

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FIFTH PARLIAMENT**

**FIRST SESSION**

**2 December 2004**

**(extract from Book 8)**

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Minister for Education and Training .....	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation and Minister for Commonwealth Games .....	The Hon. J. M. Madden, MLC
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### FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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The Hon. S. P. BRACKS

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

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Mr R. K. B. DOYLE

**Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:**  
The Hon. P. N. HONEYWOOD

**Leader of the Parliamentary National Party:**  
Mr P. J. RYAN

**Deputy Leader of the Parliamentary National Party:**  
Mr P. L. WALSH

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Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
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Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	NP
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, 2 December 2004**

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

**BUSINESS OF THE HOUSE****Notices of motion: removal**

The **SPEAKER** — Order! I wish to advise the house that under standing order 144 notices of motion 157 to 162 inclusive 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 by 2.00 p.m. today.

**NOTICES OF MOTION**

**Notices of motion given.**

**Ms CAMPBELL having given notice of motion:**

The **SPEAKER** — Order! I will have a look at that one. I am not sure that it is totally in order.

**Further notices of motion given.**

**Mr CRUTCHFIELD having given notice of motion:**

The **SPEAKER** — Order! I think the last part of that is out of order. We will have a look at that one as well.

**Mr HELPER having given notice of motion:**

The **SPEAKER** — Order! I will have a look at that one too. Notices of motion are about action that members want the house or someone else to take. It is not an opportunity to debate a whole lot of issues. Members must phrase their motion in a way that allows that to be obvious.

**Further notices of motion given.**

**Mr TREZISE having given notice of motion:**

The **SPEAKER** — Order! The first part is relevant.

**Further notice of motion given.**

**Mr WYNNE having given notice of motion:**

The **SPEAKER** — Order! The first part is in order.

**Further notices of motion given.**

**PETITIONS**

**Following petitions presented to house:**

**Rail: Sandringham line**

To the Legislative Assembly of Victoria:

The petition of residents of the Caulfield electorate and the state of Victoria draw to the attention of the house the exceptionally poor train services on the Sandringham line. Poor services include regular cancellations, lateness and overcrowding.

The petitioners therefore request that the Legislative Assembly of Victoria urge the government to improve train services on the Sandringham line.

**By Mrs SHARDEY (Caulfield) (172 signatures)**

**Eastern Freeway: city end congestion**

To the Legislative Assembly of Victoria:

The petition of the residents of Manningham and the eastern suburbs draws to the attention of the house the increasing traffic congestion at the city end of the Eastern Freeway and the consequent terrible waste of time and productivity for tens of thousands of Victorians who use the freeway daily, and draws to the attention of the house the remarks by the chief executive of the Southern and Eastern Integrated Transport Authority, who has urged road users to tell politicians that 'something needs to be done to the city end of the Eastern Freeway'.

The petitioners therefore request that the Legislative Assembly of Victoria act to require that the government proceed with planning and construction of a tunnel to link the Eastern and Tullamarine freeways and consider other road proposals including tunnelled lanes under Hoddle Street and Punt Road.

**By Mr PERTON (Doncaster) (45 signatures)**

**Schools: physical education**

To the Legislative Assembly of Victoria.

The petition of residents of Victoria, who support excellence in physical education for children in Victorian schools, draws to the attention of the house the fact that the minister for education has directed the Victorian Curriculum and Assessment Authority to undertake a curriculum reform and as part of this reform the Victorian Curriculum and Assessment Authority is proposing to implement a curriculum model that will marginalise physical education in schools and diminish its status as a discipline, costing children the opportunity to develop the skills, experience and knowledge to develop healthy living behaviours.

The petitioners therefore request that the Legislative Assembly of Victoria act to require that the government restore physical education to a discipline and position it in the discipline core area in the Victorian curriculum reform being undertaken for the minister for education.

**By Mr PERTON (Doncaster) (203 signatures)**

### Planning: Glenferrie Road, Hawthorn

To the Legislative Assembly of Victoria.

The petition of residents of the City of Boroondara draws to the attention of the house the unilateral declaration by the Minister for Planning of Glenferrie Road, Hawthorn as a major activity centre in an addendum to the Melbourne 2030 strategy.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria requires the Minister for Planning to remove Glenferrie Road, Hawthorn, from the list of major activity centres, as published by the Department of Sustainability and Environment December 2003, and thus retain the amenity of Glenferrie Road, Hawthorn, and surrounding precinct.

**By Mr BAILLIEU (Hawthorn) (198 signatures)**

**Tabled.**

**Ordered that petition presented by honourable member for Caulfield be considered next day on motion of Mrs SHARDEY (Caulfield).**

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

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

## DOCUMENTS

**Tabled by Clerk:**

Auditor-General — Performance Audit Report — Meeting our future Victorian Public Service Workforce needs — Ordered to be printed

*Parliamentary Committees Act 2003* — Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee's Report on Administration of Justice Offences.

## MEMBERS STATEMENTS

### Ice Maidens

**Ms DELAHUNTY (Minister for Planning)** — I rise to salute the Ice Maidens, Michelle Bloomcamp, Sandra Floate and Noelene Weightman, a group of Melbourne women who left the city last month attempting to become the first Australian women to trek unsupported to the South Pole.

They have been hauling their 120 kilograms of food, fuel, camping and navigating equipment for almost a week. They have passed the end of the Independence Mountain range. Their clothing and equipment all performed well. Their diet was adequate, their navigation was successful and their camping routines were on track. However, we have been informed that they had to go back to Patriot Hills and will not be able to reach the South Pole as their trek has become too dangerous. Their bodies were not coping with the exceptional cold. It was colder than expected and medical staff have endorsed this is the correct decision.

The Ice Maidens were to fly the Eureka flag over the South Pole as part of 150th anniversary if they had succeeded in trekking the 112 kilometres to the South Pole as part of their 60 or 70 day trip later this month. However, by attempting this extraordinary feat they have symbolised the Eureka and Australian spirit. Women were part of the Eureka story, which is not terribly well recognised. I commend the Ice Maidens for their fantastic efforts.

### Balwyn High School: 50th anniversary

**Mr McINTOSH (Kew)** — On Wednesday last week I had the great privilege to be the guest at Balwyn High School's presentation night together with several parliamentary colleagues from across the political divide. It was a celebration of the 50th anniversary of the school. I was the guest of principal Bruce Armstrong and school council president Wayne Heathcote.

The night held at Hamer Hall was a tremendous success and demonstrated and celebrated the extraordinary talents of the students and teachers who all combined to achieve a musical tour de force. The performance by the senior and intermediate concert choir and the chamber orchestra of Handel's *Zadok the Priest* moved the member for Doncaster from his seat to lead a standing ovation. The senior stage band magnificently performed and demonstrated why the band won the Rotorua musical festival when it toured New Zealand in August of this year. The finale, entitled *Celebrate*, saw roughly 1000 students through all year levels of the school and local primary schools combined with a full symphony orchestra to perform a range of pieces. This demonstrated why Balwyn High School's music program is simply the best.

I take pride as a Victorian that we have public schools like Balwyn High School that can provide such musical opportunities for students from around Victoria — in fact, from around the world. My sincere thanks to all

those involved in the chance to celebrate musical excellence. Well done, Balwyn High School!

### **Thay Horn Yim and Hoang Duong**

**Mr HOLDING** (Minister for Manufacturing and Export) — Thay Horn Yim and Hoang Duong work tirelessly for their fellow community members in the Lyndhurst electorate. Recently both men have had their work acknowledged with significant awards.

Hoang Duong's dedication to the teaching of English to thousands of newly arrived Indochinese refugees and immigrants has earned him the title of a living treasure in Melbourne's south-eastern suburbs. He has been acknowledged as Victoria's outstanding tutor in Victorian Adult Learners Week. Hoang Duong has worked as a tutor for the Springvale Indo-Chinese Mutual Assistance Association since 1990. He has created a specially tailored bilingual method for teaching English to newcomers. Using their mother tongue as the springboard, Mr Duong leads his students into an English-only course, giving them a full understanding of English. His students have gone on to employment, been accepted into training courses and set up their own businesses.

Thay Horn Yim's community work centres on his commitment to the Cambodian Buddhist Association of Victoria, which is the largest of all the local Cambodian groups. In his official role as spokesperson for the association, he assists CBAV members and their families and liaises with other ethnic and government organisations on their behalf. He has been instrumental in developing the Clark Road temple and its grounds as an important centre for prayer, counselling and education.

He is also involved in making arrangements for the travel and training of young monks at the local temple. To witness the sight of orange-clothed monks in a Springvale classroom is a stirring tribute to the CBAV and to Thay Horn's contribution to Victorian multiculturalism.

As part of the Victorian Multicultural Commission's Awards for Excellence in Multicultural Affairs, the Award for Meritorious Service in the Community will be presented to Thay Horn at a special ceremony at Government House.

The awards to Thay Horn Yim and Hoang Duong are well deserved. They are fitting tributes to men who have made a significant difference to so many people's lives.

### **Commonwealth Games: public transport**

**Mr RYAN** (Leader of The Nationals) — Travel arrangements for the Commonwealth Games are an absolute fiasco. If you are in Melbourne, it is free; if you are in country Victoria, you pay. This is the government supposedly governing for all Victorians. If you live in Melbourne, it is for all Victorians, apparently; if you live outside Melbourne, it is not.

There is an important principle in this. What should happen is that people who want to come to the games should be able to travel to the event from home and travel home again if the government is going to make free travel arrangements available to all Victorians.

The government will make it available in Melbourne, and good luck to it; I think that is a good thing. But there is an important principle at stake here, and the government should be consistent about it. Remember: \$1 billion worth of taxpayers' money has gone into what will be the greatest event Victoria has ever hosted, and The Nationals as a party wish it well. We have supported it throughout, and we will continue to do so, but the government has to rethink this. Apart from anything else, the process has been terrible. On Tuesday the Minister for Transport was trumpeting the fact of free transport being available in Melbourne. Yesterday I asked him about country Victoria, and he did not know — had not even turned his mind to it. He had a stab at it, got it wrong, and had to slink in here last night at 9 o'clock to correct the record. We now find V/Line travel will have to be paid for. The government has made a mistake in this. It should rethink it and make it fair across the whole of the state!

### **South African Support Network**

**Mr HERBERT** (Eltham) — On 16 October I was delighted to represent the Premier at an event in my electorate of Eltham. The South African Support Network held its inaugural community event, Celebrating the Rainbow, at the Eltham Community and Reception Centre — and what a celebration it was! This event signified the rainbow nation of South Africa, with cultural music, food, drink, dance and entertainment. There to help commemorate the evening were the High Commissioner for South Africa, Mr Anthony Mongalo, and 170 guests.

The recently formed South African Support Network has a very important role to play in our community. With their backgrounds and experiences individual members of the group — significantly, South Africans of all races — have come here to live for many different reasons, whether it be to escape the horror and

legacy of apartheid or to seek a better and more secure future. The South African Support Network aims to help preserve South African cultural heritage and history, to unite the South African community here and to help promote cultural understanding and harmony within the broader community.

I congratulate my constituent Lesley Shuttleworth, secretary of the South African Support Network, whose vision has seen the network establish and grow to 200 members. For all of those participating in Celebrating the Rainbow, it was an enjoyable and memorable experience and a huge step in strengthening the South African community here to promote cultural unity and social harmony.

### **Speed cameras: accuracy**

**Mr MULDER** (Polwarth) — The Bracks government's freedom of information process should better be described as 'freedom from information'. The Liberal Party has sought several times in the past information about the calibration certificates of mobile speed cameras. After lengthy delays we finally received copies of calibration certificates of some of the 64 mobile speed cameras that operate in the state. Of the 64 mobile speed cameras operating, 17 speed cameras were shown from their own calibration certificates to be out of date in relation to being properly calibrated.

When the opposition then tried to gain information as to where those cameras were when they were out of calibration, the opposition received a document from the Department of Justice informing it that the government sought \$3000 for the provision of the information. If you go back to the information we were seeking, it includes the following mobile speed cameras: RG002, RG004, RG006, RG013, RG04, RG017, RG023, RG025, RG027, RG035, RG036, RG040, RG042, RG049, RG053, RG057 and RG061. All speed cameras were operating outside their calibration period. The opposition wants to know where those cameras were.

### **Tooronga Falls**

**Mr MAXFIELD** (Narracan) — On 24 November the Minister for Tourism and I went to Tooronga Falls to celebrate the official reopening of the refurbished falls. During the 1999 election campaign I went out there with the then shadow minister, the Honourable Sherryl Garbutt, and we looked at the falls which had suffered some seven years of neglect. During those seven dark years nothing had been done to upgrade it — the toilets were under water, the car park was

potholed and the track to the falls was in an absolutely disgraceful and despicable state. After the expenditure of \$650 000 and work by the local community and discussions with local organisations, emboldened with the indigenous community, I am proud to say Tooronga Falls is one of the finest examples in my electorate and region for tourists to visit and for people to go for walks and visit the falls.

The falls are in the Noojee area and I urge people to take the opportunity to visit the falls, which are on the way to the magnificent Mount Baw Baw. I am very proud that we have rebuilt the falls and I encourage all the community to enjoy the refurbished facilities and the natural environment of the bush in Narracan that can come from walking around and enjoying healthy pursuits.

### **Monash Medical Centre: waiting lists**

**Mr DIXON** (Nepean) — I received a letter from Mr and Mrs Vassallo regarding their son who is a self-employed plumber in the area and who injured himself in a workplace accident in February this year. He subsequently found out that he requires an operation and has been classified as category 2 — urgent, which means that under the guidelines he has a maximum waiting period of 90 days for his operation. A couple of weeks ago, well after the 90-day period, he was notified by the administration of the Monash Medical Centre that his operation will not be performed this year and they were unable to give him a date when his back operation will take place. The operation required is a relatively simple keyhole procedure that should provide immediate relief and allow him to almost immediately return to the work force.

I understand that Mr Vassallo's parents have written to the minister and the minister has taken it up and is talking to her department. However, there has been an unhealthy silence for the last couple of weeks. Mr Vassallo's operation has been delayed until next year. Although he has something to look forward to next year and knows he can go back to the work force, he needs to know when the operation will take place so he can have some certainty in his life.

### **Member for Caulfield: performance**

**Ms NEVILLE** (Bellarine) — I rise today to draw the attention of the house to the hypocrisy of the member for Caulfield. Yesterday in the house the member for Caulfield in a notice of motion accused the Minister for Community Services of blaming staff following an incident involving child protection clients in the Crown Casino precinct last week.

Having followed this issue, it is very clear to me that at no stage did the Minister for Community Services blame Department of Human Services workers; she rightly sought an investigation into the incident. However, I wish to draw the house's attention to a report on the *Age* web site at 2.37 p.m. on Friday, 26 November, where the member for Caulfield is reported to have said that DHS workers who had told Crown Casino to put the children in a cab should be utterly ashamed. We have the member for Caulfield wrongly accusing the minister of blaming staff, which is the very thing the member did last Friday. Once again we have a mistake from the member for Caulfield. She is rapidly developing a reputation as someone who will say or do anything for a headline.

Children and young people who end up in care are there because a court has determined that it is no longer safe for them to remain at home. These are difficult and distressing issues on many occasions. The workers have a difficult job in looking after vulnerable young people who have suffered abuse and neglect. If you add these comments to the vilification of a disadvantaged family in public housing in Shepparton, the member's attacks on the Children's Court and her attacks on juvenile justice clients, then you must question the member's suitability.

### **Disability services: early childhood intervention**

**Mrs SHARDEY** (Caulfield) — I once again raise the issue of funding for intervention programs to treat young children suffering autism. For most parents to have a child diagnosed with this disorder is heartbreaking enough, but as the parent of a 30-month-old child wrote to me this week, it is a continuing agony compounded by the endless waiting for services and entry to an early intervention program. The mother wrote to me of the frustration of being advised that her child needed to access early intervention immediately but finding that would be impossible and that he would be put on a waiting list until next year at the earliest. Even then he will only receive two hours of therapy a week.

This mother wrote that research in relation to autism had told her that early intervention is the key to children reaching their highest possible potential and that every day her son does not receive help seems like another lost opportunity to help her son. This mother is now in a sense giving up on the state system. She is resigning from her job and taking a course in applied behavioural analysis so that she herself can give her son the 20 to 30 hours a week therapy she has been told he needs to cope with his disability. This mother believes that the Minister for Community Services has the power to

change the situation for her little boy. Will the minister meet this mother to tell her how the minister will do this? If the minister says yes, I will gladly give her the details.

### **Casey-Cardinia Library Corporation**

**Mr WILSON** (Narre Warren South) — I rise today to acknowledge the fantastic job done by the staff at the Casey-Cardinia Library Corporation in the midst of the growth corridor, and in particular the staff at the Hampton Park Library led by branch librarian Kathie Olden and the Friends of Hampton Park Library led by Dawn Dakin and Tony O'Hara.

In September alone at the new Hampton Park Library 14 494 patrons passed through the door with loans totalling more than 22 000. The library ran a series of programs, including Book Talk and Story Time, with more than 300 children — not counting interested adults — being well entertained. As a new branch, this library has exceeded expectations in terms of both people visiting it and the number of borrowings.

The program I particularly want to talk about today is the incentive reading program run for readers aged seven years and over. The Reading Rulz program, which is being run over Christmas by Casey-Cardinia Library Corporation, encourages children to read even though school has finished for the year. Each time a child finishes a book the title is recorded and the child receives a sticker. They receive a postcard after reading 10 books. They are also eligible to enter the summer club reading competition, where they can win some great prizes.

I congratulate the Hampton Park Library staff and the Friends of Hampton Park Library for their personal efforts to encourage the importance of reading and the development of our young people.

### **Seniors: concessions**

**Mr JASPER** (Murray Valley) — The state government must immediately cooperate with the federal government to implement a national seniors card system to operate throughout Australia. The federal government offered \$25.5 million funding in the 2002–03 budget to introduce a reciprocal transport concession as part of the national seniors card program. Whilst Victorian and federal government ministers responsible for aged care services have indicated support for reciprocal transport concessions, there has been difficulty in achieving agreement between all of the governments.

I constantly receive representations on a range of anomalies from people living on both sides of the Murray River who are frustrated with the lack of reciprocity on transport and other pensioner and seniors concessions. A typical example of the need for a universal concession system across Australia is people living in the southern part of New South Wales who typically travel to Melbourne and not to Sydney but who are not eligible for travel or other concessions purely because they hold New South Wales concession cards which are not applicable in Victoria.

As I am a member of Parliament representing a border electorate I am very much aware of the need for universal recognition of seniors and concession cards, not only between Victoria and New South Wales but indeed right across Australia. It is a ludicrous and frustrating situation for senior citizens that uniformity does not exist when the federal government is offering funding to introduce it across Australia. I call on the state and federal governments to cooperate to achieve uniformity for everyone and to ensure that our senior citizens are not disadvantaged when travelling across Australia.

#### **Boroondara: councillors**

**Mr STENSHOLT** (Burwood) — I rise to congratulate the new Boroondara City Council following the recent elections. I particularly congratulate the newly elected councillors from my area: Mary Halikias-Byrnes, Heinz Kreutz, Dick Menting, Jack Wegman, and Coral Ross, who was the only councillor returned unopposed. I look forward to continuing the positive and constructive relationship with the Boroondara council and councillors which has been a feature of the past five years.

I also pay tribute to several former City of Boroondara councillors. My local councillor, Keith Walter, served the local community tirelessly and had a strong commitment to, among many other things, affordable housing, community safety and sport and recreation. I also commend the work of Dennis Whelan, who was also a strong and active supporter of the local community. Indeed, he is a man of deep compassion with a commitment to working for people throughout the community.

I further pay tribute to the former mayor Judith Voce, who served the Boroondara community with distinction. She always put the wider interests of the community first and was a great advocate for the people of Boroondara. She was clearly the best mayor of Boroondara for many years.

Finally, I commend the contribution of former councillor Chris Pattas, who served a term as mayor and contributed to getting up the Boroondara sports complex at the Gordon Barnard Reserve. I repeat, I look forward to having a constructive relationship with the new council for the good of the people of Boroondara.

#### **Water: environmental levy**

**Mr PLOWMAN** (Benambra) — I wish to bring to the attention of the house the absurdity and unfairness of the different amounts of environmental contributions families and water users across this state are being required to pay. Every Victorian recognises the need to look after the environment, but why is it that families in some suburbs are paying up to double the environmental contribution of families in adjoining suburbs purely because of a differential in pricing structure? Why should large families pay double the environmental contribution of smaller families? Why should some farmers be required to pay up to 300 times the amount of other farmers who use the same amount of water? Why is it that nobody knows how much they are paying toward this environmental contribution?

The answer to all these questions is because it is a tax. It is a hidden tax which goes to consolidated revenue. It is also a secretive tax because nobody can find out exactly how much they are paying for this environmental contribution. For the first time in Australian history water is being used as a means to extract tax from all water users across the state. The government should be condemned for its hypocrisy in removing a transparent environmental levy where all households paid the same amount and replacing it with a secretive tax which is inequitable and unfair.

#### **Carnegie Primary School: concert**

**Ms BARKER** (Oakleigh) — On Thursday, 25 November, I had the great pleasure of attending the Carnegie Primary School concert for 2004, and what a great night of entertainment was provided by the students. The Carnegie Primary School big band played *Chopsticks*, *Tequila Milkshake*, *We Will Rock You*, *Can Can*, *We Wish You a Merry Christmas* and *Advance Australia Fair*. Congratulations to the students in the band and thanks to Rebecca Bannister who conducted the band and is one of the school's instrument teachers and a school mum.

Introductions to each performance were capably handled by the school music captains, Siobhan Lovie and Natasha Castro. Grade 1/2G performed a rock and blues medley. Preps in very cute hats performed *Green*

*Eggs and Ham*. Grade 1/2B entertained us with *Heigh Ho* and grade 1/2W continued a rock theme with *Jailhouse Rock*. Grade 3/4S came along as Inspector Gadget and grade 3/4G entertained us with *Scooby Doo*. Grade 5/6R had many of us wanting to join in with *Time Warp*, and the grades program was very well completed by grade 5/6M with Spiderman. The Carnegie Primary School band and choir then concluded the evening with *I Like the Flowers*, and we were all invited to join in. Thanks and congratulations to the arts teacher, Alice Dodds, and Marianna Gentlilin who completed the backdrops for each performance.

Carnegie Primary School is a great school. It has very competent and caring leadership with Elizabeth Mulhearn as principal, Michael McCarthy as assistant principal, the school council president, Colin Cassidy, and council members, the parents and friends president, Kirsten Brooks, and the members of that body. I congratulate them all for their ongoing commitment to providing a safe and dynamic learning environment —

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

### **Tourism: Seymour awards**

**Mr HARDMAN** (Seymour) — I rise to congratulate Jodi Morrison and Paul Russon of Marmalades in Yea on winning the tourism restaurant and catering services category in the Melbourne Airport 2004 Victorian tourism awards. For a restaurant and produce store in a small but beautiful country town to win such a prestigious award is a great feat and shows that rural and regional Victoria is not only a great place to live but also a great place to visit. I encourage all members to visit Marmalades in Yea and experience their great fare. I also encourage them to stay for a night or two, because Marmalades has fantastic competition from restaurants and cafes that would make Melbourne's latte set envious.

