to play in the creation of this legislation or in the amendments that are now being put into it. I listened very carefully to the member for Derrimut. I know that he is passionate and caring about this issue and meant every word he said, but if at the end of the day you do not back those words up with funds, the whole thing falls to the floor and is absolutely meaningless. So in saying that I support the inclusion of these words in the bill I also say to the government, 'You have to do more than just utter or write words. You have to back them up with money. And until you do that you are going to be suspected and questioned by the people in the disabilities area'. They do not believe this government is actually walking the walk. They say that all this government is doing at the present time is talking the talk.

Ms BUCHANAN (Hastings) — In the brief time I have available to me I want to make one point. Sometimes words are very powerful. I have a vested interest in supporting this bill because I am the prime and sole provider of care for my adult son, who has a major disability that impacts on every aspect of my life. To have a bill that acknowledges the role that I play and the role that my family plays in supporting him is very important. Where possible we should look at strengthening and building capacity for families who are supporting a person with a disability. From my point of view and those of other carers, to have that acknowledged is very powerful. I support the amendments.

Mr CAMERON (Minister for Agriculture) — On behalf of the government I thank all honourable members for their contributions to the debate on this bill — not only this time but when it was last before the house. Last time we acknowledged the range of different views, but now we wish the bill and the amendments a speedy passage into legislation.

Motion agreed to.

Business interrupted pursuant to standing orders.

TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

Motion agreed to.

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).

The SPEAKER — Order! The question is:

That the bill be now read a second time and a third time.

House divided on question:

Ayes, 71

Allan, Ms	Kosky, Ms
Andrews, Mr	Kotsiras, Mr
Asher, Ms	Langdon, Mr
Baillieu, Mr	Languiller, Mr
Barker, Ms	Leighton, Mr
Batchelor, Mr	Lim, Mr
Beard, Ms	Lindell, Ms
Beattie, Ms	Lobato, Ms
Bracks, Mr	Lockwood, Mr
Brumby, Mr	Loney, Mr
Buchanan, Ms	Lupton, Mr
Cameron, Mr	McIntosh, Mr
Campbell, Ms	McTaggart, Ms
Carli, Mr	Marshall, Ms
Clark, Mr	Maxfield, Mr
Crutchfield, Mr	Merlino, Mr
D'Ambrosio, Ms	Mildenhall, Mr
Delahunty, Ms	Morand, Ms
Dixon, Mr	Mulder, Mr
Donnellan, Mr	Munt, Ms
Doyle, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Eckstein, Ms	Perera, Mr
Garbutt, Ms	Perton, Mr
Gillett, Ms	Pike, Ms
Green, Ms	Robinson, Mr
Hardman, Mr	Seitz, Mr
Harkness, Dr	Shardey, Mrs
Helper, Mr	Stensholt, Mr
Herbert, Mr	Thompson, Mr
Holding, Mr	Thwaites, Mr

Honeywood, Mr	Trezise, Mr
Howard, Mr	Wells, Mr
Hudson, Mr	Wilson, Mr
Hulls, Mr	Wynne, Mr
Jenkins, Mr	

Noes, 12

Cooper, Mr	Powell, Mrs
Delahunty, Mr	Ryan, Mr
Ingram, Mr	Savage, Mr
Jasper, Mr	Smith, Mr
Maughan, Mr	Sykes, Dr
Plowman, Mr	Walsh, Mr

Question agreed to.

Read a second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Industrial relations: WorkChoices

Mr SMITH (Bass) — I raise an issue for the Minister for Industrial Relations and urge him to support the commonwealth WorkChoices law and regulations instead of sucking up to his commo mates from trades hall. This is not about protecting workers rights; this is about protecting election funds from the unions. For too long the state has been led along by a government that is prepared to sell its soul and the jobs of hardworking Victorians to the troglodytes from trades hall.

Prime Minister John Howard, Kevin Andrews, the federal Minister for Employment and Workplace Relations, and the federal government have brought in great legislation that brings back fairness, choice and flexibility to workplaces and allows men and women to make their own decisions. We saw the huge exodus of people from unions when the Kennett government took away compulsory union membership for employed workers.