Marmalades was not alone in representing and promoting our region when it entered the Melbourne Airport 2004 Victorian tourism awards, and I congratulate all the entrants, including the Hume and Hovell cricket ground in Strath Creek, which provides accommodation. It has cricket teams and games from around the world in the style of English county cricket. I also congratulate the Lake Mountain resort near Marysville, which has had its best year yet for visitation. It is going very strong and is a wonderful place.

The Tastes of the Goulburn festival in Seymour will be held next year from 22 October in conjunction with the

Victorian Wines Show. If members want to try Goulburn Valley produce and kids want steam train rides, then they should come on that date. Another place to visit is the Old Post Office Seymour Fine Art Gallery and Licensed Restaurant, which has fine foods and features art by talented Australian artists.

### **Students: Macedon awards**

**Ms DUNCAN** (Macedon) — Over the past few weeks I have had, and in the coming weeks I will have, the pleasure of visiting many of the schools in my electorate. The purpose of these visits has been to present awards to senior students at primary and secondary schools for their community spirit.

I asked each school to nominate a student it believed had made a significant contribution to the life of the school. The awards are about recognising effort and community spirit. These are students who try their best, who are willing to take on extra responsibility and who in so doing help develop a sense of community in their school. They might be academically inclined or they could be good at sport, but their major contribution is making their school and the lives of staff and students better, a little bit easier or a little happier. They are the sort of students every teacher dreams of.

I have attended very formal presentation nights for year 12 students and very casual school assemblies. On each and every occasion I have been impressed with what I have seen. Each school is different, whether it is primary or secondary, government, Catholic or independent. They all have their own character; and big or small, they all offer something different. Great things are happening in our schools.

I congratulate the principals, teachers and other staff on their efforts, and I congratulate the parents on the support they show by their attendance at such events. Their pride in their children is a lovely thing to see. It is also a joy to see the enthusiasm of students and their pride in their work. I look forward to visiting the rest of the schools in the wonderful electorate of Macedon.

### **Planning: Heatherton recycling plant**

**Mr LIM** (Clayton) — I am delighted that the Minister for Planning has heeded a request from me and the member for Mordialloc to call in the Delta group's planning application for a concrete recycling facility in Heatherton. The member for Mordialloc and I and members of the RAID (residents against intrusive development) group, who have been opposing the concrete crusher, broke out the champagne to celebrate the minister's decision.

Delta's application was rightly rejected by the City of Kingston last July, but the company was not satisfied with the community's decision and lodged an appeal with the Victorian Civil and Administrative Tribunal. There has been enormous community concern about Delta's proposal to build what is in essence a heavy industrial plant in a residential area. I would very much fear for the health of local residents if the recycling plant were built, and I would also be concerned that Delta's activities would lead to air and water pollution.

The decision to call in this application will not only deter developers from trying to build further concrete recycling facilities but also deter other inappropriate land usage in the area. I am particularly pleased that the minister identified the key issue in this case as being the effects of the establishment of an industrial facility on green wedge land close to existing residential areas. I am also pleased that she has reaffirmed the Bracks government's commitment to carefully managing our natural and built environments to help ensure that future generations have a high quality of life. This decision will serve as a warning to other developers — —

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

### **Law Reform Commission: homicide defences**

**Ms MORAND** (Mount Waverley) — I would like to congratulate Professor Marcia Neave and the Law Reform Commission (LRC) on their report entitled *Defences to Homicide — Final Report*, released two weeks ago. This very important reference was given to the Law Reform Commission by the Attorney-General, and I congratulate him for providing the opportunity for debate and reform in this important area of the law. The final report of the Law Reform Commission is the result of three years of research, discussion and consultation.

In reading the report it becomes very clear why reform is being considered and why it is needed, particularly in relation to the partial defence of provocation. I agree with the Law Reform Commission's statement in its executive summary that the partial defence of provocation sends the message that in some situations people who are not at risk of being killed or seriously injured themselves are not expected to control their impulse to kill or seriously injure another person. While anger may explain a person's actions, in the commission's view this does not mean that such behaviour should be partly excused. The report states that the Victorian community has a right to expect people to control their behaviour, even when angry or emotionally upset, particularly when the consequences

can be as serious as homicide. I certainly agree with this view.

I also welcome the commission's recommendations that suggest that a wider range of evidence relevant to the defences to homicide should be admissible. The changes recommended include changes to the hearsay rule and to the evidence that may be considered relevant in support of a self-defence plea.

Last week's White Ribbon Day was a timely reminder for our community to reflect on domestic violence and how we can all work towards reducing this hidden crime.

**The ACTING SPEAKER (Mr Savage)** — Order! The honourable member's time has expired. The honourable member for Monbulk has 1 minute.

### **Water: wastewater summit**

**Mr MERLINO** (Monbulk) — On Thursday, 25 November, I attended a wastewater summit in the Dandenongs. I have spoken before about the importance of this issue. There are 48 000 residents in the Dandenongs and over 16 000 septic tanks discharging 12.7 megalitres — the equivalent of 13 Olympic-sized swimming pools — of wastewater into the Dandenongs environment every day.

The summit was a significant event. It was organised by the shire and involved local residents and environmental groups, representatives from four water authorities, the Port Phillip and Western Port Catchment Management Authority, the Department of Sustainability and Environment, Parks Victoria and the Victorian Environment Protection Authority. It was very encouraging to see all stakeholders gathered around one table to examine the issue.

The summit identified six areas that need to be pursued. These are ageing on-site systems, financial challenges, levels of community awareness and education, regulatory responsibilities, difficult terrain and climate and environmental impacts, and the domestic wastewater plan. I commend the work of the shire, particularly officers Caroline Carvalho and Kelly Donati, and welcome the support of local councillors Alan Fincher, Robyn Hale and Noel Cliff. I will join with other attendees in taking part in the Dandenongs Wastewater Steering Committee and will keep Parliament informed of progress in this crucial matter.

## PUBLIC ADMINISTRATION BILL

*Second reading***Debate resumed from 1 December; motion of Mr BRACKS (Premier).**

**Mr HUDSON** (Bentleigh) — It is a great pleasure to speak in support of the Public Administration Bill, which builds on the great reforms of this government in rebuilding and reinvigorating the public sector. I stand here proud to be part of a government that is replenishing the numbers of nurses, teachers and police across the public sector work force; a government that has lifted the insidious gag on professionals such as teachers who were silenced under the Kennett government; a government that has introduced whistleblower legislation, strengthened the freedom of information legislation and ensured the independence of the Auditor-General; and a government that is building on these reforms by enshrining for the first time public sector values in legislation.

The opposition is opposing these reforms, and that is hardly surprising, because it was the opposition that completely ripped the public out of the public sector in the Public Sector Management and Employment Act. In 1998 the Kennett government essentially took out all the important things that differentiated the public sector from the private sector. Everywhere in the 1998 act the Kennett government took out the word ‘officer’ and inserted the word ‘employee’. That epitomised its whole approach to public sector reform. Jeff Kennett was the chief executive officer of Victoria Inc. The ministers were a board of directors, sitting over business units, primarily focused on the budget bottom line. It was an act that gave overriding primacy to private sector values. It was a government that was a collection of business units. It placed public sector employees on the same footing as private sector employees.

In the debate on this bill we have seen some confusion from the opposition as to what the 1998 act was all about. In his contribution the member for Box Hill claimed that the 1998 act did not have the purpose of aligning the public sector with the private sector, and yet immediately following that the Leader of The Nationals stated that it did. Who is right? Is it the member for Box Hill, is it the Leader of The Nationals, or is it the member for Doncaster, who in his contribution to debate on the 1998 bill said:

The legislation will more closely equate their positions with the positions of people in the private sector, which is a good thing.

This government does not resile from the fact that it believes it is totally inappropriate to make a comparison between the public sector and the private sector. The public sector is there to serve the public as citizens, not as the customers of disaggregated business units. This bill enshrines the principles of public sector values and public sector employment based on the principles enunciated by Lord Nolan in the United Kingdom. It seeks to ensure an apolitical public sector that is responsive to the government of the day but consistent with public sector values. It establishes values and principles to guide the conduct and performance of the public sector, and it promotes public sector efficiency, accountability and standards.

The opposition seems to be suggesting that we ought not be concerned with accountability. We saw the opposition raise the spectre that somehow this bill will impose some sort of onerous regulatory regime or burden on small bodies such as cemetery trusts. The fact of the matter is that within this bill the requirements for accountability and standards are proportionate to the size and responsibility of the body. Nobody expects that the same standards will be imposed on a small cemetery trust as will be imposed on VicRoads. The bill ensures that the level of accountability is consistent with the size of the organisation. We will certainly not be imposing excessive standards on bodies such as state school councils. Quite frankly, at the moment those volunteers are out there, they are operating and doing a public job, and they need to know what standards are expected of them and what they are meant to be doing.

In debate on this bill the Leader of The Nationals expressed considerable concern about clauses 107 and 108 — the so-called detriment provisions. He seemed to be concerned that somehow we were extending the provisions that relate to reprisals against people like ambulance officers to the rest of the public service. He is quite happy for us to have provisions that protect ambulance service officers going about their jobs exposed to the risks in the community. But what about others? Prison officers, park rangers, child protection workers and mental health workers are all out there. They are all people doing a public job who are entitled to the same sort of protection. They are entitled to be protected against hostility and abuse just for doing their jobs. This bill protects public servants against suffering injury, loss, damage, intimidation and harassment just because of the job they hold or because they are doing their job. It does not prevent anyone from criticising a public servant because of their performance, because that is a matter which falls within their responsibilities, and the bill makes that absolutely clear.

On this side of the house we think they deserve protection — unlike the opposition, which has gone to great lengths in this debate to misrepresent what the bill does. The Leader of The Nationals regaled us with the story of how he cross-examined a public servant, Rod McLellan, down at the Victorian Civil and Administrative Tribunal for one and a half days in his pursuit of information in relation to the location of the original 100 sites considered by the government for a toxic waste containment facility. The Leader of The Nationals is apparently concerned that as a result of this exhaustive, not to mention exhausting, cross-examination of Rod McLellan, he might somehow be liable for a \$24 000 fine or two years imprisonment — or worse, that he could be subject to proceedings for damages under the proposed legislation. As attractive as that proposition might be to this side of the house, poor Rod McLellan, whom I feel a little sorry for after his forensic examination by the Leader of The Nationals —

**Dr Sykes** interjected.

**The ACTING SPEAKER (Mr Savage)** — Order! The member for Benalla is out of his seat and disorderly!

**Mr HUDSON** — Thank you, Acting Speaker. Rod McLellan would only be entitled to WorkCover payments if he needed them. That is all he would be entitled to. He will not be able to sue the Leader of The Nationals, and the Leader of The Nationals will not be subject to a \$24 000 fine or a two-year imprisonment, and anyone on the other side of the house who claims that that is the case is purely misrepresenting what this bill does.

This bill removes the most insidious aspects of the Public Sector Management and Employment Act. It promotes a new framework of public sector values for the Victorian public sector. It strengthens the grievance procedures for public servants — grievance procedures that were weakened by the Kennett government — and it promotes the principle of employment based on merit. It enables consistent standards to be set across the public sector. The old public service board may well have been too rigid and centralised, but what we saw under the Kennett government was the total disaggregation of the public service. This bill provides a sensible balance between the two. It still leaves the employment power with the secretaries, but it allows for standard conditions and better grievance procedures. It promotes a public service that is responsive to the government of the day, but in a professional manner consistent with the public sector.

Despite all the scaremongering from the opposition on this bill, we are still left with a fundamental question. After what the opposition did to public servants in the 1990s, who would public servants be more scared of? Would they be scared of a government that has increased their pay and conditions and lifted the gag on public servants, or would they be scared of the opposition parties who took to them with a baseball bat? They went in and put a gag on teachers under teaching service order 140; they sacked public servants; and they took the view, as the Kennett government did, that they would ignore the representatives of public servants because, to quote the Premier of the day, Mr Kennett, when speaking on the 1998 bill, ‘We do not speak to the union because the union is not representative of the public service’.

That is not a view shared by this government. This government wants to listen to the representatives of workers in the public service. We are creating a professional public service that will be responsive to the government of the day and conform with the highest professional standards across the public sector.

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

**Mr HONEYWOOD** (Warrandyte) — What a pathetic apologist for the trade union movement we have just heard! The member probably went down to Trades Hall Council and got his riding instructions on his way through the minister’s office where he picked up his speaking notes or his entire speech.

This bill is all about a trade-off to public sector union mates. It is all about providing unparalleled protection to political appointees in order to entrench them in lifetime employment opportunities in the so-called public service and ensure that when the next government comes into power it will be even more difficult to get rid of the Labor mates. That is what it is all about.

Equally this bill is also a cop-out by Labor politicians, who more than any other government before them rely absolutely on certain trusted public sector lackeys to represent them at public meetings and public forums that should be attended by elected members of Parliament. Let us look at that point for a moment, because I have attended any number of environmental and industry forums that have lacked any representatives whatsoever from the government. In fact I have motion after motion on the notice paper to that effect, as have other shadow ministers — including the shadow Minister for Planning — which note that not only do ministers not attend key public forums and

public meetings any more, but they even fail to send along a junior backbencher.

At least former Premier Jeff Kennett, who was mentioned by the member for Bentleigh, required his ministers and his politicians to get out there and front public forums. He did not delegate to some public sector lackey a role and responsibility that far outweighed what they were employed to do. He did not require a public servant to stand up in front of a hall of 500 people and take abuse and vitriol. That should be the lot of an elected official, not an appointed official. This bill is all about protecting the public servants on whom members of this government rely to do their jobs for them. Members opposite should be brave and courageous enough to do their duty and attend public forums.

**Mr Cooper** — Do their dirty work for them.

**Mr HONEYWOOD** — Yes, do their dirty work for them; that is exactly right. I have attended a number of those toxic waste dump forums where there has been no elected government member present and the said Mr McLellan has been required to stand up and explain in the most intricate detail that political issues have nothing to do with his role and responsibility. This is a cop-out. This is all about providing protection. It is a trade-off with the public sector union which has been lobbying this government to say, ‘You are requiring our members, our public servants to do far more than they have ever before been required to do in serving their political masters’. This bill equally is all about entrenching the central Big Brother role of the Department of Premier and Cabinet.

Dare I mention the name Terry Moran? He might be able to sue me now that parliamentary privilege is being taken away. This is all about denying and stymieing the rights of politicians to be able to highlight some very unfortunate practices in the public sector. Terry Moran has got form. I know when I was Minister for Tertiary Education and Training that Terry Moran was able to put together a very large politburo called the Australian National Training Authority to which his friend the then Prime Minister, Paul Keating, appointed him. It is interesting to see how Terry’s mates, whom he took from Victoria to Brisbane — all Labor Party appointees and card-carrying Labor Party members — stacked out ANTA, then suddenly they all reappeared in Victoria when this government was elected to power. These people are now in a whole range of deputy secretary positions. They are a travelling circus, a travelling roadshow, which goes from state to state wherever Terry goes.

Terry gets a phone call from Premier Bracks to say, ‘Come down and help me out. You are a good Labor Party supporter. You can run my politburo Premier’s department for me’. And what a great job Terry has done. What we have found in annual reports tabled in the parliamentary library is that in the last year of the former Liberal government there were 436 full-time effective positions in the Department of Premier and Cabinet. And what do we have now? A 50 per cent increase! Terry has some good friends there. Now there are 649 largely Labor political appointees in that department — not a bad increase.

But then look at the salary trade-off, because this bill is also about ensuring that the Labor mates are paid sufficient money to keep them quiet and to keep them beavering away at entrenching this government in its political affairs.

**Mr Nardella** interjected.

**Mr HONEYWOOD** — I pick up the interjection from the member for Melton — ‘Hear! Hear!’ It is all about not having an independent public service. It is all about not having public servants in the traditional sense who without fear or favour provide genuine advice to the minister of the day. We find that they have been paid off, because in 1999 there were only two executives in the Department of Premier and Cabinet who were earning more than \$150 000. Now there are seven. So there has been a 200 per cent increase in the number of executives earning more than \$150 000, and in the total number of executives earning more than \$100 000 a year we had 19 and this government has 29.

Opposition members know what this government is about: Bigger is better when it comes to the public service. When this government came to power it restructured every department, and public servants who served the previous government became acting general managers and acting departmental secretaries. This government put the fear of god into them for almost a year after it came to power until it had restructured and renamed positions to ensure that it could bring Terry’s friends in from Queensland — like this government did in the Department of Education and Training — and ensure it could bring in any number of Labor Party mates to do the right job, to keep things out of the spotlight.

The member for Bentleigh had the audacity to say that there is strength in freedom of information. There certainly is strength in it when you cannot get any information out of government. The member for Brighton and I have spent days down at the Victorian Civil and Administrative Tribunal; in fact we waited

nine months or more just to be told that we had to go to VCAT because the government was not going to provide us with the information. Is that openness and transparency? Is that strengthening the freedom of information procedure? It is all about secrecy of government and making sure that even the freedom of information officers become political appointees and do the right thing by their political masters.

Dare I mention the name 'Marisa Patitucci'? I am allowed to mention that name until this bill goes through the upper house. After that I am not allowed to mention a public servant's name because this government wants to make sure that politicians are not allowed to hold these people up to public scrutiny.

Government members are very jealous of private sector employees, but any private sector employee has to answer to a board of directors. Any private sector employee has to have a yearly performance appraisal. But what does this government have? Can government members honestly come in here and suggest that its senior public servants have anything like the type of annual performance appraisal that occurs in the private sector? Of course they do not. Can you imagine the Premier sitting down with his mate Terry going through an open and transparent annual performance appraisal? Terry is really running the state. Terry is the real Premier of Victoria. It would be like the master and servant — the departmental head having to appraise how the Premier is running the state for him.

There is no scrutiny of the public sector any more. It is all run by the public sector union. It is all about entrenching Labor mates so that when a new government is in power they will be there and it will be even more difficult to get them out of their lifetime employment opportunities. This bill goes to the very heart of the tradition and democratic principles of the Westminster system to ensure independent advice without fear or favour. But that is further diluted by a government that is hooked on spin and ensuring that the public sector does the job the political masters should do.

Further evidence of that is the number of motions that have been sitting on the notice paper for 18 months. A number of shadow ministers have moved that this house call on the chairs and other government members of the all-party committees to stand up to the Premier's outrageous guidelines for submissions and responses to inquiries that are now required by the politburo Department of Premier and Cabinet to implement, and that these government members come forward and detail to the house each occasion when independent departmental and statutory authority submissions and

advice have been censored, edited or vetoed so as to compromise government members' responsibilities to this Parliament's independent committee work.

So even when it comes to the independent parliamentary committees, Terry Moran has got his grubby fingers on every submission that any public servant is allowed to put before the government and opposition members on the so-called independent parliamentary committees. It is an outrage. Other state jurisdictions — even if under Labor governments — have not dared to go to the extent of political control of our public — —

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

**Mr HERBERT (Eltham)** — It is a pleasure to speak on the Public Administration Bill and support the serious approach this government is taking towards reinvigorating the Victorian public service. How different this approach is to what we have heard here today from the opposition! All we have heard is the spiel of hatred of the public sector; it is an absolute loathing and contempt which harkens back to the old days when they were in power.

The independence, efficiency and effectiveness of the operations of the public service are central to the way government operates and delivers the services that the Victorian community relies on. This bill seeks to build our public service, to strengthen the quality of advice offered and to ensure that services are coordinated across the state. How different to the approach taken by the previous government! Remember back in 1992 when Jeff Kennett came to power! He launched a pre-emptive attack on the integrity of the public service. He intimidated public servants, he slashed their rights and unceremoniously slashed their numbers. He introduced his own hatchet men. Remember Ken Baxter, John Paterson — the list goes on! They were the senior men at the top who were there to do a job on the public service.

**Mr Nardella** — What about Strong!

**Mr HERBERT** — What about Strong, indeed! He created a culture of fear in the public service. The member for Warrandyte referred to newspaper articles. After a quick newspaper search of the parliamentary library members would see the headlines outlining the approach that was taken then. It is worth reading them. The headlines of 1992 read 'Sixty days that shook the public service', '10 000 apply to quit the PS', 'Cuts, cuts and more cuts' and 'Kennett takes the axe to the state school system'. They continued right through the

1990s when we had headlines like, ‘The 100 days that changed the face of Victoria’, ‘Intimidation used to force PS redundancies — union’, ‘PS may face more job cuts’, and the list go on. I could have been there for hours just printing them off. This witch-hunt of the public service continued through the 1990s and culminated in new governance legislation introduced in the Parliament in 1998. That legislation broke the public service down into simple financial units; they were servants of the government with few rights and little responsibility.

**Mr Stensholt** — And they were silenced.

**Mr HERBERT** — They were silenced — absolutely. They were clammed shut; they could not talk whatsoever.

**Mr Nardella** — Like their backbenchers and ministers!

**Mr HERBERT** — Like their backbenchers and ministers! We all remember in the first week or two of the Kennett government not only the silencing of the public service but also the putting an end to the doorstops that used to happen on cabinet mornings. Why did he stop them? It was to stop his ministers talking to the press before they went into cabinet. We all remember that one.

The Bracks government has a different vision and has promised this new approach to reform of the public service. Through this Public Administration Bill the government is holding true to its commitments on major public sector reform, and in doing so it is putting Victoria back at the forefront of public sector management. It is a serious reform; it is a major step forward from that 1998 bill. It is a reform that builds on new values for the Victorian public sector that will take it forward. It not only preserves our strengths but also the ongoing values of impartiality, accountability and financial efficiency: the things that are the hallmark of this government.

Furthermore it ushers in a new era of the structural change of our public sector. It is a comprehensive framework that pulls the system together in a way never before seen in Victoria. I doubt there would be one member here who has not in the last few years come across cases whereby it has been difficult to get outcomes for constituents in need because of the fragmentation of the public sector into the various little financial units and their inability to work together to get a common outcome.

In the past our predecessors took the narrow view that our public service was best run by treating it like any

other private enterprise and placing an overriding emphasis on financial efficiency. This view of government as a collection of business entities is not only narrow but hazardous. It sells short the role of government in serving the public interest and forces departments to lose sight of the big policy picture. Furthermore it de-emphasises the higher duty public servants owe to the public interest. That is a really important duty which was taken very seriously in the past by long-serving public servants — public servants who were sacked by the previous government.

Financial efficiency still remains a core value. However, this bill incorporates a far more developed view of the need to get a balance between financial efficiency and the public’s right to great government services. It seeks to get a coordinated and balanced system which ties in departments as organic parts of government. The bill provides an overarching policy framework that gives consistency and structure to the myriad of public entities that have been created over the years in this state. Some of these public entities have come to provide critical services, such as those provided by VicRoads and cemeteries, with the quality of service delivery being absolutely paramount.

Under this bill there will be a revamping of the Office of Public Employment, which will become the new entity called the State Services Authority. This new body will come to embrace expanded roles in line with the values of this bill for service delivery, work force development and public governance. It does this without changing any current employment arrangements or affecting the existing powers of public employers.

As the member for Bentleigh said, an allegation has been made that somehow this bill will usurp parliamentary privilege and the right of members of this chamber to comment on individual public servants concerning issues of substance. No-one here would support members of this Parliament victimising, terrorising or conducting a witch-hunt on public servants, but it is clear that this bill will not usurp the right of members in serious cases and, when justified, to raise issues and the names of public servants in this house.

Victoria is sorely in need of a new framework for an integrated form of corporate governance. It not only pulls our service together but also maintains our core values. We need to address the attitudinal shortfalls of the 1998 bill. For these reasons I am pleased to commend the bill to the house.

**Ms ASHER** (Brighton) — I am pleased to follow the member for Eltham. I always like to be lectured by him on public integrity and the system. I recall that when he worked for the education minister he was someone who would sit on a freedom of information (FOI) application for many months. He is a real expert on how the system should work!

The opposition opposes this bill, and we have a number of issues of concern in relation to it. The bill introduces sweeping powers of political and centralised control over the entire gamut of public sector entities. We are told that something like 5000 public entities are involved in this level of control. I find it extraordinary that members of the government could indicate their support for this bill yet at the same time be critical of the principles of the public sector under the previous government. It is actually this bill before the house that is introducing vast centralisation and vast control, of course in the image of Terry Moran. This is exactly the sort of system that Terry Moran wants. He is in charge, he is in control, it is centralised and people will act according to what the government wishes. It also applies to the public sector overall, including instrumentalities like advisory committees. All governments have advisory committees, but this government is seeking to control its committees, school councils and entities such as this. This in our view amounts to extreme control over people in the public sector.

The State Services Authority, which is established under this bill, has particularly wide powers. I will be interested to see how that body functions in actuality. The bill — and this is one of the major areas of opposition concern — will prevail over any other act of Parliament. I am well aware that members of the government are saying the opposition is wrong on this, but the facts of the matter are that a reading of this bill, and the information provided in briefing that was given to the opposition, indicates that the bill will prevail over other acts. There are some very sinister components of this act which I will get to in a moment. The bill also establishes a public sector standards commissioner with the power to compile a code of conduct. As a consequence of this code of conduct, members of governing bodies of entities can be removed from office for their failure to comply with this particular code.

However, the most sinister aspects of the bill before the house are the ones I want to touch on. Firstly, the bill enables the Governor in Council, on the recommendation of the Premier, to require public entities to comply with whole-of-government policy, with some limited exceptions. Imagine if the Kennett

government had required all public entities, no matter of what type, to comply with a whole-of-government policy. It is sinister, it is extreme and it is why the opposition opposes the bill.

A second sinister element of the bill is that it provides for fines or a two-year jail term for taking what is called ‘detrimental action’ against a public official. The definition of ‘detrimental action’ is particularly broad. It includes any action causing injury, loss or damage, intimidation or harassment. In other words, public officials are now going to be able to claim stress, intimidation, harassment as detrimental action if, for example, they are criticised by the media or a member of Parliament.

I understand the government’s motivation in wanting to protect ambulance officers, teachers or nurses from abuse. But the bill is way too broad, because there are examples where members of Parliament or journalists can make legitimate comments that may cause stress. For example, a journalist may make comments about a child protection officer which may cause stress for that child protection officer. What we have in this bill is the possibility of jail or a fine for that journalist. I would argue that making a comment on a child protection worker who had not done their job is a legitimate form of public comment. Another example has been given in this house. There is one particular FOI (freedom of information) officer — actually there are a number of FOI officers that have caused angst amongst the opposition — in the Department of Premier and Cabinet who has been named in this house.

**Mr Maxfield** interjected.

**Ms ASHER** — The member for Narracan is the epitome of a grub and would do well not to interject when he does not have the microphone!

This public servant has been mentioned in the Parliament, and she could in fact claim that she was stressed as a consequence of being named. Under the bill before the house that would constitute detrimental action, and there is a possibility of jail or a fine for the member of Parliament who mentioned her. We think that is sinister.

Furthermore, it is absurd that the bill does not apply to public officials — for example, if a teacher abused a nurse — so there is an anomaly in the drafting in relation to this. The bill also allows ministers the capacity to sue members of governing bodies for loss due to failure to comply with governance requirements. We think this is extreme. Basically the bill will give

excessive control to the Department of Premier and Cabinet.

I am also reminded of the structure of the public sector under the previous Liberal government. I am interested that members of the government, the members for Bentleigh and Eltham, have made reference to the public sector structure under the previous government. Indeed a number of bills amending the structure of the public sector were brought before this place and the other place. The bill before the house today is far more draconian and centralises power far more than the previous administration did. I note that in debate on the Public Sector Management (Amendment) Bill on 2 March 1995 the member for Broadmeadows, now the Treasurer, made the following comments:

This is a draconian piece of legislation that is totally unnecessary.

...

The opposition opposes ... the legislation because it increases the power of the Premier and the executive over the public service.

It is centralised control that is exactly the subject of the bill before the house.

The member for Broadmeadows went on, and I thank him for reminding me of his attitude in the old days as opposed to his attitude to the bill that he is now supporting. The member went on to refer to the Queensland Fitzgerald commission and what it had said about the public sector. I quote:

A system that provides the executive government with control over the careers of public officials adds enormously to the pressures upon those who are even moderately ambitious.

Merit can be ignored, perceived disloyalty punished, and personal or political loyalty rewarded.

Once there are signs that a government prefers its favourites when a vacancy occurs or other opportunities arise, the pressure on those within the system becomes immense.

One of the first casualties in such circumstances is the general quality of public administration.

I remind members of the government that the bill before the house requires people to comply with whole-of-government policy. It gags the public sector and it allows the members of the public sector who feel they have had detrimental action taken against them to press charges which could result in members of Parliament, members of the press or indeed members of the community to incur fines and jail terms. I wonder whether the member for Broadmeadows blushed as this little pitch for centralised power, for complete control over the public sector, actually went through cabinet.

I also refer honourable members to the Scrutiny of Acts and Regulations Committee minority report, because that reflects a real concern that the government should consider. The minority report noted that the bill makes it a criminal offence to take detrimental action against a public official and that members of Parliament are not exempt from the bill before the house — nor I might add should other people be exempt and MPs not be exempt.

Furthermore, we have serious problems with this bill. It centralises power; it forces people in the public sector, including those people on advisory committees, to constantly comply with government directives; and it is an unnecessary pitch for centralised power.

**Ms D'AMBROSIO (Mill Park)** — I am very pleased to rise in support of the Public Administration Bill. I do so because the bill enhances Victoria's public service and the attributes of impartiality and meritorious employment. The bill also ensures that the foremost focus of the public service is on serving the whole of the Victorian community by providing fearless advice to executive government rather than operating as a separate business entity with a diminished focus on impartial advice.

The opposition is very keen to emulate the elements of the private sector. What its members fail to understand is that the two are not comparable. Employment in the private sector has its duty to private employers, not to the whole of the Victorian government. It is for that very reason that we need a bill such as this to continue to enhance the status of Victoria's public service so that its duty to the Victorian public is paramount and that all advice is given in a fearless manner — without fear of retribution and without fear of reprisals. I am very proud to see that the government has taken the necessary steps to restore public pride and public confidence in our public service. We do not want public servants to be muzzled or muffled. I am afraid we would only see a return to that if the opposition regained power.

The Bracks government is committed to serving the entire Victorian community, and this bill enhances the ability of the public service to provide fearless advice in the broad public interest. The previous government did not care too much about what was provided to the whole of the Victorian community, and we know that its policy imperatives were very much guided by its attitude, for example, to regional and rural Victoria which was described — quite aptly in the minds of the then government members — as the toenails of Victoria. Public servants were muzzled and the consequences were that public policy was constructed,

which in effect brought about winners and losers throughout the Victorian community. That is not what this government is interested in. We as a government are interested in being fair and providing public policy which is sound and treats all Victorians equally. We need a public service that is able to provide that constructive and fearless advice for good public policy.

Public servants are different from workers in the private sector, a fact that the opposition fails to appreciate time and again. The Victorian community does not want to be run by boards of management or boards of directors. Governments are elected to govern and historically the public service has been the anchor of balanced and reasoned advice to executive government. The Westminster system has been served well by this over centuries. Members of the public service have a higher duty to the public than private sector employees, whose duty is purely limited to the interests of a particular company. Perhaps the opposition could learn from the old nursery rhyme *Ba, Ba, Black Sheep*. I do not raise that in jest; I think it describes the mentality of the opposition.

**Mr Perton** interjected.

**Ms D'AMBROSIO** — Yes, I will recite the nursery rhyme:

Ba, ba, black sheep, have you any wool?  
Yes sir, yes sir, three bags full,  
One for the master, one for the dame,  
And one for the little boy or girl  
Who lives down the lane.

**Mr Perton** — That is the PC version. Well done, comrade!

**Ms D'AMBROSIO** — You are learning, Victor! The nursery rhyme is about the master-servant relationship. The opposition is very keen on this; it is keen on supporting the Howard government's desire to return to the master-servant laws of the 19th century. But we on this side of the house believe that public servants are not black sheep. They are not there to say, 'Yes sir, yes sir, three bags full, sir'; they are there to give impartial, reasoned and balanced advice for good sound policy reasons.

The Bracks government is proud to have returned trust in government to the public, and this bill will help to further enhance trust in government with a public service that owes its duty foremost to the public. We are also interested in balancing the relationship between the executive government and the public sector. The bill talks specifically about the need to address issues of governance of public entities and there will now be a

consistent overarching governance framework for those. Public entities have developed in leaps and bounds over many decades in all jurisdictions across Australia and internationally and they certainly need better management that sits well with the overarching policy frameworks of any government that is in power, regardless of colour. The end is a good result for public policy: a sounder public policy framework that is matched by consistent service delivery and advice.

I am pleased to support the bill. I do not wish to make further comments unnecessarily except to say that the bill is another step in the move towards enshrining best practice in the public service in so far as having what is in the best interests of the public. I commend the bill to the house. I only wish that one day the opposition would learn the difference between public sector and private sector. The public sector is about having good governance, good policy and giving sound, reasoned and balanced advice to executive government; and we are all the better for it in Victoria by having a government that has the courage to return the status of integrity to the public sector. We on this side of the house do not mind fearless advice, we do not mind balanced, reasonable advice from the public service. We are proud of our public service and confident that in the end our public policy will benefit the whole Australian community, not the sectional interests that members of the opposition are hell-bent on assuring.

This government is about protecting the whole of the Victorian community and acting in its interests. We are not the failed businesspeople that the opposition wants to turn the Victorian government into. We are not interested in that. People want a fair go out there. People want decent public services, and we are going to deliver them whether the opposition likes it or not.

**Mr PERTON** (Doncaster) — The last speech given by the chairman of the Scrutiny of Acts and Regulations Committee places shame on that whole committee. The fact that the member could deliver that speech and indeed chair the report on this bill produced by the Scrutiny of Acts and Regulations Committee says very little about her talents as a member of Parliament. Perhaps the strongest point in her speech was her recitation of children's nursery rhymes, but even there she had to make it politically correct.

The Bracks Labor government's Public Administration Bill 2004 would impose centralised political control on the Victorian public sector. It gives the Premier extensive powers to direct and intervene in the running of public sector entities. It gives ministers the power to direct, threaten and intimidate thousands of members of the community who serve, often in a voluntary

capacity, on the hundreds of public boards, councils and committees across the state.

As the shadow Treasurer, the member for Box Hill, has said:

This is a bill that is grounded in quintessential Labor mindset: centralise, control, prescribe, regulate and direct. It is the antithesis of decentralisation and of subsidiarity. It cuts across existing accountabilities. It undermines pluralism, diversity, autonomy, independence and initiative. It rejects the whole concept of civil society under which people freely contribute to a better community through voluntary participation in a diversity of community organisations. It threatens to transform the myriad community-based government bodies, such as school councils, committees of management and cemetery trusts, from elements of civil society into creatures of centralised government control.

What does it all mean? What does it mean for a school council? Does the government intend that all the corporate governance provisions in the bill will apply to school councils? Conversely, does the government intend to exempt all school councils from the operation of divisions 2 and 3 of part 5 of the bill and the corporate governance requirements they contain? These are important, practical, day-to-day questions to which volunteers who serve on school councils are entitled to expect answers and will be looking for answers, if not from the Parliament, from the bureaucracy that will now direct them.

When opposition members were briefed on the bill they sought from the government a statement of what it intended to do about these provisions. The opposition has been given a summary of what the bill provides in that respect but no information at all about the government's intentions. Are we going to have the situation where existing school councils will not be subject to the corporate governance requirements but councils created for new schools will be subject to them?

There will be enormous regulatory and compliance obligations and burdens on the bodies to which these provisions apply, and it could make life on school councils almost unbearable. Those who do speak to school councils and the organisations that represent them already know that many schools have difficulties in getting the broad spread of people with the broad spread of talents that are required in the complex work of sitting on a school council. If we want any further evidence of that point, we need only look at the Auditor-General's report on the results of the 30 June 2004 financial statement and other audits of 2004 which was tabled in this house yesterday. At page 60 the Auditor-General refers to the fact that the Victorian Government Solicitor has recently advised that school

councils are public statutory authorities, which means they are subject to the accountability and auditing provisions of the Financial Management Act 1994 and the Audit Act 1994.

The Auditor-General goes on to set out the various compliance requirements that flow from this, the difficulties that they create and the interim arrangements that are being put in place to cope with the consequences of this legal advice. I will quote from the *Auditor-General's Report — Results of 30 June 2004 Financial Statement and Other Audits — December 2004*. I quote from page 60, where the Auditor-General states:

The Victorian Government Solicitor recently advised the department that school councils are public statutory authorities. This means that they are subject to the accountability and auditing provisions of the Financial Management Act 1994 and the Audit Act 1994. To comply with these acts, school councils would have to:

prepare accounts on an accrual basis, rather than a cash basis;

have their accounts audited by the Auditor-General;

present a report of operations, including the audited financial report, to Parliament.

The department considers that school councils, in their own right, will not be able to meet these requirements for some considerable time.

That is hardly a surprise.

Funding to government schools is largely provided through the Department of Education and Training. The school council accounts are consolidated into the statutory accounts of the department, which are presented to Parliament in line with the reporting provisions of the Financial Management Act 1994. The department has internally identified the need to address the reporting arrangements for government schools in relation to the Financial Management Act 1994.

This forces the Auditor-General into action. The report then goes on to say:

In light of this, and given the Education Act 1958 requirement for councils to appoint approved auditors to provide assurance on their financial affairs, I have exercised the authority available to me under section 8 of the Audit Act 1994 and have dispensed with the audit of school councils until a longer term solution is developed.

Here is yet another burden placed on school councils that the Auditor-General says is unbearable for them, and he has had to exempt them. This is the sort of difficulty that can be created when these sorts of extensive regulatory requirements — which may or may not be appropriate, sensible or important when applied to government business enterprises — are extended to small, community-based organisations. The

government has not thought through this properly, and it is going to detrimentally affect school councils with huge compliance requirements as well as specific powers at a government and ministerial level to intervene and cut across the proper and independent functions of these organisations.

*Honourable members interjecting.*

**Mr PERTON** — They are singing! The members for Mill Park and Bentleigh are typical socialists trying to shout down the other side. If they actually listened to what school principals are telling them instead of trying to shout them down and ram new regulatory burdens down their throat, they would hear that the greatest problem for school principals is the incredible regulatory burden being placed upon them. New directives come almost once or twice a day, if not from the secretary of the department then from the director of schools, the regional director or from the minister herself.

I refer to clauses 107 and 108, which provide that a person other than a public official who takes detrimental action against another public official for the reason that the person is a public official is liable to a fine of 240 penalty units, two years in prison, or both, as well as civil damages. This provision is designed to shut the community up. Today's *Doncaster Templestowe News* carries headlines such as 'School repair blow-out' and 'Upkeep of schools still behind', and school principals are speaking against what the department is doing to their schools by neglect.

Under these amendments, while a fellow public servant may not be able to be sued or may not be sent to jail, a school council president, a school councillor or a parent of an autistic child who, having been denied proper services by the department, speaks out in public against that public official, will be subject to a fine and subject to imprisonment, and if that public servant believes they have been stressed by this, they will be able to sue for damages.

A good example was the recent meeting of physical education teachers who were angered by this government's proposal to take physical education out of the core curriculum. These teachers were angry and were asking why this should be done to the detriment of every school child in the state. Two public servants stood up there answering for the minister's ideological attack on physical education in schools. They were subjected to legitimate criticism, they were asked why they had allowed physical education to deteriorate in schools, and it was put to them that they were failing in their duties. Under the conditions in this bill, those

physical education teachers, those lecturers from universities and those others attending that meeting and being critical of the public servants might not just be fined but imprisoned and sued for damages — merely on the test that the public servants felt stressed by that criticism.

This bill is a deliberate attempt to shut up the community; it is a deliberate attempt to prevent this government from receiving legitimate criticism. A robust and honest public servant who believes in free speech and believes in free criticism would oppose this legislation, as the opposition does.

**Mr NARDELLA** (Melton) — The honourable member for Doncaster — —

**Mr Crutchfield** — Is a liar.

**Mr NARDELLA** — I would not say that; I will not repeat what the honourable member for Barwon South said.

**Mr Crutchfield** — It is true though.

**Mr NARDELLA** — It is. He has forgotten the seven long, dark years that public servants had under the Kennett government's administration. Here is a man who has amnesia when it comes to remembering how he and his ministers, his people, his backbenchers and his colleagues treated public servants during those seven long, dark years.

Let me remind honourable members about what the Kennett government did to teachers. They sacked 9000 teachers. They valued them so highly that they systematically got rid of them, terrorised and culled them. They went out of their way to make sure they were gagged. As the honourable member for Bentleigh reminded me before, we got rid of teaching service order 140, which said to every single teacher within Victoria, 'You cannot speak up against the Kennett Liberal-National party government. If you do then teaching service order 140 says we will sack you. You are gagged'. That was the reality that the amnesiac honourable member for Doncaster does not want to repeat within this house.

It goes on. I remember when in 1993, three weeks before Christmas, the heartless, cruel Kennett government sacked 3500 school cleaners. Yet opposition members now say, 'We are the protectors of public servants, teachers, decency and honesty'. There is not once skerrick of decency and honesty either in the honourable member for Doncaster or in any of the other opposition members when it comes to this bill.

Let me go on. Then there were 4000 nurses ripped out of the health system and out of hospitals — and we are still trying to recoup them. The current members of the opposition went out of their way to make sure the nurses' lives were an absolute misery. Could they speak up against the government? Could they go up to Jeff Kennett and say, 'Look Mr Kennett, I think you are doing the wrong thing'? Of course not, because they would have been summarily sacked.

Then we had a disgraceful episode. The former Minister for Transport is here today.

**Mr Smith** — On a point of order, Acting Speaker, the member for Melton is not speaking on the bill or relating his remarks to the bill. I ask you to bring him back to the bill.

**The ACTING SPEAKER (Ms Lindell)** — Order! The second-reading debate has been quite wide ranging. There is no point of order.

**Mr NARDELLA** — The former Minister for Transport, the honourable member for Mornington, is here today. He was in the government when it summarily sacked the public transport safety officers — this is the type of protection they talk about!

The bill before the house protects public servants; it adds to the raft of protection that the Bracks Labor government has put in place. We put whistleblowers legislation in place. The opposition did not put it in place because it does not believe that public servants should be protected. The opposition wants to terrorise them — it wants to have them live in fear. It wants to control and direct every single day and minute of public servants' working lives. This bill protects public servants.

The honourable member for Doncaster quoted the Public Sector Management and Employment Act, which the now Treasurer when in opposition argued against — and rightly so. The bill added to the terrorism against and the terror of public servants at that time. The bill before the house fixes that problem.

This bill strengthens the public service. It strengthens public servants' ability to advise government and strengthens their accountability to government and to this Parliament. Not only has this been done through the whistleblowers legislation, but the bill builds in the independence of other statutory holders within the offices of the Auditor-General and the Ombudsman. The bill goes even further. It puts in place the independence of the public sector standards commissioner. That is a Governor in Council appointment, and there is a review mechanism within

this bill to assist public servants to have decisions reviewed. The only way to get rid of the public sector standards commissioner is through both houses of Parliament. That reflects the type of independent fearlessness we are trying to build up within the public sector. Members on this side of the house support that.

The honourable member for Doncaster talks absolute rubbish. He makes these things up. He held up a couple of articles from his electorate.

**Mr Hudson** — Research.

**Mr NARDELLA** — Yes, that is the only research that he ever does. In these articles school councils and principals attacked the Bracks Labor government. What a contrast to the seven long, dark years when they could not attack the government! The honourable member can bring these matters into the house and debate them without those principals and school councils being gagged and without the schools being closed down. If only the honourable member had read the bill. It is a bit difficult for members of the opposition to read because it does not have any pictures and cartoons in it. But if he actually had the opportunity and the willingness to read it and inform himself and his colleagues, he would know that this particular bill protects and strengthens those public servants.

It does not attack school councils, and it does not attack community health centre boards of management. It actually makes sure that accountability mechanisms for the things they should be doing are put in place so that those particular boards are accountable not just to us here in the Parliament but in a much more important sense to the community — the people they are there to represent — and to the students at the schools. Those school councils are extremely important.

The honourable member for Doncaster trumpets around the school councils, saying, 'Talk to me'. I would say they only talk to him under sufferance, and only after he goes out of his way to make sure he barges in on school council meetings. I can tell you that none of my school councils would want to welcome him.

This bill protects those school councils and protects those principals, and it builds on the great work that we have been putting in place. We have an opposition that has gone and is going out of its way, as the honourable member for Narracan interjected previously, to harass and name freedom of information officers and other statutory officers who are only doing their jobs under the legislation passed by this Parliament. This bill does not mean that they will have to stop: if it is legitimate and if it is part of the political debate, then that is fine.

But what is not acceptable and what this bill will stop is public servants being harassed by others and being threatened in their conduct of duties which we have given them through this Parliament. This legislation is about protecting those people. This legislation is good legislation that builds on the fantastic things that the Bracks Labor government has been doing over the last five years. The opposition stands condemned for opposing it.

**Mr COOPER** (Mornington) — When the Deputy Leader of the Opposition made his contribution on this bill earlier this morning his allegation was that the government was working very hard to politicise the public service in Victoria. The member for Melton, by way of interjection, agreed with that and said, ‘What is wrong with that?’.

What this bill seeks to do is protect those politicised public servants from valid criticism. We have heard some amazing contributions from government members of Parliament. The member for Bentleigh’s contribution — the first on this bill today — could only be described as appalling, because it showed no understanding of the realities of this legislation and no understanding that there are huge question marks over parts of it. He was simply prepared, as it appears all members of this government are, to stand up and say that this bill, because it has been prepared by his government, has no flaws in it whatsoever.