These changes will create a growth in productivity that underpins a growth in living standards for all Australians. Yet we see the minister wasting taxpayers money challenging this new law in the High Court of Australia. This new law is going to eliminate 6 separate industrial relations systems, 150 laws and over 4000 awards written by the unions and endorsed by weak, compliant Labor state governments. I reckon what we are doing is great.

The WorkChoices legislation is going to enshrine minimum wages and conditions, including annual leave, sick pay, carers, parenting and maternal leave and ordinary hours of work. Australian workplace agreements can be put in place if a worker and employer agree without the involvement of the commo unions. Businesses with less than 100 workers will be exempt from unfair dismissal laws, and that will be a change from employers being screwed by union thugs and union lawyers. For too long the commo unions in Victoria have ruled the roost. Now it is time for the workers and employers to work together to create greater productivity, more jobs and better working conditions for all workers.

We know that the Bracks government is controlled by the unions; we know how many Labor members of Parliament have been dumped on the whim of the union bosses. We know about the corruption, intimidation and rorts that are involved in the building unions. We know that this pinko government and its ministers are at the beck and call of the Lygon Street layabouts — the trade union thugs. The minister should have the guts to stand up for the workers of Victoria and tell his union mates to accept the fact that they have lost the battle and the war as the workers of Australia enjoy being unshackled from the insidious union power and having a say in their own futures.

Mr Helper — On a point of order, Acting Speaker, the member for Bass did not raise a specific action that he wished the Minister for Industrial Relations to undertake. I ask you to rule the issue raised in the adjournment debate out of order.

The ACTING SPEAKER (Mr Nardella) — Order! There is no point of order. The member for Bass did request some action. He asked the Minister for Industrial Relations to support the commonwealth legislation.

Education: gifted child funding

Ms MUNT (Mordialloc) — The issue I raise is for the attention of the Minister for Education and Training. The action I seek is for the minister, through the education ministerial council, to urge the federal government to provide further funding for professional learning packages, university grants and remote and regional parent workshops under the Quality Teacher

program, which has been brought to my attention by the Gifted Support Network.

Through its letter to the federal government, the Gifted Support Network has outlined the urgent need to expand federal funding for gifted children in Australia. The federal government has two current policies relating to gifted education: Quality Education and Encouraging Innovation. Quality Education promotes the attainment of a high-quality school education system; Encouraging Innovation is directed to Australia's higher education sector. Both policies, however, are suffering from a lack of suitable funding.

The federal government completed an inquiry into the education of gifted and talented children through a Senate committee inquiry in 2001. This report made 20 recommendations with all-party support. None have been exhaustively implemented. The Senate committee made recommendations such as to continue federal funding of professional development initiatives, incorporation of gifted education as a priority area and so on.

I ask the minister to put some pressure on the federal government to implement and provide funding for these recommendations, particularly as they were all-party recommendations and it has been quite a few years since those recommendations were made. I know the Gifted Support Network is supportive of the Senate recommendations, and its wish is that funding be provided to implement the recommendations.

Gifted children have special needs in our education system. That has been recognised by the Senate committee report. I ask the minister to urge the federal government to address the issues that have been raised through the Senate committee and have all-party agreement to provide funding for these initiatives.

Mission Biodiesel: funding

Mr WALSH (Swan Hill) — I raise an issue for the Minister for Environment. I draw the attention of the minister to a project called Mission Biodiesel, which has been in development for two years at Donald in my electorate and needs the minister's support to move into full production.

Mission Biodiesel is seeking $381 000 from the Sustainability Fund to complete construction of a biodiesel plant that is currently half finished. At full production the plant will produce 20 000 litres of biodiesel per week. The rising cost of petroleum makes biodiesel an increasingly attractive economic option. Biodiesel emissions are reported to reduce carcinogens by up to 95 per cent and greenhouse gases by an average of 72 per cent.

The project is ideally suited for support by the Sustainability Fund, as it will develop a renewable fuel source for the local community from new and waste materials. Local farmers, Buloke Shire Council, Ararat City Council and Hobsons Bay City Council will cooperatively test the efficacy and price competitiveness of the new product. In the future plants could be built and used in any location, creating an excellent community model. Farmers grow and sell the feedstock and buy back the fuel and high-protein canola meal by-product to feed their animals. Another by-product, glycerine, is sold to soap manufacturers. When fully developed the new plant will enable Mission Biodiesel to economically process multiple feedstocks, used vegetable oils from cooking, tallow and locally grown canola.