The reality of this government’s legislative program is that a lot of the bills it brings in have flaws in them. Before this house adjourns today we are going to see a bill which will amend a bill that was passed by this house only a couple of weeks ago. That shows that only very rarely does this government get it right on important pieces of legislation. We are pointing out to the government that this bill needs to be looked at again because there are questions which the opposition asked of the government at its briefings which have not been answered properly. And then there are the questions that are now being posed by the community at large.

The time available to me and to any member in this house to address all the issues in this bill is simply not adequate. We each have a maximum of 10 minutes to speak on the bill, so I have to concentrate my remarks on one or two aspects of the bill which concern me. They relate to matters that have already been raised, but I hope I will be able to put a new slant on them.

Firstly, let me address an issue that goes to the heart of the concerns of every member of this house, and that is the privilege they have in this house to speak frankly and without fear of retribution. There has been an

allegation made by the member for Box Hill about the removal of privilege, to which the member for Bentleigh said, if I recall correctly, ‘That is not correct. There is no removal of privilege for a member of Parliament’. We heard the member for Eltham say in his contribution — and I wrote it down — ‘The bill does not usurp the rights of MPs in serious cases to raise the names of public servants in the Parliament’. There are a couple of aspects of that contribution by the member for Eltham that need to be thought about by all members of this house, and in particular by members of the government.

Firstly, the member for Eltham, in making that statement, has confirmed the allegation made by the member for Box Hill that privilege, at least in part if not in whole, has been removed. Indeed that was the subject of the minority report from Scrutiny of Acts and Regulations Committee on this legislation. So the member for Eltham has confirmed that there is in fact, at least in part, a removal of privilege from members of Parliament.

But then we go on: the member for Eltham said there was no usurping of rights in serious cases. Let us find out from members of the government who follow on in this debate what they mean by ‘serious cases’. What is serious and what is not serious in relation to a member of Parliament standing up here and naming a public servant in regard to a particular matter? How do we define ‘serious cases’? Is it going to be a matter that will be defined and ruled on by a court? Will a member of this house have to go to court at some stage in the future to defend his or her right to stand up here and speak frankly and fearlessly on a matter?

**Mr Nardella** — No!

**Mr COOPER** — The member for Melton categorically says no by way of interjection, yet his colleague who sits three places away from him on the government backbench, the member for Eltham, confirmed that there is at least in part a removal of the right of members of Parliament to speak frankly and fearlessly. In the last few minutes we have had a division between members of the government party in this house on the matter of parliamentary privilege.

In the 4 minutes left to me I want to move on and talk about the sort of thing which could occur by virtue of this legislation — that is, the way a public servant could determine that he or she has been hurt by comments which have been made and take legal action against a person in the community who has spoken out. I want to use as an example a situation that occurred in my electorate in recent times. I have raised this matter in

the house, and it has been the subject of considerable comment in local newspapers. It relates to the provision of facilities for the Peninsula Community Health Service. As members may recall, the centre operated by the Peninsula Community Health Service at Rosebud was shut down because asbestos was found in the building.

In the service's annual report the president of the service criticised the government over the facilities that have been provided. He did not go so far as to mention the names of the public servants he had been dealing with so clearly there would not be a problem. However, if in the annual report of the Peninsula Community Health Service or in comment to the newspapers or at a public meeting he had mentioned the names of public servants he had been dealing with and whom he did not believe were dealing with the very valid issues he had raised — issues of great concern not only to him and his committee of management but also to the general community — under this bill those people would be able to take legal action against him.

I use that as an example of the sort of thing which could occur. It is not in the hands of this government. It is not in the hands of individual members of Parliament. It is not in the hands of anybody other than the individual public servant to determine whether he or she believes they have been detrimentally affected in some serious way which would allow them to take legal action against a person in the community. Detrimental action is defined in clause 4 of the bill as including:

- (a) action causing injury, loss or damage; and
- (b) intimidation or harassment;

That is a wide open definition which is available to every public servant in this state. From there you move to clause 107 of the bill, which states:

A person who is not a public official or an exempt body official must not take detrimental action against another person who is a public official or an exempt body official for the reason that the other person is such an official.

The penalty is 240 penalty units or two years imprisonment or both. The ability for public servants to take action in a widespread fashion under this legislation is there — it cannot be denied. The opposition is saying that it is too widespread, that the bill is too broad.

As the member for Brighton very clearly said in a comment I support, there is something sinister about this legislation where you put the public service above everybody else in the community. The actions that are available to public servants under this bill are not

available to any other member of the community. They are not available to members of Parliament and they are certainly not available to people who work in the private sector. That is why this bill is being described as too broad, that is why this bill is being described as sinister and that is why the opposition is vigorously opposing this legislation.

**Mr LIM (Clayton)** — As someone who worked in the Victorian public service for more than 16 years and who keeps in close contact with former public service colleagues, I very much welcome this bill. The joy this bill is bringing to the hearts of all those dedicated people who are committed to serving the people of Victoria will no doubt come as a surprise to those on the other side of this house. We have seen that demonstrated this morning. Having said that, I agree with the main thrust of the comments made by my parliamentary colleagues on this side of the house in support of the bill.

I know it is very difficult for a Liberal to believe but there are more important things in this world than money and there are better ways to manage people than with fear, punishment and cash bonuses for managers who sack staff, as we saw happen during the Kennett years. The contributions from members opposite seemed to ignore the fact that something like 60 000 people marched up Bourke Street and surrounded Parliament House clamouring for justice for those sacked public employees who suffered so much. We read in the newspapers day after day how these sackings broke up families and of the disappointment and terror which penetrated the hearts of those people involved. The Liberals' approach to managing the public service was to instil fear into the hearts of workers, to work them to a state of burnout and then to toss them on the scrapheap. It was the sort of inhumane approach to work relationships that Charles Dickens wrote about in his many novels.

We should never overlook the fact that in the public service there are fantastic people who are committed, dedicated and very focused and who contribute tremendously to the public service in this state. The way they were treated during the Kennett years was intolerable and unacceptable. Under the Liberals appointment on merit was replaced with cronyism and dedicated workers found themselves being administered by utter fools who knew nothing of public administration but seemed to draw their inspiration from the Premier of the day.

Of course things changed enormously for the better when the public threw out the Kennett government in 1999, but it is good to see the Bracks government's

principles of fairness, equity, humanity and dignity enshrined in this bill. The other principles enshrined in the bill are those of honour and accountability. They take account of the long-established principles of public service in this state that the public service must provide frank and impartial advice, must be politically impartial and also must be responsive. Under these principles public servants must display integrity, impartiality, be accountable for their actions and respect their colleagues. They must also demonstrate leadership by actively promoting these values.

From my knowledge of the public service I can assure the house that Victoria's public servants will not shrink from these responsibilities, nor will they disappoint us in the faith we have placed in them. I fully commend the bill to house.

**Mr MAXFIELD** (Narracan) — I rise to speak in support of this bill. It helps to contrast this government with the government we had for those seven dark years. I have listened to both sides of the debate. I have listened to the high and mighty claims from the opposition about independence, integrity, protecting public servants and protecting the rights of freedom of information. I think back to what happened in my area in Gippsland with the sacking of public servants, teachers and nurses and the intimidation and threats that were levelled against those public servants for merely trying to make a comment.

A couple of instances come to mind. Moe, as members are probably aware, suffered a lot of bad press over various issues some time ago. A lot of work was done to build up people's belief in the area, because as everyone knows Moe is a fantastic town and a great place. At the time I was the Labor Party candidate for the seat of Narracan, and I thought, 'Why not organise an essay competition for the community on why Moe is a great place to live?'. We went around to a lot of businesses, including Liberal-owned businesses, and as a result they donated all sorts of prizes.

We then went to the schools and asked if their students could design and distribute a pamphlet. Some of the schools got classes together: the younger students made posters and bumper stickers, and the older students wrote essays. These were then judged to decide who would win the awards. Actor John Woods came down on a Saturday morning to hand out the prizes in the Moe Purves plaza, and it was standing room only. The whole community came along — the children, their parents and their grandparents — to see who had won prizes. At this event the principal of the Lowanna Secondary College handed out a pamphlet on the essay competition for those who wanted to enter, and when

someone from the Liberal Party heard that the principal had handed out a pamphlet from a Labor Party member it all came down on his head.

How dare he support an essay competition on why Moe is a great place to live! How dare he allow a pamphlet that did not have a Liberal Party insignia on it to go out from his school! The vicious attack on that principal was just amazing. Word went out to all other state schools in the area not to cooperate with this essay competition on Moe.

In the house I see the member for Morwell, who as we know is a fine and outstanding member of Parliament. He was on the board of Gippsland Water, which at the time was doing a good job. Its finances were sound, it was fixing up the water supply in Trafalgar and Yarragon and it was delivering a good service. But he got a phone call from the former Liberal Minister for Natural Resources, Mr Coleman, midway through his term, saying, 'By the way, we are taking you off the board because you are a Labor Party person'. His performance was not in question, his behaviour was not in question and the board was working well. Nevertheless, he was removed for no other reason than that he was a member of the Labor Party. Is that the same party that we hear today standing up for people on boards and standing up for public servants?

Another incident I recall involved Christian Zahra, the fantastic former federal Labor member for McMillan. Christian was on the payroll of Gippsland Water for a while, doing a lot of its publicity and public relations work. This time a phone call came from a former Leader of the National Party, Pat McNamara, to the headquarters of Gippsland Water, saying, 'We understand that the president of Young Labor in Victoria is working for you. Sack him!'. Next thing you know, the water authority had to sack Christian Zahra because the Kennett government had ordered it to do so.

Here are members of a political party standing up in this house — with their cohorts, The Nationals — and crying crocodile tears over protecting public servants and their rights, yet I have just outlined a number of instances where, in their seven dark years in power, they engaged in fear, intimidation and attacks for no reason other than that they did not like what the people I have mentioned said and did not like their political colour.

This bill enshrines the independence of the public service, and it enshrines the right of public servants to give advice without fear or favour in the way they think

they should. I know our community will be better served because of that.

**Mr THOMPSON** (Sandringham) — In commenting on this bill I will focus my remarks on the concerns expressed by members of the Scrutiny of Acts and Regulations Committee (SARC). I refer to *Alert Digest* No. 11 and the dissenting report that was filed on 30 November 2004. One of the obligations of the Scrutiny of Acts and Regulations Committee is to determine whether there have been any breaches of the statutory charter of principles. One concern that has been raised about this bill is that there may at some point be an undue trespass on rights or freedoms, and it is the obligation of the committee to make a report to the Parliament on such a concern.

The minority report notes that clause 107 of the bill makes it a criminal offence to take detrimental action against a public official and provides for a substantial fine and/or a possible two years imprisonment. The minority noted that clause 106 of the bill excludes judges, magistrates, the Solicitor-General, the Director of Public Prosecutions and officers of the Parliament from the operation of the bill. Members of Parliament are not exempt. The minority was concerned that this section may infringe on the privileges of the Parliament and/or a citizen's right to free speech. Given that the fundamental constitutional framework provides that the executive government is responsible to the Parliament, these provisions may severely limit Parliament's ability to hold the executive government to account. Furthermore, the provisions of the bill are so broad that it may limit the ability of a citizen to raise matters of genuine concern and public importance about the executive government.

The minority was also of the view that the committee should at least write to the Premier seeking clarification about clauses 107 and 108. It also expressed concern that parliamentary privilege and a citizen's right to free speech may be abrogated.

At this stage I am not aware of any response that addresses those important concerns about a balance being achieved to ensure that those people who discharge public responsibilities are not subject to undue harassment while safeguarding the rights that members have in this chamber, where there is some level of protection — and I might add that that should be used responsibly at all times. But there is some doubt as to whether the question of parliamentary privilege is being abrogated by this particular bill. These are the key concerns I raise in my comments on the bill.

**Mr McINTOSH** (Kew) — I join with the member for Sandringham, who is also a member of the Scrutiny of Acts and Regulations Committee, in raising what I think is a profound concern in relation to the privileges of this place — if not our rights as members of Parliament or even as ordinary citizens — and freedom of speech. Of course, the matter that the member for Sandringham raised derives from clauses 106 and 107, which relate to the actions or comments of another person causing a public official some sort of detriment.

While there is a list of people who are exempt from this notion of taking detrimental action that can lead to a penalty of some \$24 000 or alternatively two years in jail, that list of exempt people or exempt officials does not include members of Parliament. It includes a judge of the Supreme Court or County Court, a magistrate or a coroner. It includes the Solicitor-General, the Director of Public Prosecutions and an officer of the Parliament within the meaning of the Parliamentary Officers Act, but it does not include a member of Parliament. Accordingly it is a matter of profound concern as to why a public official would be given this right and protection under clause 107 of the bill and members of Parliament would be excluded. It is effectively a fundamental change to the way government operates in this state and our understanding of responsible government.

At the end of the day government is responsible to this place. The Parliament is paramount, and the public service and the government are responsible to this place for their actions in whatever manner or form. Anything that may upset that fine balance in relation to a very important part of our democracy — that is, responsible government — is of profound concern.

From a personal point of view, I also add that there is real concern about the way the Scrutiny of Acts and Regulations Committee operates. I am sure that all members approach the scrutiny of acts and regulations system with goodwill, but I am concerned about being able to raise matters within a certain time frame. The first time I became aware of this issue was when the member for Box Hill raised it with me at shadow cabinet. There was no time to clarify the matter. Essentially it was done in shadow cabinet in a public forum, and following that meeting I had no time to clarify the precise point that was being raised by the member for Box Hill. I was not able to raise it with the Scrutiny of Acts and Regulations Committee because I did not know the details of the matter. When I discovered the precise nature of the matter after leaving the room, I was prevented from raising it with the committee, and it was therefore not formally raised as

part of the review by the Scrutiny of Acts and Regulations Committee or addressed in the report.

**Mr Langdon** interjected.

**Mr McIntosh** — I am now getting my instructions from the Government Whip, and I am happy to oblige him. It shows the power of numbers at the end of the day that I am doing the bidding of the Government Whip! I am very pleased that he has encouraged me to take my full 10 minutes, because this is a significant issue.

I am sure that all members of the Scrutiny of Acts and Regulations Committee approach the committee's work in the spirit in which it is conducted, but perhaps as a Parliament we need to think about that committee in the light of the rights and freedoms of ordinary citizens, including the right to free speech, and also the privileges and rights that we have as members of Parliament and the obligations we have to hold this government accountable, not only in this place but elsewhere. Whether an issue is right or wrong, it is a genuine and legitimate concern that we as members of Parliament raise about the operation of clauses 106 and 107 of this bill. It impinges — or may impinge, or may lead to or tend to impinge — on those rights. It does not matter whether it does or does not; it is a legitimate concern that has been raised. Frankly this has not been properly considered by the Scrutiny of Acts and Regulations Committee.

We need to look seriously at the way this committee operates, given the fact that we get the *Alert Digest* at a time when we walk into that meeting and that we are prevented from dealing with these matters in any detail. We are very dependent upon the bureaucracy of the committee — and again I do not make any criticism of that bureaucracy — but unless it identifies possible limitations to rights and freedoms as required by the Parliamentary Committees Act which governs the Scrutiny of Acts and Regulations Committee, then they will not be raised in this place.

Having said that, perhaps the solution is to have better resources to enable us to get a copy of the *Alert Digest* on the Friday before a bill is due to be debated. Being limited to what is written about a bill on a piece of paper on a Monday afternoon when people are tired and looking forward — or perhaps not looking forward in some cases — to a sitting week and the bills they are responsible for restricts our capacity to debate.

It is an important right that we have. It is an important obligation that we have as members of Parliament in our democratic system. We must be able to use

whatever rights we have for the betterment of the people of Victoria by holding this government responsible. It is nothing new; it is an age-old battle between the power of executive government and institutions like the courts and this place that can act as a check on the excesses of the executive government. Anything that would impinge upon that obligation, that right or that ability to hold the executive wing of government to account, either in the courts or in this place, should be roundly condemned.

Unfortunately that is what this bill does. It makes it a very serious matter — not just a civil matter but a criminal action — to cause some sort of detriment to a public official. Detriment can include intimidation or harassment. You could have a public servant going out on stress leave — which is pretty common under this government — and that could amount to harassment. Accordingly that severely limits the ability of a member of Parliament or an ordinary citizen to hold the government to account.

It is a matter of profound concern that by the operation and interaction of these two parts of the bill this government may not be able to be held accountable. There may be all sorts of enabling things about the bill, but at the end of the day it severely limits that right to hold the government to account. Even if I am wrong and it does not limit that right, it is a matter that we should properly consider in this place without the yelling, screaming and heckling that one expects and has come to anticipate from the government. It is regrettable when that translates to a body like the Scrutiny of Acts and Regulations Committee, because an issue has not been properly raised.

This is a significant miss by the Scrutiny of Acts and Regulations Committee. It was just lucky that the member for Box Hill was able to raise it at shadow cabinet and that the member for Sandringham and a member for Waverley in the other place, the Honourable Andrew Brideson, were able to provide a dissenting minority report in the *Alert Digest*, which brought our concerns to this place and identified the infringement on our rights as members of Parliament and as citizens to hold the executive wing of government — the all-powerful, all-singing, all-dancing, all-yelling, all-screaming, all-advertising wing of government — to account. If we cannot do it as members of Parliament in this place, then it is a very sorry day, and Victoria will be made far worse off by the passage of this bill.

**Mr Jenkins** (Morwell) — It gives me pleasure to speak on the Public Administration Bill. The speeches made from the other side of the house have been

absolutely amazing. The Bracks government is about making sure that our public service is able to operate for the people of Victoria without fear or favour and very much without the sort of overarching control that was applied by the previous government.

This bill seeks to ensure that not only can public servants act without fear or favour but that they can also act without being constantly criticised and attacked unfairly by all and sundry because they may have had in the past slightly different political views than the people in government. It does not matter whether those people are Labor or Liberal; it is about them being able to hold views, being able to have a past and being able to perform for the people of Victoria.

Nowhere does this bill threaten the right to speak of people in this house. We had at least two speakers spend 10 minutes complaining about the Scrutiny of Acts and Regulations Committee (SARC) majority report and saying for reasons that escape everybody except a couple of people in the opposition that even though this bill has no section 85 provision and does not attempt in any way to amend the constitution, it amends the constitution because opposition members think it might. It does not amend the constitution! SARC did address that issue.

The committee could have sat down and gone through those issues, but instead, out of the blue and towards the end of the inquiry, the opposition members decided for political purposes to make a minority report. This is what they are famous for — that is, using this place to change the nature of Victoria in their own political image. Rather than concentrating on reality and on making the environment beneficial for the people of Victoria, they want to politicise the public service and to make sure the it only acts in the image of the Liberal Party and The Nationals so that it does not act without fear or favour.

There is no threat to members of this house in making criticisms and no threat to members of this house. That was said absolutely clearly by the member for Melton, but we had members of the opposition go on and on about a minority report that defies logic and that defies all the previous experience of this Assembly. It also defies the Scrutiny of Acts and Regulations Committee report, which quite clearly maintains parliamentary privilege. If members read the report carefully and slowly they will see that it maintains the privileges that we currently have. What opposition members are about is trying to attack this government for protecting public servants in a way that none of them would stand up for when in government. They sacked 9000 teachers and people right across the public service. Not only did they

sack public servants but they sold the public service out from under people. They sold the electricity industry out from under people, thereby taking tens of thousands of people out of the public service and taking away the capacity of this government — —

**Mr Honeywood** interjected.

**Mr JENKINS** — Opposition members cannot even get their history right. All of a sudden they want to reinvent history. Not only did they sack teachers and attack the public service but they forced those managers — hardworking, dedicated managers in the public service — to do their dirty work for them. You only have to look at what they did to school principals. The member for Doncaster had the unmitigated gall to get up and quote principals his government gagged by not letting them be quoted. As the member for Narracan said, if they were quoted they were threatened with the sack. That is what the former government did.

The member for Doncaster had the absolutely unmitigated gall and hide to stand up and quote school principals. I will tell you what opposition members did to school principals when they were in government: not only did they threaten to sack teachers but they said to school principals, ‘We want you to give us a list of the people who we are going to sack. We want you to give us a list of the least effective teachers. We want you to cast your eyes around your staff and do our dirty work’.

Dedicated principals had spent 20 or 30 years in the education system getting the best from their teachers and our education system and making sure that teachers again taught children without fear or favour and also taught school students about such principles as equity and being treated with fairness and natural justice. Those school principals were then told, ‘We want you to do our dirty work. We want you to sack hardworking teachers. We want you to write a list of the least-effective teachers in your schools so we can sack them. We want the blood to be on your hands, not ours’. Members of the former government did not even have the hide to stand up and do the sacking themselves; they forced hardworking school principals to sack those teachers.

I can tell you about one principal who refused to give the list of least-effective teachers. He said, ‘My teachers are all effective. I have good staff who are dedicated public servants and dedicated to teaching students. I am not going to write your list’. Do members know what members of the former government said then? They said, ‘We will sack you and get the deputy principal to write the list of least-effective teachers’. They wanted blood on other people’s hands for the disgusting

decisions that their side made in decimating the public service and decimating our education system.

There was one principal at least — and probably not the only one — who handed in the list and his resignation at the same time. His staff had come to him and said, ‘You have to do it. We do not want to see you go as well. We do not want somebody else to make the decision. You have got to do it. We know the government has made a decision. We know they want you to get blood on your hands as well, but we want you to do it. Write the list’. He said, ‘I would not work for the’ — I cannot use that word! — ‘ignorant so-and-sos. I would not work for a government that has no respect for public servants, no respect for the school system, no respect for school principals and has no principles whatsoever. I commend this bill to the house.

**Mr BAILLIEU** (Hawthorn) — I rise to make a contribution on the Public Administration Bill. The arguments against this bill have been well made, and I do not intend to revisit them all. Those arguments run to the matters of privilege, the matter of the definition of ‘entities’ and the matter of centralisation of power over public servants. Sadly the government will no doubt use its numbers to push this bill through and will be doing so in minimum time.

**Mr Hulls** interjected.

**Mr BAILLIEU** — The Attorney-General sits here and says across the table, ‘That’s numbers, mate!’. That really is all that it is to this government — a numbers game. But there are serious issues here, and I want to pick up on some comments made by the member for Mill Park. She regaled us with a notion that somehow or other this government coveted frank and fearless advice from public servants in this state. It certainly comes as a surprise to me, and it would come as a surprise to most Victorians, to hear a member of the Bracks government suggesting that this government does covet frank and fearless advice. Tell that to the members of the Urban and Regional Land Corporation.

I remember Jim Reeves and Angie Dickschen and the advice that the URLC gave to the Premier and to the Deputy Premier about a replacement. I remember the flogging those individuals got on a personal basis from ministers of this government in an upper house inquiry. It was a disgrace, and frank and fearless advice was responded to with gross intimidation. I invite the member for Mill Park to tell the former Surveyor-General that the government values frank and fearless advice.

I remember the former Surveyor-General being hounded out of office by this government. I remember this government doctoring the former Surveyor-General’s annual report. I remember this government fraudulently misusing the former Surveyor-General’s signature. That is not valuing frank and fearless advice, it is intimidation. Valuing frank and fearless advice! Tell that to the employees in the Department of Sustainability and Environment, Parks Victoria, coastal councils and the Victorian Tourism Industry Council who have opposed the government’s guidelines on wind farms and have been intimidated in the process. I have spoken to them and I know they have been intimidated and gagged!