An additional benefit is that the business will develop a number of innovative community capacity building partnerships to enhance the social sustainability of the project. Green Collect, an organisation employing street people or long-term unemployed, will collect and deliver used cooking oil from the central business district of Melbourne.

Mission Biodiesel was established in 2003 by three young partners — Josh Pearse, Alisdair Turnbull and James Matthews. The plant is now capable of producing 100 000 litres per annum but the partners lack the finance to take the project to the next level. Their project has strong local support. I ask the Minister for Environment to look favourably on Mission Biodiesel's application to the Sustainability Fund for $381 000, which would bring huge opportunities to the community of Donald and the Buloke shire.

Transport: outer south-east

Mr DONNELLAN (Narre Warren North) — The matter I wish to raise with the Minister for Transport concerns the congestion in the outer south-east involving both private and public transport. The action I seek is for some solutions to be provided in the forthcoming transport and livability statement. As the minister would be aware, the outer south-east suffers from congestion with many forms of transport. Private transport on the Monash Freeway often comes to a standstill — as it did some days ago, when two truck accidents caused gridlock.

In relation to train services, there is little capacity for fast peak-hour services on the Pakenham line, meaning that every train stops at every station. It is simply not

possible to bypass slower trains on this line, since there are only two tracks. The problem has been in existence for over 20 years and should have been addressed when the outer south-east was pinpointed for major residential development by previous governments under state planning strategies.

There is also an enormous demand in my electorate and the surrounding electorates for bus services to extend their hours of operations. There have been major improvements over the last three years, with some $2 million alone provided for top-grade bus services in my electorate, but I still receive requests for further extensions of services on weekend nights and during the day on Sundays. I am aware that to date some $250 million has been spent on upgrading road services in my electorate alone. This money has been well spent and has alleviated congestion on many roads in my electorate. Further, in coming months I look forward to the minister opening the duplication of the $9 million Hallam North Road, which has been positively received in my own electorate.

On a note of disappointment, I received a call from a resident this morning telling me that the Liberal candidate for Narre Warren South, Michael Shepherdson, was offering a petition to train travellers suggesting that the Labor Party had not improved services locally and that he would improve public transport. I find this very amusing, since in its last term in office the Liberal Party spent only $3 million on roads in the whole of the city of Casey and there were no upgrades to public transport. I believe he should apologise first for that neglect and then explain what he intends to offer the public.

To this date I am still to see a policy from the local Liberal candidates. Again, I seek further infrastructure works in the south-east to improve congestion generally.

Rail: Warncoort crossing

Mr MULDER (Polwarth) — The matter I wish to raise is for the Minister for Transport and concerns the warning signs which I have been advised were installed a couple of months ago by VicTrack 100 metres from the Warncoort level crossing on the Princes Highway. The matter was brought to my attention by a number of concerned motorists who noticed that, although the lights had not been flashing when they passed the newly installed structures, when they came across the level crossing they found a train approaching and the level crossing lights flashing.

I ask the minister to investigate why these warning lights were not switched on, as they are supposed to warn motorists that they are approaching a level crossing and give them time to slow down. If the structures containing the lights cannot be commissioned immediately, then they should be laid down until the paperwork between the various agencies can be completed. I understand that the major contributing factor to the delay could be the process currently in place, which requires the approval and cooperation of three government departments and the private transport operator — namely VicTrack, VicRoads, the Department of Infrastructure and track operator Pacific National.

I understand that the Department of Infrastructure has earmarked the Warncoort crossing for the installation of boom-gate barriers to complement the existing flashing lights, which would indicate that the department perceives that the crossing is a potential safety risk.

After extensive lobbying I have been successful in having a number of the level crossings in my electorate upgraded. However, the manner in which this project is proceeding is creating a false sense of security for motorists approaching the Warncoort level crossing. The situation as it stands is that if when a motorist approaches the warning lights they are not flashing, the motorist could naturally assume that the crossing is clear, which in turn could take their attention away from looking for an approaching train and ignoring level crossing lights. On behalf of the motorists who use this level crossing, let there be light!