Tell it to the members of the Melbourne 2030 Implementation Reference Group who have been sworn to confidentiality agreements and are not allowed to speak on this subject outside the IRG. Tell it to the Smart Growth committees and to those who made submissions on Melbourne 2030 whose submissions have not been made public despite the fact that they were solicited with that very thing in mind. Tell it to the members of the Tram 109 Project focus groups who have been sworn to confidentiality agreements just to participate.

The Whistleblowers Protection Act has turned out to be a joke. It has turned out to be the Whistleblowers Prevention Act! Tell it to those in the construction and development industry who are seeking clarification of the meaning of ‘public authorities’. Will all public authorities as defined under this proposed change have access to development and contribution plans? Now they will all be described as entities. There are some 5000 of them. Will any public entity be able to participate in the development contributions plan (DCP) process?

Tell this notion that the government values frank and fearless advice to those public servants who had to take the rap for the government’s stuff-up on speed cameras. Tell it to the gaming inspectors who have been hounded out of their jobs and told to shut up in a variety of gaming venues because they were going too far. They had exposed too much which was embarrassing to the government.

Frankly and fearlessly, this bill is wrong. It should have been exposed to public comment, because if this government really was committed to frank and fearless advice, it would have sought frank and fearless advice on this bill from the public and from those who understand its import. The reality is that this has been pushed through in minimum time and the Victorian community will have to live with the consequences.

That is what is sad about this proposition. It is sad that the government is seeking to make the public service in its own image, in exactly the same way it sought to ram through and make the constitution of this state a document in its own image.

The Scrutiny of Acts and Regulations Committee, divided as it is, at least has a minority report drawing attention to some of the fundamental flaws in this bill. I would encourage the government to think again while the legislation is between the houses. They have got this wrong. This is not about frank and fearless advice; it is about the government propping itself up, and for that reason it is to be condemned.

**Mr LUPTON (Pahran)** — It is a pleasure for me to speak in support of the Public Administration Bill, but it has not been a pleasure listening to the hypocrisy of the opposition. I cannot believe some of the utterances that we hear on a regular basis from the opposition on legislation such as when one bears in mind its approach when it was last in government to the public administration of this state. A number of examples have already been given. One really needs only to bear in mind what the former conservative government did to teachers, school principals and school cleaners. We do not have to go beyond the education system to understand the full and appalling impact that the Kennett government had on public administration in this state.

One of the fundamental things the former Kennett government had wrong, and which the Bracks government is proposing to improve, regarding the public administration of this state is that public administration ought to be based upon a notion of public service. It should not be based on the same principles used to operate a private company. We are talking about public administration, not private ownership. It is a very different process. It needs to be understood and operated so that it is clear that public administration is there to provide advice to government that has integrity and is independent. One only needs to go to the objects of this act to see how this sort of legislation is going to improve public administration in Victoria. To illustrate this point I note a couple of the objects of this act which are set out in clause 3 of the bill:

- (a) to ensure the maintenance of an apolitical public sector;

This is a very important principle, and I would be amazed if any member of this house was to speak against it.

- (b) to foster a public sector that —

- (i) responds to government priorities in a manner that is consistent with public sector values;

It is important to bear in mind that it is public sector values that we are talking about.

- (ii) provides effective, efficient and integrated service delivery;

- (iii) is accountable for its performance;

It also goes on to say that it ought:

- (c) to establish values and principles to guide conduct and performance within the public sector;

- (d) to ensure that employment decisions in the public sector are based on merit;

That is obviously a particularly important issue because the government wants to make sure it gives due and proper recognition to the merit of particular public sector employees and the job they do. Further objects of the bill are:

- (e) to promote the highest standards of governance in the public sector;

This is an object which all members of this house ought to support. The opposition stands condemned for its opposition to this bill because of those sorts of issues.

- (g) to strengthen the professionalism and adaptability of the public sector;

What could be more important than having a professional public sector that is able to adapt to change and to work with changing and increasing demands over time? The bill is also:

- (h) to promote knowledge and understanding of good public administration within the Victorian community.

These are the sorts of objects that this legislation will bring about for public administration in Victoria. This government has a fine and proud record of making sure that public administration is conducted in this state at the highest level. The government is to be commended for its reform of the law in relation to public administration. The opposition stands condemned for its opposition to this legislation.

It just goes to show that they have learnt absolutely nothing since they were last in government. They do not listen to people, and they do not understand the special nature of public administration. They still want to operate the public service of this state on private sector corporate principles. It does not work, and it did not work when they were last in government. Fortunately it is no longer up to them to run the public service of this state along corporate lines, as they

attempted to do in the 1990s. I support this legislation, and I commend the government for introducing it.

**Mr BRACKS (Premier)** — I am very pleased to sum up on the Public Administration Bill. I thank in particular the many members from both sides of the house who have contributed to the debate, including the member for Box Hill, the member for Gippsland East, the member for Bentleigh, the member for Warrandyte, the member for Eltham, the member for Brighton, the member for Mill Park, the member for Doncaster, the member for Melton, the member for Mornington, the member for Clayton, the members for Narracan, Sandringham and Kew, the member for Morwell and the member for Hawthorn. I heard the end of the speech by the member for Prahran, and I thank him very much for his comments as well.

This Public Administration Bill goes back to a commitment that we made when we came to office in 1999 that we would repeal the Public Sector Management Employment Act and replace it with a new bill. We have moved on that now in our second term. We wanted to ensure that the existing administrative arrangements were bedded down and operating effectively, and we made sure we consulted widely before we moved on this new legislation.

I am very pleased and proud that the Public Administration Bill will serve this role. It will have within it a State Services Authority, which will not go back to being a central employment agency. That is not the intention of this bill. It will still have the departments as the employing agencies and employers effectively of public sector workers in this state, but the State Services Authority will have a better oversight of training, of work force development and of all those issues which are common across departments and which can be better coordinated.

The State Services Authority will protect merit in the public sector. It will ensure that there are third-party rights, and I think it will become an important new scrutinising body in this state. It will also have an extended role in the development of public authorities more broadly, which has been developing over time. It will have a capacity to undertake some investigations into the work of those public authorities which are outside the central budget sector and which have developed in an accelerated way. That is very important for maintaining accountability in those areas back to this Parliament and to the state of Victoria.

In thanking people for contributing to this bill I also refer to one aspect which has been commented upon — the protection of public servants when carrying out their

roles as public servants. I will clarify in summing up that this provision does not affect any other legislation or protection which applies — that is, whistleblowers legislation, other protections or parliamentary privilege. The legal advice that I have is that it does not affect any of those matters.

It is a similar provision to that which already applies in legislative changes to assist ambulance officers who are assaulted, intimidated or harassed in the course of doing their jobs as public servants. For example, it applies when a child protection worker who is performing their statutory role as required is intimidated, harassed or attacked in some way because of their carrying out that role. It does not affect any public commentary on their actions, and it does not affect any discourse or criticism of their actions — that is enshrined in other legislation. Just as this house adopted legislation which ensures that ambulance officers who are caring for a patient are entitled not to be intimidated or attacked, so they are therefore protected by law, so this will also entitle other public servants to have that protection in carrying out their duties as public servants — but not for any other matter which is protected for public commentary and discourse.

**An honourable member** interjected.

**Mr BRACKS** — Have you spoken on this? Good. I am sure I will look forward to reading your contribution!

I am very pleased that we have met the commitments that we said we would meet when we announced we would be repealing the Public Sector Management Employment Act. This represents that repeal and is a new public administration bill for Victoria. It sets up a better coordination of key work force planning issues and provides a better coverage across the wider public sector, not just the public service. It also makes sure that merit and equity are protected in this process. I commend the bill to the house.

#### **House divided on motion:**

*Ayes, 52*

Barker, Ms	Jenkins, Mr
Batchelor, Mr	Langdon, Mr
Beard, Ms	Leighton, Mr
Beattie, Ms	Lim, Mr
Bracks, Mr	Lindell, Ms
Brumby, Mr	Lobato, Ms
Buchanan, Ms	Lupton, Mr
Cameron, Mr	McTaggart, Ms
Campbell, Ms	Marshall, Ms
Carli, Mr	Maxfield, Mr
Crutchfield, Mr	Merlino, Mr
D'Ambrosio, Ms	Morand, Ms

Delahunty, Ms	Munt, Ms
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Eckstein, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Perera, Mr
Green, Ms	Pike, Ms
Haermeyer, Mr	Robinson, Mr
Hardman, Mr	Seitz, Mr
Harkness, Mr	Stensholt, Mr
Helper, Mr	Thwaites, Mr
Herbert, Mr	Treize, Mr
Holding, Mr	Wilson, Mr
Hulls, Mr	Wynne, Mr

*Noes, 26*

Asher, Ms	Mulder, Mr
Baillieu, Mr	Naphine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

**MULTICULTURAL VICTORIA BILL**

*Second reading*

**Debate resumed from 30 November; motion of Mr BRACKS (Minister for Multicultural Affairs).**

**Government amendments circulated by Mr PANDAZOPOULOS (Minister assisting the Premier on Multicultural Affairs) pursuant to standing orders.**

**Mr HONEYWOOD** (Warrandyte) — I rise to join the debate on the Multicultural Victoria Bill, and in doing so I pay tribute to the member for Sandringham, who came up with some significant amendments to this flawed legislation. The government has now caved in, and we appreciate the fact that the minister has rolled over and the Premier has been involved in the rollover. We appreciate his support for the member for Sandringham’s amendments. Now the Parliament will actually use the word ‘Australia’ and ‘Victoria’ in the bill and will recognise the fact that citizenship has

rights and responsibilities. To be a citizen of Australia requires you to put your first allegiance to this nation state of ours and not to some religion or other interest group or cause that a person has dreamt up.

Unfortunately the bill that originally came before this house made no overriding commitment to nationalism — no overriding commitment to citizenship. I do not care whether it is some far out right-wing Christian group or whether it is a religious group or a political party group, at the end of the day if you are not prepared to swear allegiance to the country you have either been born in or the country you have accepted citizenship from, you should not be a member of our community. Therefore that allegiance is now reflected in the bill. It also ensures an allegiance to the state of Victoria. We are a bit different culturally in Victoria, and we are proud of that. We are different from some other states I will not name when it comes to our commitment to diversity and the way we practise that commitment to diversity. Therefore it is good that the government has accepted the amendments of the member for Sandringham that include a commitment to our state and to our nation.

The original amendments put forward by the member for Sandringham detailed in explicit terms that the Parliament was to recognise that the principles of multiculturalism are based on citizenship. The original amendments stated:

... In this context “citizenship” is not limited to the formal Australian citizenship but refers to the rights and responsibilities of all people in a multicultural society in which there is —

- (a) a recognition of the importance of shared values within a democratic framework governed by the rule of law; and
- (b) a unifying commitment to Australia, its interests and future.

That was an important piece of draftsmanship by the member for Sandringham. A further amendment the member put forward provided that the bill should be changed to ensure that we encourage all of Victoria’s culturally and linguistically diverse communities:

- (i) to have a commitment to Victoria, its interests and future; and
- (ii) to abide by the laws of Victoria and respect the democratic processes under which those laws are made.

All honourable members would agree with that. That is why we cannot understand why the Victorian Multicultural Commission (VMC) has spent a year in a roadshow around Victoria. It has spent 12 months and heaven knows how much money in so-called

consultation but could not even come up with a commitment to Australia and to Victoria, and a recognition that citizenship is all about rights and responsibilities. It did not do its job and should be criticised for not having done that job. Instead we have had to rely on the member for Sandringham to do all the hard yards — the hard work — to ensure that the parliamentary Liberal Party was with him when it came to these amendments and then to ensure that it got behind him in his negotiations with the government.

This government hates being proved wrong. It hates to be shown up for not having done its work. The Liberal Party was delighted that the Premier intervened over certain members of Parliament who did not want to be embarrassed or have it proved that they had got it wrong. The Premier intervened and ensured that he paid due regard to the member for Sandringham's hard work. He also extended to the member for Sandringham the honour of seconding these amendments to ensure it was a true bipartisan issue in the spirit of the legislation.

I refer to the fact that it is a shame that we have to legislate on these issues. It is a shame that we have to pass a law on this. The first thing any constituent sees who walks into my electorate office at Ringwood is a pledge by the government of Victoria to the people of Victoria. That pledge, very importantly, was put together when I was minister assisting the then Premier, the Honourable Jeff Kennett, who regarded this issue as so important that he was the minister responsible for multicultural and ethnic affairs. He was strongly supported in that role by the now member for Bulleen, who was chief of staff to the multicultural affairs portfolio.

That pledge we put together did not require legislation; it did not require the rule of law. What it said was that the government of Victoria regarded the cultural diversity of our community as one of the state's greatest assets. It said that the government of Victoria acknowledged the equality of all people and their right to freedom from discrimination on the basis of race, sex, ethnicity, religion, language and culture. That pledge contained a statement that the government of Victoria encouraged all people to preserve, enhance and share their cultural heritage within the legal and institutional framework of our society, and there is a reciprocal responsibility of all of us to accept the right of others to do so. It went on to say that the government of Victoria would foster through government programs the diversity of the Victorian community, and that we would promote policies, programs and strategies aimed at delivering culturally appropriate services to all Victorians.

The pledge went on in a number of elements to promote a culturally and linguistically diverse society. The current government has carried on with a great deal of the content of that pledge. The only concern that this side of the house has is that it has completely politicised in party political terms both the work of the Victorian Multicultural Commission and the other agencies involved in delivering multicultural services. We have a major concern that it is only card-carrying members of the Labor Party who seem to get senior positions in the multicultural affairs portfolio area.

We are concerned that the Ethnic Communities Council of Victoria has been taken over. The ECCV was meant to be a fearless, arms-length-from-government advocate for different multicultural communities but is now a branch office of the Labor Party, controlled by the Labor Party, so there is no external body out there. The minister at the table made sure the numbers were there to get rid of poor old Marion Lau only 12 months ago. The situation is such that there is now no independent body.

**Ms Delahunty** — On a point of order, Acting Speaker, I think the member for Warrandyte has misled the house. I wonder if he could withdraw the accusation that I in some way removed someone from a position of influence. I did not.

**The ACTING SPEAKER (Mr Delahunty)** — Order! If the minister has taken offence, she has the right to ask the member withdraw. The member for Warrandyte must withdraw.

**Mr HONEYWOOD** — On the point of order, Acting Speaker, I was referring to the Minister assisting the Premier on Multicultural Affairs, not the Minister for the Arts. If the minister wants to get precious — —

**The ACTING SPEAKER (Mr Delahunty)** — Order! The minister at the table took offence at the member for Warrandyte's words and I ask the member for Warrandyte to withdraw.

**Mr HONEYWOOD** — On the point of order, Acting Speaker, I was not referring to the precious minister opposite, but in the interests of continuing the debate I will withdraw. However, I point out that she has politicised the Arts portfolio.

**The ACTING SPEAKER (Mr Delahunty)** — Order! The member for Warrandyte has withdrawn and he now has the call.

**Mr HONEYWOOD** — Thank you, Acting Speaker. This Multicultural Victoria Bill raised high hopes and expectations, but unfortunately this

government, as is its wont, does not like to have external or internal critics. We have just seen that with the passage of the Public Administration Bill. The legislation could have been brought into this chamber with a degree of bipartisanship to ensure fearless advocacy for and on behalf of multicultural groups, many of whom represent refugees who have not been here very long and do not understand their rights.

There is now no independent advocate for multicultural communities in this state government's apparatus because of the way in which the ECCV has been taken over as a branch office of the Labor Party and because of the way in which the Victorian Multicultural Commission is run now by Labor Party branch members — and therefore it becomes a rubber stamp that will not criticise. How many press releases that are critical about this government's programs have been put out by either the ECCV or the VMC? Not one, because we know that they have been compromised and that unfortunately some of them have accepted their pieces of silver.

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

**Debate adjourned on motion of Mr PERERA (Cranbourne).**

**Debate adjourned until later this day.**

## **CORRECTIONS AND MAJOR CRIME (INVESTIGATIVE POWERS) ACTS (AMENDMENT) BILL**

*Second reading*

**Debate resumed from 1 December; motion of Mr HULLS (Attorney-General); and Mr WELLS's amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to — (a) retain the laudable amendments to the Corrections Act 1986 in relation to prisoners' name changes; and (b) take into account the outcome of further consultation with the wider community about the effects of the proposed amendments to the Major Crime (Investigative Powers) Act 2004'.

**Mr COOPER (Mornington)** — In a debate earlier today I mentioned that this government needs to have a good hard look at itself in regard to its bringing legislation into this house where it ignores representations that have been made to it and ignores the consultative process, and then when the bill gets into this place it ignores the warnings that are given to it

by the opposition and by the other speakers who see that the legislation, in many cases, has significant flaws.

Four weeks ago we dealt with a bill on the investigative powers of police. During that debate speaker after speaker on this side of the house told the government that it had not got it right, that the bill had major problems and that it should take the bill away and reconsider it. The government, as it does all the time, was not prepared to listen. It believes that all intelligence and all intellect resides on its side of the Parliament and it does not want to listen to anything that is said by members from this side of the house.

Four weeks ago the government used its numbers to ram that piece of legislation through this house, and a week later it used its numbers in the upper house to do the same thing. Here we are today, four weeks later, considering amendments to that bill which was shovelled through this house without any reasonable consideration by the government of the contributions, criticisms and suggestions that were made by members on this side of the Parliament. If this is not a warning bell to this government and if it does not send up the lights and ring the bells with the cabinet and with members of the government, I do not know what will.

It must be a major source of embarrassment to this government to have to bring in amendments to a bill which only went through this Parliament four weeks ago. It has tried to slide and weasel it through in a duplicate form, because the bill we are now dealing with also amends the Corrections Act in regard to matters relating to prisoners. We have no problems whatsoever with that section of the bill.

**Mr McIntosh** — It is a sweetener!

**Mr COOPER** — The member for Kew says it is a sweetener. I think it just shows how totally inept this government is. But of course the issue that I want to concentrate on is the second part of the bill which amends the Major Crime (Investigative Powers) Act 2004. As I said, that legislation only went through this place four weeks ago. I want to go back over that legislation. I will take the opportunity to talk about what the legislation of four weeks ago did, and then I will comment on what the amendments contained in the bill we are now dealing with will do to that act. I hope I will have the time to do it.

The bill we dealt with four weeks ago enabled a police officer of the rank of assistant commissioner or above to contact a judge of the Supreme Court and seek a coercive powers order specific to organised crime offences. This senior police officer could make a

decision that there was a person in the community whom they wished to question and they could then go to that Supreme Court judge and seek a coercive powers order. It was not an open, accountable and transparent process — not by a long way was it any of that. This was an in-camera appearance before a Supreme Court judge, and it did not even have to be an appearance — the assistant commissioner of police or higher ranked officer could go and see the judge, could phone the judge, could fax the judge or could email the judge and set out what they wanted. All the judge of the Supreme Court had the capacity to do was to listen to what was said to him or her by that police officer. If the judge believed the officer had established a case for a coercive questioning order, he or she was required under the law to issue the order. What a disgrace that was!

A person in the community who does not know or have any idea that the police are seeking such an order is suddenly confronted with the order. There is no ability for that person to seek legal advice or to defend the application — the order is simply granted. What a disgrace that is. As I said four weeks ago, this is the sort of stuff that went on in communist Russia and Nazi Germany, and yet here we have a bill putting the same kind of thing into place in this community. Then it gets worse; one would imagine that such a thing could not get worse but it does. That individual is then brought before somebody with the sinister title of the examiner. Is that not a sinister title? That person who is brought before the examiner is required to answer questions to the satisfaction of that examiner. If the examiner is not satisfied with the answers that are provided or the person seeks to avail him or herself of the right to silence, a right that has been with us since the Magna Carta — that is, if the person refuses to answer or does not answer to the satisfaction of the examiner — that person can be locked up in jail until the examiner is satisfied with the answers he or she receives.

This is a disgraceful and appalling piece of legislation. It is a piece of legislation which the entire community should be worried and concerned about, yet this government has brought this in. This government comprises members of the Australian Labor Party who over the years have stood in this place and in other forums and argued about civil rights and liberties. A basic civil right and basic civil liberty is being removed by this legislation, and it is being removed because this government is not prepared to take the course of action which was taken in New South Wales and Queensland, where royal commissions and independent commissions against corruption were created. The government has decided to invent its own wheel and

not to follow the examples which have worked so well in those two states.

We have a situation where allegedly innocent people in this community will be subjected to the most draconian of orders one can imagine. With the original bill debated here four weeks ago and its partner in crime, the seizure of assets legislation, we have had members of the Labor Party standing up and attacking people on this side of the house and saying that somehow or another we are on the side of criminals. I recall the disgraceful and outrageous contribution made by the member for Hastings. She stood up here and said that somehow or another we were not on the side of law and order, all because we want to defend the rights of people from these kinds of draconian orders to which they can now be subjected.

Assets can be seized, people can be made subject to coercive questioning without the benefit of legal advice or legal representation during questioning and can be locked up until they answer to the satisfaction of this person called the examiner. Is it any wonder that the entire legal profession and civil liberties organisations throughout this state, and indeed throughout this nation, are outraged and concerned about this legislation? It is no wonder they are. The wonder is that this compliant bunch of people who sit on the other side of this house and who represent the Australian Labor Party in this Parliament have put their hands up and said, 'It is all okay by me'. What a disgrace! It is no wonder that we oppose this legislation so vigorously.

**Ms DUNCAN** (Macedon) — It gives me great pleasure to speak on the Corrections and Major Crime (Investigative Powers) Acts (Amendment) Bill. I would like to refer to a couple of comments made by the member for Mornington. He is in high dudgeon. All of a sudden he is a great advocate for civil liberties and so on. All I can say is that it is extraordinary. The opposition is calling for a royal commission. I am not sure what happens to the right to silence in a royal commission but my understanding is it does not exist. I also understand that where we have had royal commissions in the past the outcome — —

**Mr Cooper** — It is an open process — that is the difference.

**Ms DUNCAN** — I understand the process of exercising some of the coercive powers of questioning. There is more oversight in that than there is in any independent commission against corruption currently in existence. You can be summoned by an independent commission against corruption, and there is no open

process there. There are not necessarily the sorts of protections that you have under this process.

**Mr Cooper** interjected.

**The ACTING SPEAKER (Mr Delahunty)** — Order! The member for Mornington has had his chance; the member for Macedon has the call.

**Ms DUNCAN** — I remind the member for Mornington, who seems to know everything about the law and suggests nobody else does, that there is no judicial oversight in that process, as we have in this process. In many ways this process gives people more protection than they would have in normal questioning at a normal local police station. I find it extraordinary that the opposition is calling for the very thing that would cost millions of dollars, take many months or possibly years and in most instances lead to absolutely no convictions. No wonder many lawyers are calling for a royal commission. We know who would benefit from it.