Retirement villages: project funding

Ms LINDELL (Carrum) — The issue I raise is for the Minister for Aged Care in the other place. I ask for his support and his advocacy to the federal government for the Retirement Village Care project. This project, which is only a pilot program, has been run across 10 areas in Australia, one of which is in my electorate and involves a number of local retirement villages. The project is very worthwhile and helps keep people living in retirement villages by providing the services that they need so they do not have to leave and go into a hostel or a high-care aged facility.

The problem that has been raised with me is that this is a three-year pilot project that is due to expire in June. It has been formally evaluated by the Australian Institute of Health and Welfare. Data collection has been done, and a long evaluation has been entered into. The decision on whether this project would have continued funding was to have been made in January of this year,

but that was at a time when the federal portfolio changed hands.

The recommendation needs to be signed off. If this program is not to be continued, then many of the recipients of services provided under this project will have to go onto waiting lists for services from other projects. Some of the people will need to enter hostels. There is less than two months funding for this project, and the recipients are very concerned that they will not have time to make the necessary arrangements to enter hostels and will not have the continuity of care they need because they will have to go on waiting lists for other aged care packages.

I am very concerned about this. As I say, there are a number of retirement villages in my electorate, the Patterson River retirement village and the Illawong retirement village being two which have been participating in this project. I cannot underscore enough how important this is to my constituents.

Sandringham and District Memorial Hospital: emergency care

Mr THOMPSON (Sandringham) — I wish to raise a matter for the attention of the Minister for Health, and I ask her to review this recent report in the Sandringham *Bayside Advertiser*:

> Up to 56 per cent of seriously ill patients who arrived at the Sandringham and District Memorial Hospital in the first half of this financial year were not seen within 10 minutes.
>
> These alarming figures, released in the *Your Hospitals* report for July to December 2005, showed the hospital's performance had dropped significantly compared with the same period in December 2004.
>
> Hospital manager Marguerite Abbott blamed a 'clerical issue' for the result.

The article concludes by saying that the hospital has increased the number of clerical staff to help with data entry.

I wish to raise a couple of issues that relate to the Sandringham hospital overall, which has been a most valuable community resource in the district. Its development was conceived in the early days of the Second World War, and it took almost 25 years for it to be established as a strong community hospital. In 1990 there were major concerns regarding the closure of the midwifery services provided by the hospital. These concerns were also aired about the Mordialloc hospital and the Moorabbin hospital. Owing to the groundswell of local community opinion and to active political work in the Sandringham area, the hospital has continued to prosper.

It might be pointed out for the record that the Mordialloc hospital has closed, so midwifery services are no longer provided through that area. Also the Moorabbin hospital had its birthing unit closed, contrary to earlier indications by the Bracks government. These are issues that may be tested in the seat of Bentleigh at the next state election.

The other matter that is of concern in the local area, which I mention in passing, is that a decision to impose a parking charge at the hospital has led to the crowding out of local parking spaces in the area as hospital staff and others choose to park in surrounding streets rather than pay $2 a day — or $4 a day for public visitors. This has complicated matters for local residents and local businesspeople, who have a lack of parking outside their homes or businesses.

The immediate problem which I ask the minister to reassure the residents of Sandringham and surrounding areas about is that the critical time delay in seeing patients who are seriously ill is due to a clerical error and not a lack of appropriate professional staff, so that they know they will be treated and their lives not placed at risk.

Gembrook Primary School: upgrade

Ms LOBATO (Gembrook) — I raise a matter for the Minister for Education Services. The action I seek is that the minister continue her support for Gembrook Primary School by funding stage 2 of the school's capital works program as per its master plan.

Last year I was thrilled to be able to announce funding of $1 million for Gembrook primary for capital works. The school and the community received this long-awaited announcement with much gratitude, the then school council president declaring that it was the best news Gembrook had received for 25 years. However, in reality the $1 million will only enable four new classrooms to be constructed, which falls well short of what is needed to salvage the dire situation the school is in.

I have spoken numerous times in this house about my mission to provide the Gembrook community with an education facility it deserves and can be proud of. I have also spoken about the neglect endured by that school under Liberal representation. The community and the school had suffered for years, and the $1 million provided last year was a first step towards making the commitment to education that is needed in Gembrook.

A further injection of $1.63 million will enable the school to undertake an upgrade that will ensure the standard of facilities is brought up to scratch. It is the school's desire for the total redevelopment to proceed as a single entity. In the event of the second-stage redevelopment being approved, the total project could proceed to tender as a single project. This is the preferred option, as the school would not have to encounter as much disruption, and of course the project would be much more cost effective.

I would like to take the opportunity to congratulate and thank the Minister for Education Services for her commitment to education in the state of Victoria and more specifically for her commitment to the schools in the electorate of Gembrook. In a couple of weeks the minister will be visiting Beaconsfield Upper Primary School to officially open its new and impressive facilities. I had the pleasure of leading a delegation from Cardinia shire to meet with the minister to discuss further education provision around the Pakenham area, and we spoke at length about the need for a primary school in Heritage Springs to cater for the rapid population increase in and around Pakenham.

Again I reiterate the pressing need for stage 2 funding for Gembrook Primary School, and I congratulate the principal, Mark Carver, and the entire school for the outstanding service they provide for the education of our children.

Roads: Warrandyte electorate

Mr HONEYWOOD (Warrandyte) — I raise an issue that requires the immediate attention of and prompt action by the Minister for Transport. For many years now calls from various interest groups and my continuous campaigning for road improvements in my electorate have fallen on deaf and unfortunately negligent ears. After reading the comments by the Minister for Transport in the *Manningham Leader* of 26 April — 'Manningham roads are low on the priority ladder, and residents should look to the outer suburbs to see roads needing urgent repair' — I do not feel confident that this inept government's members are going to get their heads out of the sand and properly assess the needs of all electorates, and do so fairly in terms of where the important priorities are rather than on the basis of sheer politics.

I will give just a few examples of how the roads in my electorate have been overlooked. There is the pitiful contribution that the state government has made to the incredibly dangerous and run-down Ringwood-Warrandyte Road and the government's dismissive approach to the six-year campaign of the Park Orchards Ratepayers Association to get a set of traffic lights at the Tortice Drive intersection — a very busy intersection that requires urgent traffic control measures. According to the Bracks government it is not urgent enough, but for the people in my electorate the message is that the government simply could not care about the plight of local Warrandyte road users, because they have been ignored on this issue since the Premier came into office.

On the issue of Ringwood-Warrandyte Road, it is incredible how atrocious the Bracks government's contribution to vital improvements has been. The stretch of road between Tortice Drive and Falconer Road is very dangerous, with many thousands of cars and other vehicles using it every day. The best the government could offer for its improvement was $80 000.

To demonstrate how pathetic the state funding for that stretch of road is, members should compare it to the federal government's contribution to funding for a similar stretch of road between Falconer Road and Croydon Road, approximately the same distance as that between Tortice Drive and Falconer Road. As part of the federal government's black spot dangerous intersection program it allocated $622 000 — that is almost eight times the state government's funding for the same length of road. It is an absolute disgrace for the state government! How could these two assessments, from federal and state governments, be so different? The only explanation is that the Bracks government thinks very little of the people in my electorate.

For over six years we have been fighting for the very simple and low-cost measure of the installation of traffic lights at Tortice Drive. That would contribute no end to a vastly improved flow of traffic and far fewer accidents — and we have had some horrific accidents there. At the moment we have people waiting in their vehicles for over 12 minutes before they can make a left or right turn at these uncontrolled intersections.

I call on the Minister for Transport to investigate this issue, ensure that funding is distributed on a fair and equitable basis rather than to marginal Labor seats only and, if not match the federal government's wonderful contribution through black spot funding, at least increase the state's contribution so that it is not eight times less for the same length of road.

Police: Lilydale station

Ms McTAGGART (Evelyn) — The matter I raise is for the Minister for Police and Emergency Services,

and the action I seek is for him to provide urgent funding for the construction of a new police station in Lilydale, within the Evelyn electorate. I have raised this issue with the minister many times, and he visited the station last year to see for himself the clearly outdated and inadequate premises in which the members conduct their daily duties. The original building was constructed in 1960, and the Lilydale criminal investigation unit is housed in the building that was originally the residence of the officer in charge. There is severe overcrowding in the station, and at present there are a number of occupational health and safety issues. The Lilydale police station is a 24-hour station providing around-the-clock divisional vans to the Yarra Valley. The station services the areas of Lilydale, Chirnside Park, Coldstream, Gruyere, Wandin North and parts of Seville.

It is not uncommon for me to meet with senior sergeants Vin Butera and Bob Raeymakers and the local police members to discuss local issues. I commend them on their outstanding commitment to my local communities.