Getting back to the bill, its main purpose is to provide the Secretary of the Department of Justice with a new power to prevent prisoners in his or her custody from changing their names for improper purposes. This has come about as a result of the efforts of Paul Denyer to change his gender and his name. We know that is insulting to victims, it is insulting to women. Paul Denyer is an absolute misogynist, he hates women. For him to now suggest that he wants to be a woman is an insult not only to victims and their families but to every woman in this country. It is vexatious litigation; it is all about attention seeking. I just hope he is not aware that he is the subject of discussion in this house. I commend the bill to house.

**Mr McINTOSH (Kew)** — In relation to the amendments to the Corrections Act dealing with the name change of a prisoner and the example that the member has just given in respect of Paul Denyer, the opposition absolutely agrees. For all of the reasons adumbrated by the speakers today, it is clearly a matter of significance that people in custody should not be able to change their name and in any way impact on innocent members of our community.

However, it appears that this is the sweetener, because it is tacked on to a series of amendments to the Major Crime (Investigative Powers) Act which the opposition fundamentally opposes. It has created a conundrum in that the opposition supports one aspect of the bill but clearly opposes another. This is inconsistent with the way we should be approaching legislation in this place. It is not as though it is one of those innocuous omnibus

bills that come into the place from time to time to correct a number of different acts; this is clearly an inconsistency in logic, and the government must have been aware of that when it combined the two matters.

We absolutely agree with the first part of the bill which deals with amendments to the corrections legislation and are happy to support that in the usual way. Indeed the opposition would probably go a lot further than the government in dealing with the corrections matter, but that is a subject for another time.

In relation to the amendments to the Major Crime (Investigative Powers) Act, we are implacably and fundamentally opposed to the way the government has gone about dealing with that major crime legislation. It is not the proper course to introduce higgledy-piggledy pieces of legislation one after the other. This is the seventh piece of legislation, and we are told that it corrects the current arrangements to make them more workable, but in effect it is a whole lot of bloody typographical errors that should have been corrected in the original bill, and that is a matter that concerns the opposition.

I am happy to support the reasoned amendment moved by the member for Scoresby that proposes a way to deal with this legislation appropriately — that is, to essentially split the two pieces of legislation so they can be dealt with accordingly. This would give the opposition ample time to support the Corrections Act part of the legislation but clearly oppose the Major Crime (Investigative Powers) Act aspect. As I said, I am happy to support the member for Scoresby in respect of that matter.

I want to correct one matter that the previous speaker mentioned when she referred to the Independent Commission Against Corruption and its process. Yes, a royal commission can be given very coercive powers, but, as we know, a royal commission is conducted in a public forum. The coercive powers that apply under the Major Crime (Investigative Powers) Act give a senior police officer the ability to make application in camera to a Supreme Court judge for a coercive powers order. On top of that, any dissemination of information obtained as a result of such an application or indeed any subsequent examination of that information by a member of Parliament, a citizen or a press agency is absolutely prohibited and could lead to criminal charges being laid. Not only is public debate being prevented by the holding of in-camera hearings, but it is a criminal offence if any of the information obtained at such a hearing becomes public.

I can understand why these matters should be dealt with by an independent commission, but it is a matter of profound concern that these matters are put together by government members who sit there like mushrooms and just do the bidding of their masters, the ministers. It is also a matter of profound concern that the simple action of putting your hand up and supporting what appears to be a wonderful piece of legislation could have such dramatic impacts on the liberties of citizens.

In an unprecedented move, when this legislation was introduced the two senior branches of the legal profession — the Law Institute of Victoria and the Victorian Bar Council — as well as the Criminal Bar Association and even Liberty Victoria, which was a surprise, given the association the Labor Party has had with that organisation, came out and criticised these draconian powers and the way they are being imposed. It was a matter for some flippant comment that again we were seeing more coercive powers appearing not just in this bill but even in the Fair Trading (Enhanced Compliance) Bill which will be dealt with later on.

A raft of legislation has come before this house on which this government is quite happy, in a flippant manner, to dispense with people's right to silence and the closely aligned but distinct right against self-incrimination. The fundamental rights that citizens have are being blithely dispensed with in this raft of legislation. When the government introduced it a month ago, it could not get it right. This highlights the significant concern that not just the opposition but the Victorian community have about this legislation. The government has not got it right. It did not get it right back in April; it did not get it right in May; it did not get it right in late August; it did not get it right in September; and the opposition doubts very much whether it will get it right now. This is the seventh —

**Mr Cooper** interjected.

**Mr McIntosh** — That is right — and it will not get it right now! The most important thing to remember is that when you are dealing with these sorts of finely balanced and hard-fought rights that people accept as being fundamental to democracy, it should be done in an independent and open manner.

Finally, one would expect that it would be a matter of honour and principle for any government with — apparently — a legitimate claim on the governance of this state to get this legislation right in the first place and not just bash it through with no idea of what impact it will have.

The opposition supports the Corrections Act aspect of this bill but remains implacably opposed to the Major

Crime (Investigative Powers) Act aspect of the legislation.

**Debate adjourned on motion of Mr LANGDON (Ivanhoe).**

**Debate adjourned until later this day.**

## MULTICULTURAL VICTORIA BILL

### *Second reading*

**Debate resumed from earlier this day; motion of Mr BRACKS (Minister for Multicultural Affairs).**

**Mr PERERA** (Cranbourne) — It gives me a great deal of pleasure to rise today in support of the Multicultural Victoria Bill. This bill demonstrates the government's commitment to promoting multiculturalism, achieving social cohesion and espousing the values of cultural diversity as guidance for public policy-makers and service delivery.

Victoria is one of Australia's most culturally and linguistically diverse states. According to the 2001 census, 43.5 per cent of its total population of approximately 4.6 million people were either born overseas or had at least one parent who was born overseas, and of those who were born overseas, 71.8 per cent were born in non-English-speaking countries. According to the census 21 per cent of all Victorians spoke a language other than English at home and over 180 different languages and dialects were spoken. Twenty members of our current Victorian Parliament were born overseas — that is, 15 per cent of all members. Members were born in Cambodia, Croatia, Cyprus, Germany, Greece, Indonesia, Italy, the Netherlands, Turkey, United Kingdom, Uruguay, Vietnam and, of course, Sri Lanka.

This bill lays the foundation for the Bracks government's vision for Victoria. The government opened the doors for overseas migration to Victoria through participation in state-sponsored schemes such as state and territory-nominated immigration and the skilled independent regional visa scheme. In fact, the government is contemplating the possibility of visiting and strongly promoting the initiatives in overseas countries.

**Sitting suspended 1.00 p.m. until 2.01 p.m.**

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Eureka: rebellion anniversary

**Mr DOYLE** (Leader of the Opposition) — My question is to the Premier. Can the Premier outline what action the government can take to ensure that the 150-year anniversary celebrations of the Eureka rebellion are for all Victorians, and are not hijacked or exploited by minority groups for narrow political agendas?

**Mr BRACKS** (Premier) — I thank the Leader of the Opposition for his question. Can I say from the outset that in this place we have had a very cooperative and effective working relationship with the national reference group, and I want to pay particular tribute to the Minister for the Arts, who chaired that group, but also to a member for Monash Province in the other place who represented the opposition leader on that reference group, as have representatives from governments and oppositions around Australia. It has worked very well to make sure that we have vigorous debate around Eureka 150 and enormous support for it around the country, because in many respects it was the acceleration of democracy in this state. Democracy would probably have happened anyway but it happened quicker because of Eureka. We know that two years after Eureka for the first time the colony of Victoria had a representative chamber and people elected to Parliament.

I agree with the opposition leader and the terms of his question that the concept of Eureka should not be captured by any extreme groups of any nature. We know, for example, that the extreme right group the National Front flies the Eureka flag on occasion, and of course that is abhorrent to many members of this house. We know that some groups on the extreme left want to capture it for their own causes as well. Eureka is bigger than that. It represents the formation of democracy in this state and the notion that if you are going to be taxed, then you should have representation and a say in how that taxation occurs and is distributed. If you are going to have laws which you abide by, then you should have a say in the formation of those laws. That is the fundamental lesson out of Eureka and we concur and agree on that.

Therefore we consider the reports today that the Eureka dawn lantern walk is being used by David Hicks's father, Mr Terry Hicks, to try to get a focus on and attention for his case as not appropriate, and it is not a good decision by the organisers of that particular part of the Eureka celebrations. I have to say that is a very small part of Eureka. There is a lot of controversy about

the dawn walk. There are a lot of objections to it, and there have been over a long time. It is seen as the route and the walk of the troopers. When they were looking from Bakery Hill across to the stockade, they had a view on the elevated side. It recreates that route and walk at a time when there was an informer within the stockade. The informer gave information to the troops — and they are recreating that walk. It is a bit ironic that someone would want to capture and be in the front of the troopers' invasion of the stockade itself. I think there is an enormous irony in that, and it is something that needs to be questioned.

The reality is that Eureka is for everyone. Eureka is about democracy and about the principles we stand for — that is, an egalitarian society, respect for the law and ensuring that people can have a say in matters which affect them in their own lives. I think the City of Ballarat already has taken some action, and I can indicate to the Leader of the Opposition and the house that the City of Ballarat has issued a media statement which says:

The Eureka dawn lantern walk —

which is a small part of the celebration that the City of Ballarat has some part in —

is open to all members of the public and has been widely attended by members of the community over many years.

There is no leader of the walk, as is befitting of the democratic principles of Eureka.

That is a sensible solution.

### Economy: performance

**Mr LEIGHTON** (Preston) — My question without notice is for the Premier. Can the Premier outline to the house the latest economic data that demonstrates the strength of the Victorian economy and what challenges need to be addressed to ensure this success continues?

**Mr BRACKS** (Premier) — I thank the member for Preston for his question. The electorate of Preston is a part of the state which has a large manufacturing base, so the member would know how robust and strong the Victorian economy is. You only have to look at four particular indicators to see how strong the economy is. Yesterday the final demand figures for the last quarter were released for Australia. They show that Victoria had the second-highest level of growth of any state in Australia — second only to Queensland. In the last quarter we had growth of 0.9 per cent compared to growth in Australia overall of 0.3 per cent, so it is a very good outcome. The growth rate in New South Wales was only minus 0.1 per cent, so Victoria has

achieved a significant outcome in growth in the last quarter.

You only have to look to at the figures for building approvals released two days ago to see that the building industry is cooling — as it should when it goes through a cycle. We understand that, but in Victorian terms you can also see that we are the most competitive and have had the biggest increase of any state in Australia. We had another record with a 33rd consecutive month of in excess of \$1 billion-worth of building approvals, and that is a great outcome. That represented a 1 per cent increase in growth of residential building approvals in Victoria, which compares with a 0.3 per cent increase in the rest of the nation in the outcome for numbers of residential building approvals. Again Victoria is achieving not only good economic growth but better economic growth when compared to the rest of the country.

Over the last five years something like 240 000 new jobs have been created in Victoria. That is an 11 per cent growth rate in the employment market — the jobs market — in Victoria. If you look at the proportion of those you will see that one in every three jobs created in Australia is created in Victoria, yet we represent 25 per cent of the economy. On what is a difficult area currently with the high Australian dollar, we saw negative results on the balance of trade and the deficit on exports and imports. We in Victoria are increasing our exports by 7.9 per cent, which is higher than 12 months ago.

On growth, on building approvals, on jobs and on exports Victoria has a very strong economy. I thank the member for Preston for his question, because he would see the strength of the economy and growth in the manufacturing base of his own electorate. I know that he is in touch with his electorate and with employers in that area. He would see growth, development and new jobs occurring as part of that.

I was also asked not only about the current state of the economy but about what we can do to keep it that way and maintain that good growth. Of course there are challenges ahead in keeping that growth in a strong position. There are three particular challenges, which I will sum up and summarise now: one is the budget, the second is debt and the third is transport reform. These are crucial to continuing the strong economic growth in Victoria. I do not think it would come as any surprise to any member of this house that a significant threat to the budget would threaten the Victorian economy in its fundamentals. There is no doubt at all. Not only would it put pressure on the delivery of services, but it would

also potentially mean that we could go into sustained and spiralling deficits. There are only three ways — —

**Mr Ryan** — On a point of order, Speaker, the Premier has been speaking for more than 4 minutes, and I ask you to have him conclude.

**The SPEAKER** — Order! The Premier has been speaking for 4 minutes. I think he was concluding then?

**Mr BRACKS** — I will now!

**Mr Doyle** interjected.

**Mr BRACKS** — You've got a vague idea.

In summary, we have a strong and robust economy, and we are outperforming the rest of the nation. That is a good outcome for Victoria. We want to maintain it that way, and we need to do so by keeping a strong discipline on the budget — a strong fiscal position — by ensuring that we do not spiral into debt. Of course the reckless promise of the opposition to double state — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Premier to conclude.

**Mr Plowman** — On a point of order, Speaker, the Premier is now debating the question.

**The SPEAKER** — Order! I uphold the point of order. Has the Premier concluded?

**Mr BRACKS** — Just now, Speaker. Controlling expenditure, making sure the budget is in surplus, making sure that debt is not spiralling and making sure that we continue transport reform are fundamental. We have a strong economy, and on this side of the house we are certainly going to keep it that way.

### **Commonwealth Games: public transport**

**The SPEAKER** — Order! I call the Leader of The Nationals.

**Mr RYAN** (Leader of The Nationals) — Thank you, Speaker.

**Mr Maxfield** interjected.

**The SPEAKER** — Order! The Leader of The Nationals, without the assistance of the member for Narracan!

**Mr RYAN** — My getting assistance from the member for Narracan would be an extraordinary state of affairs.

My question is to the Premier. I refer to the Premier's commitment to govern for all Victorians. Just how much money is the government saving from its billion-dollar Commonwealth Games campaign budget through its miserable and discriminatory decision to refuse free public transport for V/Line passengers who are commuting to Melbourne for games events?

**Mr BRACKS** (Premier) — I am very happy to answer the question from the Leader of The Nationals. Country Victorians, in fact all Victorians, will get the benefit when they purchase a Commonwealth Games ticket when they come to Melbourne to go to events.

*Honourable members interjecting.*

**Mr BRACKS** — It is just the same as occurred —

*Honourable members interjecting.*

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

**Mr BRACKS** — The same arrangements were in place in Sydney in order to remove congestion and to move people quickly between events where you have the circumstance that a lot of events finish at the same time or at a similar time and there is a large demand on the public transport system. It is a way of moving people quickly so they will have the benefit when going to venues in Melbourne of travelling free on the Met system. That is a good benefit, and I think all Victorians will be very pleased with what is happening with the Commonwealth Games, and particularly pleased with the ticket not only getting them into events but getting them free travel around Melbourne as well.

### Hospitals: government initiatives

**Mr SEITZ** (Keilor) — My question without notice is directed to the Minister for Health. Can the minister outline the major challenges facing the government in delivering health infrastructure and how the government is meeting those challenges?

**Ms PIKE** (Minister for Health) — I thank the member for Keilor for his question. The government spends approximately \$300 million on upgrading our hospital system every single year. We do need to be continually improving the physical fabric of our

hospitals so that we can keep pace with the new and growing demand and keep abreast of new technology.

The community has a very high expectation that models of health services and new models of health care delivery will be available to them, and that they will be available in the right context. They rely on the government to work with the community to deliver these outcomes. The government has already invested around \$1.5 billion in expanding our health services, and members will be aware that in the last budget it committed an additional \$1.5 billion into the future.

We have a huge demand. We are admitting around 200 000 patients more than when we came to government. We have purchased around \$345 million of new equipment. We have embarked on one of the largest capital works program in the history of health in this state, investing around \$2 billion to rebuild the Austin Hospital, the Royal Women's Hospital, the Royal Melbourne Hospital, the Casey Hospital, the Maroondah Hospital, the Angliss Hospital, the Kyneton Hospital and numerous nursing homes around the state.

We have done all of this, but there is a huge agenda ahead. We have already pledged to fund new developments at the Royal Children's Hospital, the Box Hill Hospital and the Peter MacCallum centre. We also know we have to continue to expand and upgrade our system. To meet these challenges we have to maintain a strong fiscal environment. That is why the ill-conceived and irresponsible plan of the opposition to rob the state budget of around \$7 billion would completely make the state incapable —

**Mr Plowman** — On a point of order, Speaker, the minister is again debating the question, and I ask you to bring her back to the question and to government business.

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

**Ms PIKE** — We have made commitments to rebuild health infrastructure. I do not know where the opposition is going to find the money to meet any commitments that it may have. Of course it has form in health! The agenda we can anticipate —

**The SPEAKER** — Order! The minister must relate her comments to Victorian government business.

**Ms PIKE** — It is important that we have a fiscal environment that enables us to meet the challenges in health, rebuilding our infrastructure and meeting the growing demands into the future. Certainly the Bracks government, through its strong management of the

economy, has positioned this state well to meet those demands.

**Speed cameras: radar gun calibration**

**Mr MULDER** (Polwarth) — My question is to the Minister for Police and Emergency Services. I refer to the minister's statement in Parliament on 11 May this year, when he said that the hand-held radar guns used to verify the accuracy of mobile speed cameras were not regularly calibrated but would be in the future, and I ask: from which date have these hand-held radar guns been calibrated, and how often does this calibration take place?

**Mr HAERMEYER** (Minister for Police and Emergency Services) — I have to say it is somewhat of a shame that there is not a technological device that is capable of verifying the accuracy of claims made by the member for Polwarth!

*Honourable members interjecting.*

**Mr HAERMEYER** — I find it quite interesting that yesterday the member for Polwarth ran out there and claimed that the use of radar guns — —

**Mr Mulder** — On a point of order, Speaker, the minister is starting to debate the question. I ask you to bring him back to answering it. What date?

**The SPEAKER** — Order! The minister must relate his comments to Victorian government business.

**Mr HAERMEYER** — The member for Polwarth asked me about the use of radar guns to verify the operation of speed cameras. Yesterday he ran out a claim that the use of these radar guns and the incident logs — —

**Mr Mulder** — On a further point of order, Speaker, quite clearly the issue that I raised relates to when the calibration is taking place, not what was said yesterday. Has it been done, and is it taking place?.

**The SPEAKER** — Order! That is not a point of order, it is just the member for Polwarth repeating what he said before.

**Mr HAERMEYER** — He made the claim that the logs showing some variance between radar guns and speed cameras was proof that the speed cameras were not working. Today he is telling us that it is the radar guns that were wrong. Which is it?

**Dr Napthine** interjected.

**The SPEAKER** — Order! The member for South-West Coast — —

**Mr Mulder** interjected.

**The SPEAKER** — Order! I remind the member for Polwarth that members are required to cease interjecting while the Speaker is on her feet. If he does it again, I will remove him from the chamber.

**Mr HAERMEYER** — The radar guns — —

**Mr Perton** interjected.

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

**Mr HAERMEYER** — The Cheshire cat! The radar guns are not — —

**Mr Smith** interjected.

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

**Mr HAERMEYER** — The radar guns are used by Tenex as a secondary verification process. They are not required by law. The actual calibration is done under laboratory conditions independently. It is about time — —

*Honourable members interjecting.*

**The SPEAKER** — Order! That is enough! The minister should be able to be heard answering the question.

*Honourable members interjecting.*

**The SPEAKER** — Order! If members want to be removed from the house, I am more than happy to do it. I remind them again that I will not put up with that extremely rude behaviour, particularly from the member for Bass. The question has been asked of the minister, and he should be able to give the answer — —

**Mr Smith** interjected.

**The SPEAKER** — Order! The member for Bass will stop that! The Minister for Police and Emergency Services should be able to answer the question without that background noise, which makes it impossible for other members to hear him.

**Mr HAERMEYER** — This state has led the way on road safety for over 30 years. This state led the way on compulsory seatbelt legislation.

**Mr Mulder** — On a point of order, Speaker, the minister is quite clearly debating the question. I ask you to bring him back to answering the question.

**The SPEAKER** — Order! The minister was not debating the question. The minister was giving background to the question asked by the member for Polwarth.

**Mr HAERMEYER** — Victoria led the way on compulsory seatbelts. It led the world on random roadside breath testing. It led the world with hard hitting Transport Accident Commission road safety advertisements. Parties on both sides of the house deserve credit for that. The governments and oppositions of the day deserve credit for showing the strength in not trying to politicise the issue. It has only been in the last 12 to 18 months that one opposition has dared to politicise road safety in this state. This is the first time — —

**Mr Plowman** — On a point of order, Speaker, the minister is now clearly debating the question. I accept that in the past the Speaker ruled that he was not, but I believe on this occasion he is.

**The SPEAKER** — Order! I uphold the point of order. I ask the minister to answer the question.

**Mr HAERMEYER** — This state has led the way on road safety. The member for Polwarth and this opposition is the weakest opposition in the history of this state.

**The SPEAKER** — Order! I remind the Minister for Police and Emergency Services that question time is not the opportunity to abuse the opposition. I ask the Minister for Police and Emergency Services to conclude his answer.

**Mr HAERMEYER** — The mobile speed cameras operate under the same verification regimes, in fact an enhanced verification regime, to that which existed under the previous government. It is strange that the member for Polwarth tries to make an issue of this now. I find it absolutely appalling that in the run-up to Christmas this man — —

**Dr Napthine** — On a point of order, Speaker, the minister is continuing to debate the question. Earlier the Speaker ruled that he should be able to answer the question, but clearly he cannot.

**The SPEAKER** — Order! The last part of the point of order is immaterial. Has the minister concluded his answer?

**Mr HAERMEYER** — No.

**The SPEAKER** — Order! The minister has not concluded his answer.

**Mr HAERMEYER** — Speed cameras are an important part of the road safety infrastructure of this state. They have had a big impact since they were first introduced in the 1980s. Mobile speed cameras have operated under governments of both political persuasions. This is the first time that anyone has dared to politicise it. If the opposition chooses to do so it will have blood on its hands.

### Schools: government initiatives

**Ms BARKER (Oakleigh)** — My question is to the Minister for Education Services. Can the minister advise the house of the latest Bracks government initiatives in building a world-class education system in Victoria and advise of the impact of any alternative policies she is aware of?

**Mr Honeywood** — On a point of order, Speaker, I put to you that that question is incredibly broad. It allows the minister to entertain a range of issues associated with the education portfolio. The standing orders provide that questions are meant to be specific to certain government programs and policies rather than broad ranging, such as this question.

**The SPEAKER** — Order! It is a very broad question so I ask the minister to be specific in answering it in relation to current conditions and situations in schools in Victoria.

**Ms ALLAN (Minister for Education Services)** — I thank the member for Oakleigh for her question. My answer will be specifically about the way the Bracks government is going about its business to build a world-class education system in Victoria. We are working very hard to undo the damage of those seven years where we saw cuts to thousands of teachers and the closure of hundreds of schools.

Since we have come to office we have invested an unprecedented \$1.2 billion in education capital works. That has involved building 25 new schools and 325 major capital works projects around schools in the state. We have seen a further 104 capital works projects under way. There are many more capital works projects in schools to come.

Our latest investment in schools has put Victorian schools at the forefront of information technology in education. In an Australian first, from June of next year all Victorian government schools will go wireless in a

\$6 million upgrade through a Bracks government initiative to provide wireless technology to every single government school in this state.