Lilydale is the gateway to the Yarra Valley. It carries traffic on three major roads and is a major tourist destination, bringing many visitors to the best part of Victoria. The police work on many events hosted throughout the region, such as concerts in the vineyards, the Grape Grazing Festival, the Shedfest Wine Festival and other winery events. They also had a very strong presence during the Commonwealth Games at the Melbourne Gun Club. I commend them on their fine community policing.

I ask the minister to consider construction of a new Lilydale police station as a priority to ensure the hardworking Lilydale police can continue to provide excellent service in a building that reflects their commitment as well as the commitment of the Bracks government to police resources in the state of Victoria.

Responses

Ms KOSKY (Minister for Education and Training) — The member for Mordialloc raised a matter for my attention regarding a letter she had received from constituents who were concerned about the poor level of federal government funding for gifted students. As a state we have invested very heavily in excellence within our schools. As many in the house will know, I have recently extended the select entry accelerated learning program within our schools, and I expect quite a number of schools to take up that opportunity in the very near future. I assure the member that I will take the matter up for the attention of the federal government and urge it — in fact, put significant pressure on it — to fulfil its commitment, alongside our commitment, to supporting gifted children.

The member for Gembrook raised a matter for my attention with regard to Gembrook Primary School and capital funding for the next stage of work. As the member knows, we have a budget process. The school has undergone core planning, and of course it will be considered as part of that budget process. But the extra $600 million that will be provided to education through the sale of Snowy Hydro obviously demonstrates that education is this government's no. 1 priority, and it will certainly bring forward projects. I ask the member for Gembrook to wait with anticipation, which I am sure she will.

The member for Bass raised a matter for the attention of the Minister for Industrial Relations. It is good that dinosaurs are not extinct, at least in this house, but whilst I will raise the matter for the attention of the Minister for Industrial Relations, I do not think the member for Bass should hold his breath for the response.

The member for Swan Hill raised a matter for the attention of the Minister for Environment about biodiesel, and I will pass that on to the minister.

The member for Narre Warren North has raised a matter for the attention of the Minister for Transport about congestion in the outer east, and I will certainly ensure that the Minister for Transport receives that concern.

The member for Polwarth raised a matter for the attention of the Minister for Transport about warning signs and flashing lights. I understand the member is talking about transport and not politics! I will pass that on for the attention of the Minister for Transport.

The member for Carrum raised a matter for the attention of the Minister for Aged Care in the other place about aged care matters in her electorate, and I will certainly pass that on to the minister.

The member for Sandringham raised a matter for the attention of the Minister for Health about health issues in relation to Sandringham and District Memorial Hospital. I will pass that matter on.

The member for Warrandyte has raised a matter for the attention of the Minister for Transport about the needs of road transport in his electorate, particularly around Tortice Drive. I suggest that if they change the name, maybe the traffic would move faster! But I can assure

the member that I will pass that matter on for the attention of the Minister for Transport.

The member for Evelyn raised a matter for the attention of the Minister for Police and Emergency Services about a new Lilydale police station facility, and I will definitely bring that matter to his attention.

Mr Thompson — On a point of order, Acting Speaker, I wish to raise a matter in relation to rulings by the Chair. One of the rulings is that ministers cannot be directed to attend the adjournment debate, and so I respect your position in that regard. But there is another ruling by the Chair which relates to answers by a minister at the table, which I will read:

> The practice in the adjournment debate is for the ministers in the chamber to be called to answer matters raised under their jurisdiction and for the minister at the table to respond to all remaining matters.

There has been a practice this week where there has only been one minister in the chamber to deal with matters, and I do not think that is consistent with the rulings of this chamber in terms of having ministers in the chamber to respond to questions.

I appreciate, Acting Speaker, that you are not in a position to do anything, but I think the practices and conventions of this house are being abused by the current government and the democratic process whereby members on both sides of the house can have matters answered at the time they are raised is being overlooked.

The ACTING SPEAKER (Mr Nardella) — Order! There is no requirement for ministers, other than a minister from the government, to attend the chamber. That has been the custom and practice of this house for as long as I have been here. Therefore there is no point of order.

The house now stands adjourned.

House adjourned 4.38 p.m. until Tuesday, 30 May.