**Mr Smith** interjected.

**The SPEAKER** — Order! The behaviour of the member for Bass is unacceptable. I ask him to behave himself.

**Ms ALLAN** — We call that one the clown!

The government is also supporting its investment in IT excellence in schools with a further initiative to support the skills of our teachers in the area of IT. The Creating eLearning Leaders program is a partnership we have developed with the Microsoft Corporation that will provide teams of teachers across 30 schools with training to become eLearning professionals. Then they will pass on their learning and will each become mentors to a further 20 schools and provide this learning to other schools. This will put us at the forefront of the latest information that we need in IT in our schools.

The member asked for information on other policies in this area. I am aware of other policies. These involve a computer for every student, airconditioning to every school, sprinklers in every school, and a welfare officer for every primary school. We are concerned about the cost of these policies and have costed them. Over four years — and this is a very conservative estimate — it comes to \$1.785 billion.

We might ask who made these promises. These are all promises that were made by the member for Doncaster.

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister, without the assistance of Labor backbenchers.

**Ms ALLAN** — I can report to the house that there is more. Only today I have been made aware of an additional policy in the area of education. In this week's *Maroondah Journal* the member for Doncaster committed \$150 million a year to school maintenance. This is a totally unbelievable commitment.

**Mr Plowman** — On a point of order, Speaker, the minister is debating the question. She is not relating her answer to government business but rather to an alternative policy that is not government business, and I ask you to bring her back to the question.

**Mr Batchelor** — On the point of order, Speaker, the minister was asked to advise about the impact of

alternative policies. The government is obliged to consider a range of alternative policies to assess, firstly, the educational impact and, secondly, the impact on the economy. We are a government that rejects irresponsible economic policies. If they are out there, they will be considered, and we are entitled to comment on them.

**The SPEAKER** — Order! The minister, in relating her answer to government business, can indeed canvass other policies, but she is not able to attack the opposition at the same time.

**Ms ALLAN** — Certainly, Speaker; I thank you for your ruling. However, there are some concerns when these are policies that obviously come at a significant cost. When you add up the total cost of these policies they come to a whopping \$2.385 billion. There is a question as to how these policies will be paid for. The only way the opposition could pay for these policies would be to sack 7450 teachers.

**The SPEAKER** — Order! The minister must relate her answer to Victorian government business.

**Ms ALLAN** — We are very proud of our investment in building a world-class education system. We have put in an additional 5000 teachers and staff, we have invested \$1.27 billion in capital works in schools, and we are greatly concerned that the good —

**Mr Plowman** — On a point of order, Speaker, the minister has now been speaking for 4½ minutes.

**The SPEAKER** — Order! There is no point of order. There have been a number of points of order, so the minister may continue.

**Ms ALLAN** — Victorian parents would be well concerned when they look at the good work that the Bracks government has done in education and they compare it to alternative policies that come at an enormous cost. They come at a cost that would involve sacking teachers and closing schools, which was the opposition policy when it was in government. When you consider the impact of these promises, in combination with the opposition leader's reckless commitment to winding back tolls, you see that this is going to have a significant impact —

**The SPEAKER** — Order! Has the minister concluded her answer? The minister is required to direct her answer to Victorian government business, not opposition policy.

**Ms ALLAN** — Thank you, Speaker. The Bracks government will continue to invest in government

schools, will continue to invest in building a world-class education system for Victorian families and will not be distracted by the reckless policies of the opposition.

**Innovation, Industry and Regional Development: industrial relations grants**

**Mr McINTOSH** (Kew) — My question is to Minister for State and Regional Development. I refer to the \$3.1 million worth of industrial relations — —

**Mr Batchelor** interjected.

**Mr McINTOSH** — You ought to hear what my wife says about you! I refer to \$3.1 million worth of industrial relations grants, as outlined in the minister's department's annual report — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Minister for State and Regional Development tells me he cannot hear. I ask members to be quiet so he can hear the member for Kew.

**Mr McINTOSH** — My question is to the Minister for State and Regional Development. I refer to the \$3.1 million worth of industrial relations grants, as outlined in his department's annual report, and I ask: how does the minister justify giving nearly half of the grants to the Trade Union Education Foundation, whose sole purpose is to train people in how to be union attack dogs?

**Mr BRUMBY** (Minister for State and Regional Development) — I understand that the matter the honourable member for Kew is referring to relates to the Trade Union Education Foundation funding. I understand that the government will provide \$3 million in funding over two years to the union education foundation to deliver training and education programs to employees. The foundation, the member for Kew might be interested to know, is supported by both employer and union representatives and is chaired — —

*Honourable members interjecting.*

**Mr BRUMBY** — There is more — it is chaired by former Prime Minister Bob Hawke. If I can quote the outgoing chief executive of the Australian Industry Group, Bob Herbert — —

**Mr Doyle** interjected.

**Mr BRUMBY** — He is not as gone as you are, my friend!

**The SPEAKER** — Order! The minister, through the Chair.

**Mr BRUMBY** — He said that it is 'crucial to have trade union representatives understand the process of enterprise bargaining'. That is what it is all about. The funding will provide Victorian employees with the skills to help them deal more effectively with workplace issues like enterprise bargaining, grievances, communication, negotiation and joint decision making. Courses will be delivered by nationally accredited training agencies. The foundation has also received support from other state governments such as the New South Wales and Queensland governments.

Let me put this in a broader context. The annual report to which the member refers outlines all the activities of the Department of Innovation, Industry and Regional Development (DIIRD). As the Premier has said today, there is scarcely any other state in Australia which can match Victoria's economic performance. If you look at the quarterly gross domestic product numbers which were released yesterday, you see that Victoria's performance is out there at the front of Australia. If you look at building approvals, you see they are out there at the front of Australia. If you look at jobs generation, you see that one in every three new jobs generated in Australia are generated in the state of Victoria.

**Mr Plowman** — On a point of order, Speaker, I believe the minister is now debating the question, which has nothing to do with the performance of the state of Victoria.

**Mr BRUMBY** — On the point of order, Speaker, I was asked a question about the DIIRD annual report, which refers to a range of initiatives which we put in place to support business and investment and the economy in Victoria, and I am entitled to comment on those.

**The SPEAKER** — Order! I do not uphold the point of order. I understand the Minister for State and Regional Development to be answering the question about why funding was allocated in that budget and the reason for that funding.

**Mr BRUMBY** — The other program which the department administers is the exporting for growth program. Again, as the Premier indicated today, exports in Victoria over the last year are up 7.9 per cent, and that performance — up 7.9 per cent — is the best export performance in Australia. So whether it is investment, whether it is GDP, whether it is jobs, whether it is building approvals or whether it is exports, Victoria is the place to be.

**Water: government initiatives**

**Mr HARDMAN** (Seymour) — My question is to the Minister for Water. Can the minister advise the house whether there has been any agreement by the Murray-Darling Basin Ministerial Council regarding the historic Victorian water sales deal and the decommissioning of Lake Mokoan, and whether the government has considered the implications of any alternative policy proposals in this area?

**Mr THWAITES** (Minister for Water) — I thank the member for Seymour for his question. The Bracks government really is leading Australia in water reform and in returning water to the Murray River. Our historic sales deal and the decommissioning of Lake Mokoan will return 169 billion litres of water to the Murray River and give farmers more security.

I am very pleased to advise the house that these projects have now been endorsed by the federal government — and it did that at the Murray Darling Basin council meeting last Friday. Victoria’s water projects are not only good for the environment, they are also good value. They easily met the Murray-Darling Basin Ministerial Council requirement of costing less than \$1000 a megalitre. The Victorian government is very pleased with the outcome of the council meeting.

I might say that we are very pleased to receive such strong support from the federal Liberal and Nationals ministers at that council. The federal Minister for the Environment and Heritage, the Honourable Ian Campbell, said on ABC radio, ‘From the environmental perspective it is a huge achievement’. He went on to say, ‘They are fantastic environmental outcomes’. The federal Minister for Agriculture, Fisheries and Forestry, the Honourable Warren Truss, a member of The Nationals, said, ‘We have identified today close to half of the water that will be required for the entire Living Murray initiative and we have used only about 35 per cent of the money’.

Now that we have received such strong support from The Nationals and the Liberal Party at the federal level we look forward to the state opposition dropping its opposition to our projects. It is now time for the Victorian opposition to get on board and to get in step with the Bracks government and the Liberal Party and The Nationals at the national level.

I have been asked about alternative policies. Some have proposed an alternative to the sales deal that would see water taken from farmers in every year, including in a drought. As the Victorian Farmers Federation said, this plan makes no sense from a farm perspective and

would be bad for the environment and worse for farmers. We have rejected this wacky plan, but it is still being hocked around by the shadow Minister for Water.

In relation to Lake Mokoan, there has also been a proposal that would see Lake Mokoan recommissioned after the next state election. This would completely unwind the program the federal Liberal Party and The Nationals are now behind and endorsing. It would also cost millions of dollars to recommission Lake Mokoan. I call upon the shadow Minister for Water and the opposition to get on board and reject the wacky, irresponsible plan, the financially costly plan, to recommission Lake Mokoan.

**Water: irrigators**

**Mr PLOWMAN** (Benambra) — My question is to the Minister for Water. I refer to the government’s 2 per cent cap on water trading for every irrigation district to protect the economies of local communities. Will the minister advise the house how many districts have exceeded their cap as a result of the government exceeding its own target by 370 per cent in 2003–04?

**Mr THWAITES** (Minister for Water) — I thank the member for Benambra for his question. Obviously my last answer has had a real effect very quickly. It does seem that not only is the opposition now opposing the water savings that the government will get at Lake Mokoan — the sales deal — but it now also seems to be opposing a national water market. The opposition is trying to undermine a national water market. We on this side of the house have indicated that we totally support it, but we have also indicated that it has to be a national water market based on fairness, so that irrigators in Victoria will not be giving up water beyond the cap if New South Wales irrigators do not also agree to be part of the market. That is why we have a conditional agreement — to ensure there is no exceeding of the cap. The cap will be met, but we will get the benefits of the national water market if New South Wales comes on board.

**Western Port Bay: container transit facility**

**Mr LONEY** (Lara) — My question is to the Treasurer. I refer the Treasurer to the government’s economic statement *Victoria — Leading the Way* and in particular the channel deepening proposal within it. What advice has the Treasurer received about an alternative proposal to build a container transit facility in the middle of Western Port Bay?

**Mr BRUMBY** (Treasurer) — The Bracks government is committed to building world-class

infrastructure in Victoria. As the Parliament is aware, we have more than doubled public sector capital works. In fact, over the next four years we have committed something like \$10 billion to public sector capital works spending in this state.

One of the projects that we announced in April in the economic statement *Victoria — Leading the Way* was the channel deepening. This is a crucial project for our state. It is a project that the Australian Council for Infrastructure Development says has the potential to add something like \$14.8 billion to Australia's gross domestic product by 2030 — —

**Mr Honeywood** interjected.

**The SPEAKER** — Order! Will the Deputy Leader of the Opposition cease interjecting in that manner!

**Mr BRUMBY** — I am aware of what could be described as a novel proposal — that a concrete island in Western Port Bay be used as a transfer station for containers, which would involve double, triple and quadruple handling of goods coming in and out of Melbourne. This is novel and unique. There is no such project in existence anywhere else in the world. I was surprised to learn that on 12 November this year the opposition spokesman on ports floated that idea. This container island has all the features of Gilligan's Island. The *SS Minnow* cast afloat — —

*Honourable members interjecting.*

**Mr Perton** — On a point of order, Speaker, the minister is debating the question. He is restricted to answering questions relating to government administration, and giving an answer in relation to an opposition proposal is outside the ambit of question time. If the minister would like to do a ministerial statement, the opposition would be happy to accommodate him.

**Mr BRUMBY** — On the point of order, Speaker, I have hardly had a minute, yet I make one reference to the *SS Minnow* and the member for Doncaster jumps up!

**The SPEAKER** — Order! The minister is entitled to explain why the government has rejected a proposal. The minister, to continue.

**Mr Doyle** interjected.

**Mr BRUMBY** — We have the skipper — but we have a few contenders. We have the millionaire, the member for Hawthorn; we have the professor, the member for Box Hill — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Treasurer to answer the question, or I will sit him down.

**Mr BRUMBY** — This is a costly proposal. In fact, I have been advised that the construction cost of container island would be \$2.7 billion!

This is five and a half times the cost of the channel deepening project. And get this: if you added the capital cost and the resultant inefficiencies from extra handling, they would add \$232 per 20-foot equivalent units (TEU) container through this Gilligan's Container Island proposal! The existing cost of wharfage for a TEU container, including goods and services tax, is \$34.35. This cost would increase tenfold.

**Mr Plowman** — On a point of order, Speaker, the member has now been speaking for 5 minutes, and I ask you to conclude his answer.

**The SPEAKER** — Order! There have been a number of points of order and a number of interruptions by members interjecting. I ask members to cease interjecting to allow the minister to conclude his answer.

**Mr BRUMBY** — We have all heard of SMEs — small and medium-sized enterprises. Now we have SMOs — spend-more oppositions!

This is Container Island. Just sit right back and you'll hear a tale, a tale of a fateful trip. This is the trip to Container Island. We could not choose between the member for Caulfield and the member for Brighton as the movie star!

**The SPEAKER** — Order! The time for questions has now finished.

## MULTICULTURAL VICTORIA BILL

*Second reading*

**Debate resumed.**

**Mr PERERA** (Cranbourne) — This bill will establish the principles of multiculturalism.

**The SPEAKER** — Order! I ask the member for Cranbourne to halt while other members move. I remind the Attorney-General he should not walk between the Chair and the speaker in the house. I ask members of the government to leave the house quickly and quietly. And the Minister for Police and

Emergency Services will leave the chamber through the other exit or go around the other way.

**Mr PERERA** — The bill will establish reporting requirements for government departments in relation to multicultural affairs and a whole-of-government approach to multicultural affairs. The bill also provides the minister with the capacity to seek additional information from departments, and the minister is required to present all the information obtained to the Parliament. This is a great accountability mechanism to ensure that multicultural communities are well looked after.

The bill also repeals the existing Victorian Multicultural Commission Act 1993 and re-establishes the commission within the proposed act. Since the Bracks government came to office the level of funding to the Victorian Multicultural Commission has increased from \$750 000 to \$2.85 million. This has enabled more of our multicultural groups to receive greater support with funding opportunities. I take my hat off to the Victorian Multicultural Commission headed by Mr George Lekakis, who is doing a fantastic job.

The new VMC is enhanced with additional features to better serve the multicultural community in Victoria. The maximum number of commissioners will be increased from 10 to 12. The bill will create a part-time deputy chair position and increase the maximum number of terms that commissioners can be appointed from two to three. These measures will help the commission function more effectively, as their resource base will be strongly enhanced.

Different immigrant groups have different living habits, different values, different foods, different senses of humour and different types of entertainment — in essence, different ways of doing things. This is called cultural diversity. Old habits die hard, and the majority of first-generation migrants would not like to wildly change their cultural practices. Therefore legislation is desirable to formally accept and address issues related to cultural diversity.

By enhancing reporting requirements and enhancing Victorian Multicultural Commission structures, the Bracks government has fulfilled its role to actively promote policies that strengthen all aspects of the Victorian community and show leadership in multicultural affairs. I am sure prospective immigrants will prefer our way of multiculturalism in Victoria as opposed to the American melting-pot concept, which tries to establish a core monoculture based on different cultures.

I commend the bill to the house.

**Mr KOTSIRAS (Bulleen)** — It is a pleasure to stand and speak on the Multicultural Victoria Bill. Can I say from the outset that this was a chance for the Labor Party — the government of the day — to bring in a bill to make a real difference to multicultural issues in this state. Unfortunately it has failed, and it has failed for a number of reasons which I will outline in a minute. The government has failed because all it cares about is trying to score cheap political points with Victoria's multicultural communities.

The Premier and the Minister assisting the Premier on Multicultural Affairs are happy to go to any function and talk about what they are going to do and what they are going to achieve. But they did not have the kindness to speak to our shadow spokesperson and give him a briefing on the bill so that it could have bipartisan support and so that it could come into the house with the acceptance of every member of the Victorian community. They have failed. I was disappointed to note that the Minister for Agriculture brought in this bill on 14 October. Where was the Premier as Minister for Multicultural Affairs? Where was the Minister assisting the Premier on Multicultural Affairs? They are taking our multicultural community for granted simply to score cheap political points.

This bill goes some way to encouraging people to support multiculturalism in this state. When the Victorian Multicultural Commission Act was introduced in 1993 the member for Dandenong, the current Minister assisting the Premier on Multicultural Affairs, did not stand up and take part in the debate on it. For him to now come into the house and tell us what we should be doing in multicultural affairs is an absolute joke. Former Premier Jeff Kennett was a leader in multicultural affairs for seven years. He did more in one year than this government has done in five years. Members on the other side admire and respect Demetri Dollis. He had this to say about the former Premier:

It is true that the current Premier has over a long period contributed to ethnic affairs in Victoria and that his commitment to ethnic affairs is unquestioned and well recognised.

The Labor Party has the audacity to come into this house week after week and tell us what a great job it is doing in this area, but it has failed. I would like to say from the outset that I support this bill — I support a bill of this nature. However, there are parts of this bill which are wrong. The government should take away the bill and make some changes while the legislation is between the two houses. Most of the bill is okay and

can be fixed, but one subclause has caused much concern and much anxiety.

When Labor came to office in 1999 it promised a multicultural affairs act. It asked someone from the Victorian Multicultural Commission (VMC) to come up with a brief to the Premier. That brief contained three options which I will go through. I am happy to table this document if the Minister assisting the Premier on Multicultural Affairs, who is at the table, wishes me to do so. The brief listed the pros and cons of the three options. The first option was no legislation, the second option was a separate act, and the third option was to amend the Victorian Multicultural Commission Act 1993. The Premier signed off on this memorandum dated 20 April 2000 and noted:

At this stage I prefer option C. No final decision yet.

At that time the Premier had not made a decision but he preferred the third option, which is what is before the house at present.

I pay tribute to Hakan and his officers because they provided a very good briefing to the opposition. At the briefing I asked for the legal advice received by the government. The public servant said no, and I asked him to go back to the minister and ask him. The officer said he would do that, but four weeks later he has not come back to me. He has come back to the shadow spokesperson for multicultural affairs but not to me. I asked the question, and he should have come back to me. The government refused to give me the legal advice, but I have news for it, which I will outline in a few minutes.

The part of the bill that I and others have concerns with is clause 4(b) in part 2, 'Principles of multiculturalism'. I have no problems with subclauses (a), (c) or (d). Subclause (b) states:

all individuals and institutions in Victoria should promote and preserve diversity and cultural heritage within the context of shared laws, values, aspirations and responsibilities;

That is open to interpretation. If I am wrong, I will be the first to admit that. However, it does not matter what the government says, this has the potential to cause divisions within our community. Clause 5 states:

Parliament does not intend by section 4 —

- (a) to create in any person any legal right or give rise to any civil cause of action ...

I cannot understand why this cannot read, 'This does not create'. Why does it say, 'This does not intend to create'? You do not intend to be late for a meeting but

sometimes you are. Why can it not be specific and say, 'This does not create'?

Clause 4(b) causes me some concern. If it said, for example, 'Victorians are encouraged to promote and preserve diversity' and so on, I would have no problems, and I am sure others would not have a problem. I will give the house an example. In a particular school they might be celebrating Easter or Christmas but there could be a large minority group which also wishes to celebrate its religion. That is fine; I support it. However, if the school does not have the resources and does not have the staff, it might say it cannot do it, and that would be going against this legislation. The easy way out would be to not have Easter or Christmas celebrations.

A few weeks ago the Parliament hosted a celebration for the end of Ramadan. What would happen if another religious group came to the Parliament and asked for similar sorts of celebrations in Parliament for its people? The Parliament would have to agree. If it did not agree, it would be in breach of clause 4(b). Clause 4(b) has the potential to divide the community. It has the potential to put an end to Carols by Candlelight and Easter celebrations. It will cause much grief and much anxiety within the community.

When the Victorian Multicultural Commission prepared its brief to the Premier —

**Mr Pandazopoulos** interjected.

**Mr KOTSIRAS** — As I said, Minister, if I am wrong, I will be the first one to admit it, but this scares me. It scares many others because it has the potential to cause division in our community.

The Victorian Multicultural Commission sought some legal advice on its brief to the Premier. Guess what? The legal advice said even option C would cause some problems. It stated:

I'm not convinced that the 'pros' in option C —

option C is to change the Victorian Multicultural Commission Act 1993 —

means the absence of all the 'cons' —

the disadvantages —

identified in option B. That is a point for contention which I will not enter into at this stage.

Some of the cons of option B are:

If the proposed act does no more than set down guiding principles and requires the VMC or another body to

encourage compliance with those principles, then the risk appears to be a political one, and not a legal one. However, if such a body is to do more, such as enforce or police the principles, then an action or failure to act may leave it open to challenge (clients may use the act to argue a case against (poor) delivery of services by government).

An act may give weight to ethno-specific service provision and in turn may provoke claims of bias from other groups —

such as the disabled. Further:

An act may prove to be the focus for opponents of multiculturalism . . . and race hatred groups, as well as leading to possible politicisation of multicultural affairs.

That is exactly what this will do.

I support the concept of the bill. I support multiculturalism in Victoria — it is our greatest strength. I encourage people to retain their culture, traditions and their language and pass those on to their children. However, at the same time I do not want division to occur within our community, which is what this bill might do.

**Mr LEIGHTON** (Preston) — As the son of a migrant, indeed a refugee, and a member representing one of the most diverse electorates in the state, I am delighted to speak in support of this bill. As a longer standing member in this place, to me one of the hallmarks of the Bracks Labor government has been its work for multiculturalism, be it practical measures such as supporting ethnic senior citizens groups or legislation like the Racial and Religious Tolerance Act. That is one area where I would dispute what the member for Bulleen said.

I agree that all in all multiculturalism in the state has enjoyed bipartisan support, but when it comes to the Racial and Religious Tolerance Act I can remember year after year going to functions marking the anniversary of Israel's independence. As Leader of the Opposition at the time, Jeff Kennett used to work that audience and promise that the moment his party was in government it would enact such legislation. It was a commitment he did not keep in his seven years in government. It took us to legislate for that, and it was one of my proudest acts in this place.

However, having said that, multiculturalism has enjoyed strong bipartisan support in this state, support that has been much more positive than it has in New South Wales. We value new settlers to this state for reasons including the economic contribution they can make, whether it be in Melbourne or by meeting the growing economic and employment needs in some of our rural and provincial centres. Of course we also value the richness of their cultures and the diversity

they bring to life in this state. I can remember when I was a kid at school and I brought friends home. They would say, 'You're not going to give us garlic in our food for dinner, are you?'. Just think what a boring place Melbourne was in the 1950s compared to what it is now.

Time is limited so I will make only a couple of other comments. Along with I assume all other members I received an email from an organisation by the name of Salt Shakers. It contains the most offensive diatribe, and I will read part of it:

Whilst we are opposed to the passage of this total bill, we are particularly concerned about the following principles:

'All individuals in Victoria are entitled to mutual respect and understanding regardless of their cultural, religious, racial and linguistic backgrounds' —

they are quoting from the bill —

'All individuals and institutions in Victoria should promote and preserve diversity and cultural heritage within the context of shared laws, values, aspirations and responsibilities'.

These are the words of Jenny Stokes, research director with Salt Shakers:

Regarding the first phrase, whilst seeming 'reasonable', do we really want to say that criminals, paedophiles, wife-beaters et cetera are all worthy of equal respect?

The question really is, 'Can we as Christians promote religious diversity when we do not have the same values as other religions?'. Our response to that question is no.

As the son of a Holocaust survivor I find this email deeply offensive. It makes me angry, and it only makes me more determined to see that this legislation goes through.

When you look at the Salt Shakers web site you see that it proudly provides a link to the Catch the Fire Ministries site. When you read Pastor Danny Nalliah's diatribe about Muslims not being fit to be members of Parliament you realise that it is specifically because of those attitudes that we need this legislation.

I respect the right of Salt Shakers members to worship their god. However, I believe they do not accept that the Victorian community of the 21st century is diverse. People from other religions worship other gods — and indeed many people do not have a god. I resent the implication in a lot of the Salt Shakers material that if you do not have a god you do not have an ethical and moral base. It is for those reasons, having viewed some of those hate web sites, that I believe we need this legislation.

On a more positive note I reply to the member for Bulleen by saying that the Victorian Multicultural Commission is very successful and well respected, and I congratulate its chair, Commissioner George Lekakis, for his work. There are a number of other very good commissioners, such as Stanley Chiang, representing some of the older ethnic communities and some of the newer ethnic communities. As the son of a migrant I feel proud and privileged to support this legislation.

**Dr NAPHTHINE** (South-West Coast) — I move:

That the debate be adjourned.

**Mr PANDAZOPOULOS** (Minister assisting the Premier on Multicultural Affairs) — I understand that there is an agreement that this debate will continue until 4 o'clock. Certainly members from each side want to contribute, and we will continue debating this until 4 o'clock.

**Dr Naphthine's motion defeated.**

**Mr PERTON** (Doncaster) — If I may join my dear friend the member for Preston, who has been in this house as long as I have — —

**An honourable member** interjected.

**Mr PERTON** — We share many views. I do not malign him. There are people on both sides of politics who work well together and share a mutual respect for each other. I respect what the member for Preston does in his constituency, which is extremely ethnically diverse. My electorate too is extremely diverse, perhaps even uniquely, because mine has a synagogue and a mosque. There are many nationalities and many religions represented in my electorate, and there are groups of people who fundamentally live the dreams they want to dream. Many of them are migrants who brought their children to Australia. Many are the children of migrants who brought their values, their cultures and their customs to this country. Many of them have been financially successful, successful in education, successful in public service and very successful in supporting many charities.

Among the things they value, though, are the trappings of western civilisation. They value what makes this society great, and that is secular government that protects the right of all people to worship as they choose. They value a democracy that is strong and vibrant, and they value the fact that, no matter how intensely an election is fought, there is a smooth transfer of power between Liberal and Labor, or at the local council level, between many administrations.

What concerns me, and I hope it also concerns the member for Preston, is the devaluing of the dominant culture.

In my work and with my family we celebrate Chinese New Year, we celebrate Ramadan and we celebrate the Tibetan Buddhist festivals. We revel in all of the trappings of living in a multicultural society. Like the member for Preston, I enjoy the foods that have come to this country — —

**Mr Cooper** — That's our Vic!

**Mr PERTON** — It is obvious, as the member for Mornington says. But one of the things that concerns me is the devaluing of what is good about this society, not by the migrants or the refugees but by a bizarre group of people who seem to think that we have to apologise for what has made our society.

**Mr Pandazopoulos** — Who are they?

**Mr PERTON** — The minister at the table asks, 'Who are they?'. They are the people who take the Christ out of Christmas. They are the people who prevent children in primary schools from enjoying Christmas celebrations. I spoke to — —

**Ms Barker** interjected.

**Mr PERTON** — The member for Oakleigh asks a question. An 11-year-old who goes to a school in the eastern suburbs told me that the class tradition was Kriss Kringle every year. This year it is banned; the teacher does not believe in Christmas. The teacher does not believe in offending people of other religions, so the kids have lost their tradition of Kriss Kringle. Or for instance, in the Hornsby Oporto franchise — and I quote from the Sydney papers — where:

... franchise owner Charlie Saliba was told to remove his nativity scene depicting baby Jesus, Mary, Joseph, the Three Wise Men and a shepherd, for fear it would offend non-Christian customers.

I have yet to meet a Muslim, a Hindu or a Buddhist who is offended by the celebration of Christmas, and yet we have this bizarre set of people in commercial enterprise who believe they have to take the Christ out of Christmas; we call it Xmas, or happy holidays. And it is not unique to Sydney. There are reports in the *Age* and the *Herald Sun* for instance of the Orama Street Child Care Centre in Deer Park saying it would opt for a fairytale party day instead of a Christmas celebration. What sort of stupidity is this? Whether the kids are Christian, Muslim or non-believers, why insert a fairytale party day instead of a Christmas celebration? Or the Boroondara kindergarten in Richmond, which is

obviously so ashamed of the heritage of this society that it is going to celebrate the end of the year rather than Christmas. Again, what nonsense!

Neil Mitchell, the commentator on radio 3AW, has written an interesting column about this. He said:

Multiculturalism

What is it? Why has it become as unchallengeable as God and country used to be?

Once again it has rushed out of the urban shadows to bite us, with several child-care centres embracing the Christmas cliché by banning, or at least cutting, Christmas celebrations for the kids.

Preaching 'diversity' like a sacred mantra, bureaucrats at centres in Deer Park and Richmond imposed 'end of year' parties instead of traditional Christmas events.

My parents came to this country for freedom. They came here to share the values of Australia, and they have been joined by millions of people, presumably like the parents of the minister at the table and many others. That tradition of democracy comes out of the traditions of Western civilisation. In introducing a bill like this, yes, let us revel in diversity and have a provision that preserves diversity and cultural heritage, but we also need to celebrate the common values.

The member for Sandringham had to bring an amendment into the house to have this legislation reflect common heritage and shared values. I commend the member for Sandringham for introducing an amendment into this house which the government refuses to debate. The reason we are speaking on this bill until 4 o'clock is so that we reach the trigger and the amendments of the member for Sandringham are not debated, but I will read them into *Hansard*. They state:

1. Clause 4, line 3, before "Parliament" insert "(1)".
2. Clause 4, after line 31 insert —
  - “( ) Parliament also recognises that the principles of multiculturalism are based on citizenship. In this context “citizenship” is not limited to formal Australian citizenship but refers to the rights and responsibilities of all people in a multicultural society in which there is —
    - (a) a recognition of the importance of shared values within a democratic framework governed by the rule of law; and
    - (b) a unifying commitment to Australia, its interests and future.
  - ( ) Parliament intends that the principles of multiculturalism are to be construed in accordance with sub-section (2).”

Those amendments are not going to be debated. The government is ashamed of the bill that it brought into the house which did not contain this commitment to shared values. Now, with a sort of copycat me-too attitude it has introduced some amendments that will be passed at 4 o'clock without debate. What concerns me is that we have a government that expresses a commitment to multiculturalism — it celebrates the Hindu, Buddhist, Jewish, Muslim and non-believer events from other cultures, and that is a great and important thing — but also devalues the institutions and traditions that have built this society. I think that is a very sad thing.

One only has to read many of the things that kids are given in schools today — and it is not just restricted to state schools; it is Catholic and independent schools as well. Kids are being taught an Australian history that makes them ashamed to be Australian. Sometimes it is put as the black armband history of Australia. Certainly you hear kids telling you about what they have been taught — or that they are bored to tears with Australian history, because it has been badly taught for three, four or five years in their schools — about Australian history through the eyes of a dispossessed Aboriginal. It is important that we understand dispossession and the rights of the Aboriginal community, but not all of Australian history and not all of the work that has been undertaken by the dominant culture and society has involved dispossession, nor has it involved the abrogation of anyone's rights.

Australia has a proud history. We have a proud culture. What saddens me is that many of the people who are associated with the ideology of this government demean the dominant culture, and I think that is a crying shame for the kids and for this society.

**Ms BARKER (Oakleigh)** — I am very pleased to rise in support of this bill. The purpose of the bill is to establish the principles of multiculturalism, to repeal the existing Victorian Multicultural Commission Act 1993, to re-establish the commission and to establish reporting requirements for government departments in relation to multicultural affairs.

As is stated in the second-reading speech, and as is also outlined in the government's valuing cultural diversity policy, the government's approach to multicultural affairs is based on the commitment that all Victorians should uphold common civic values, rights and obligations, including respect for institutional structures; participation in support of Australian democracy and its institutions; respect for the law; respect for and tolerance of each others' beliefs and practices; individual freedom of association; prime

loyalty to Australia's interests; and English as the national language.

If I can just deal with the three components of the bill. The preamble asks that the Parliament of Victoria recognise and value the cultural, religious, racial and linguistic diversity of the people of Victoria and promote the state as a united community with shared laws, values, aspirations and responsibilities within which people from a diversity of backgrounds have the freedom and opportunity to preserve and express their cultural heritage, the freedom and opportunity to participate in and contribute to the broader life of society and equal rights and responsibilities under the laws of Victoria. The principles — and there have been some amendments to them — build on the preamble.

I turn to the Victorian Multicultural Commission section of this bill. As I said, the bill will repeal the existing Victorian Multicultural Commission Act 1993 and re-establish the commission within this proposed act. There are a number of amendments within the VMC section of the bill, which include increasing the maximum number of commissioners from 10 to 12. This will incorporate the commission's current practice of coopting two young persons, and that is very important. Not only does the government, and the VMC, recognise the importance of ensuring that young people are involved in decision making and are at the table when that decision making is undertaken, but it also assists with the continuing development of young people who are from a multicultural community. They are excellent young people and this assists in developing their leadership skills.

I indicate my thanks to the VMC for its continuing good work in our multicultural communities and in my electorate of Oakleigh, which is very diverse. There is no doubt that the Victorian Multicultural Commission is a very valuable asset to Victoria. The government's support for the VMC is important and well documented. We recognise its high value. Since our election in 1999 we have tripled the VMC grants program to \$2.85 million from \$750 000 under the previous government, and in the most recent budget we again recognised the need to offer more support to our multicultural community, so we have committed a further \$1.4 million over the next two years.

As I said, I have a diverse community in Oakleigh, and I am very proud to represent it. There has been a large Greek community in Oakleigh since the 1950s and its members have made a huge and significant cultural and economic contribution to the local area. Both ends — that is, Monash and Glen Eira council ends — have significant Greek communities, but there is no doubt

that the majority of them are in the Monash-Oakleigh area. The City of Monash has the second largest Greek population of any council in Victoria, with the 2001 census showing that 9.2 per cent of the population were Greek born.

As I said, the VMC grants program is extremely important. I listened very carefully to the contribution to the debate made by the member for Warrandyte. He referred to the VMC and inferred that the VMC is some sort of political arm of the government. I strongly refute that. In 1999 when I was campaigning to be elected as the member for Oakleigh it was brought to my attention by the Greek community in the Oakleigh electorate that not only was the then member for Oakleigh visiting the groups but she was passing out cheques from the then VMC to the groups during the campaign period. Those on the other side of the house should not infer that somehow or other government members are being political; we are not. The VMC makes its decisions based on the submissions that are placed before it. I certainly would never contemplate doing something like that during a campaign period, which I think can be seen as being political.

During the first year of my term as the member for Oakleigh the then VMC cut the grants to the community-based organisations in my area, and that is why this government has increased the grants program and increased their grants.

For the information of the member for Warrandyte, I was given a copy of the amendments, and it was indicated to me that the government welcomed the suggestions from the member for Sandringham and had further discussions about the amendments he put forward. In light of wanting a bipartisan attitude towards this bill the government put forward some amendments. The member for Warrandyte considered that to be a rollover by the government. We are not ashamed of the bill that we have brought before the house, but in a bipartisan approach to this legislation we considered those amendments and put forward further amendments. My understanding was that the member for Sandringham had agreed to withdraw his amendments in light of getting that bipartisan approach.

Another thing I found very interesting was the member for Warrandyte's reference to migrants or people who come to this country to live or work. He said that unless you abide by the citizenship you should not participate or be in this country. What does the member for Warrandyte think of people from New Zealand who are not citizens? Does he think they should leave? Many of them make a very valuable contribution. What does the member think about people from Britain who have not

taken out citizenship of this country but still continue to make a very valuable contribution? What does he think of overseas students who are not citizens? Saying they do not contribute to our society is just outrageous, and that should not have been said. As I said, I am not ashamed of this legislation. It is good legislation, and I support it strongly.

**Mr SAVAGE** (Mildura) — From the start I indicate that I am opposed to this bill and I will be voting against it. There is no doubt that the collective contribution by migrants to Australia has made it the nation we have today. It is also fair to say that all citizens should acknowledge their culture and their heritage and should practise it provided it is not in conflict with the laws of this land. But I have a strong view that this bill is unnecessary and promotes a divided society which in turn diminishes our citizenship.

I know that most members in this place would have a different view to me, but I am not sure that the people of Victoria, indeed the people of Australia, are necessarily in tune with the majority of members in this place. I am also aware that I represent a very diverse community. There are people from every part of the world in my electorate, especially in Robinvale which is probably one of the most diverse rural communities in Victoria.

The concept of multiculturalism has the potential to promote a ghetto mentality where people gather in ethnic groups rather than assimilate and enjoy Australia as a nation where we participate collectively rather than individually. We are also now seeing some of these unhealthy things. I know that it is politically not correct to mention some of these, but you only have to look at recent events in Sydney where ethnic gangs were marauding the streets of Sydney and pack-raping young women. It is something that is there and it needs to be identified and dealt with. Also there was the death of a young policeman in Sydney as a result of one of those ethnic gang conflicts, so let us not imagine that multiculturalism is all light and goodness, because there are some problems out there and we need to identify them.

I also point out that even though the bill does not enact or engender any extra rights, the second-reading speech has some interpretative basis for law in this state. It can be interpreted and is a guide to the way legislation is dealt with in this state, so even though the bill does not engender rights per se, there is an element that can be taken from that.

We have a very strong tradition of tolerance, acceptance and respect for everybody who lives in Australia. I have not seen the sorts of incidents which I keep being told of by certain organisations, and the Victorian Multicultural Commission is one of them. It have not seen the sorts of incidents of racism or of being unfair. I think the great Australian maxim of a fair go is still appropriate today, and it is a more appropriate way of dealing with this issue than having a bill that details multicultural affairs.

The back of the discussion paper refers to the constitution of Canada. It talks about:

Whereas the constitution of Canada and the Official Languages Act provide that English and French are the official languages of Canada and neither abrogates nor derogates from any rights or privileges acquired or enjoyed with respect to any other language —

You only have to look at the nature of the Canadian state. In Quebec, bill 101 prohibits the use of English signage. People who are not prepared to adhere to that can lose their businesses and have significant fines imposed on them. I refer to an article which appeared in the *Financial Post* of 11 April 2000 about a businessman in Montreal who ran a small convenience store, but because he had difficulty with the French language he was cited under section 2 of the Quebec language charter, which states:

Every person has the right to have the civil administration —

et cetera, and —

all business firms doing business in Quebec communicate with him in French.

Because his French was inadequate he was cited and faced a possible fine and jail because he could not afford to hire anybody to fill in so he could leave his store and take a language course.

Let us look at the Canadian constitution to see if that can happen there. If it says that you have a right to the languages of English and French, then this is a meaningless thing. In Quebec you do not have the right to use the English language because it is against the law. That is why we do not have to put this type of doctrine into law — we have a common-law basis in this country which has served us very well. We are fair, tolerant and we respect diversity. Once you define this in a legislative process — and that is what we are doing here — you are limiting the application of what we have enjoyed up until this time.

In 1998 Paul Sheehan wrote a book called *Among the Barbarians — The Dividing of Australia*. I thought it was a reasonable appraisal of both sides of the

argument. He has summarised some of the criticisms he received when this book was published. He was described as:

... a desperate, ranting, racist, xenophobic, jingoistic, unintelligent yellow journalist from gaga land who writes biased, flawed, directionless, myopic, vulgar, insulting, strange, wildly inaccurate ...

And it goes on. This is one of those subjects that we cannot talk about for fear of being called racist and being severely criticised and berated. When we put this type of legislation through we are consolidating that sort of view.

There is also a need for some reflection on the laws of this state and also Australia. When I was in New Zealand a few months ago — and this is something that is relevant to Australia — a Muslim woman gave evidence in a court case. She refused to remove her burka while giving evidence. There was significant legal argument, because in the courts of that land you are entitled to see the face of the witnesses to determine their credibility. Facial expressions can indicate whether a person is telling the truth or not. The barrister for the defence said it was time there was some reflection on people adhering to the laws of their country. We are at a crossroads now. I think it is time there was some reflection on the fact that if this is a tradition that Australia follows and if there is a legal requirement, then people who come to this nation have to make some compromises, as we all do, to make sure that they adhere to the laws of this land and not expect us to change those fundamental principles — and that is one.

I recently received a letter from the chairperson of the Victorian Multicultural Commission. He suggested that we promote the International Day for the Elimination of Racial Discrimination. I found the analogy that was used and raised with the minister that we should do this on the basis of reflecting on what happened at Sharpeville, had little relevance to the environment I work in at Mildura. The VMC needs to have a more positive outlook than to encourage non-existent reflections on racism. Mildura is a very tolerant place. I cannot speak for the rest of Victoria, but I would suggest that it is similar to the locale that I represent.

I will reflect on what Mark Latham has said on multiculturalism. I will quote from an opinion piece by Andrew Bolt, whom many members would not think is a great opinion writer, but he is. He taps into society's views on more occasions than he does not. I do not always agree with Andrew, but at least he says something that we can reflect on, and we can either agree or disagree. Most of us are too chicken livered to

say anything. He referred to what Mark Latham said about multiculturalism:

We need to rethink these policies, and stop celebrating 'diversity for diversity's sake' ... We don't need to be forever treated as member of one ethnic group or another.

In a diverse nation social cohesion is as important as respect for difference', he warned.

There are divisions within our society and within politics. This bill is not going to enhance efforts to eliminate racism in this state; it is going to further divide us — and that is the last thing we need in the state of Victoria.

**Mr MAUGHAN (Rodney)** — We live a fantastic country here in Australia. We have got a lot of things to be thankful for: our freedom, democracy and our culturally diverse society, which we celebrate by debating this legislation before the house today. As other members have pointed out, we are a very culturally diverse nation. About a quarter of all people in Victoria were born overseas, and 45 per cent of Victorians were either born overseas or have one or more parents born overseas. In the last 50 years we have benefited enormously from those people coming in from over 200 different countries around the world and bringing elements of their culture, from which we have all benefited. In my lifetime our eating habits, theatre and way of life have all changed for the better because of the influence of these cultures that have come in from other parts of the world.

I do not want to go through all the detail of the various waves of migrants that have come to this country, except to say that in a week like this when we are celebrating Eureka I wish to note that there were waves of Chinese migrants that came to this country 100 to 150 years ago. We still have members of the fourth and fifth generations of those first Chinese migrants, and they are a very important part of our community. After the World War II we had waves Greeks and Italians, who I have personally had a lot to do with. We also had migrants from Eastern Europe.

The Italian community is very strong in my electorate of Rodney, particularly around the Kyabram area. Its members have been great contributors to the community generally and great contributors to the horticultural industries in particular. Many of those Italian families have done remarkably well through sheer hard work and working together as families.

Then we had the wave of Asian immigration from Vietnam, Cambodia and China, and then the Indians and the Sri Lankans. We can go right around the world with the many nations represented here. We have lived

very well together, accommodating people from all those different cultural backgrounds with different languages and different religions. We are a very diverse and multicultural society — and a very tolerant society, I might say. Australia has done well, in that we do not have dominant groups that want to assert their rights over others.

I agree with the member for Mildura when he questions whether this legislation before the house is necessary. It is a bit like a motherhood statement: the principles espoused in the preamble to the bill are about recognising and valuing the cultural, religious, racial and linguistic diversity of the people of Victoria. Of course we should; everybody agrees with that. They are also about promoting this state as a united community with shared laws, values, aspirations and responsibilities within which people from diverse backgrounds have the freedom and opportunity to preserve and express their cultural heritage et cetera. Of course we agree with that, as well as the importance of having the freedom and opportunity to participate and contribute to the broader life of society and, the final one, having equal rights and responsibilities under the laws of Victoria.

That is the important thing — equal rights and responsibilities — and we have to be careful that we do not compromise the values that the migrants who have come here and made this country great found so attractive about this country in the first place. It was our way of life, our democratic system of government, our tolerance and our freedoms — all those things that we fourth and fifth-generation Australians tend to take for granted. Some of them have obviously come to escape oppression and to be reunited with families, but many come here because they believe quite correctly that this country has rewards for effort, so that people who work hard and save can do well and establish a much better way of life for themselves.

When I look at the migrant families — the Greeks and Italians after the Second World War, and the Asians more recently — that have come here with the idea of building a better life for their families, I have to say they have achieved it. They have worked hard, they have worked together as families, they have saved and they have invested — and this country has rewarded them richly. I say that with a great deal of pride, because they have contributed enormously to this country.

We can be proud of the cultural diversity within the Parliament itself, and it is great that that representation reflects the strength of the community. We have been able to live together, to work together and to share

common values and aspirations. That should continue, so we have to be careful that we do not go overboard in pandering to some minority groups. Yes, they deserve tolerance, and yes, we should accommodate them where possible; but what is paramount is that this is our country. It is made up of all of us from our culturally diverse backgrounds and 200-plus different nations.

We have chosen to come here, to live here and to remain here because of the values that I have spoken about, so we should retain those essential parts of our national heritage. Obviously we should retain English as our first language, even though I note that some 20 per cent of Victorians speak a language other than English in the home, which is remarkable. But this is Australia, and English is our first language.

**Mr Cooper** interjected.

**Mr MAUGHAN** — It is a lot, as the member for Mornington points out. But many of those people speak English fluently enough to get by, and certainly the next generation that goes through our Victorian schools will speak English as well as those who have been here for four or five generations —

**Mr Cooper** — And sometimes better.

**Mr MAUGHAN** — And sometimes better, as the member for Mornington points out. Again I take great pride in the success of the migrants who have come to this country and achieved at a very high level. I can think of two that I constantly talk about as I go around the state. One is a former Governor of Victoria, Sir James Gobbo, who came from a very poor Italian background and rose to become an eminent Supreme Court judge and then Governor and made an enormous contribution to the state. Another one whom I reflect on with some pride is a former Speaker of this house, the Honourable Alex Andrianopoulos. I am proud of the fact that someone from a Greek background was able to rise to become the Speaker of this house.

We have a lot to be thankful for. We value and all benefit from our cultural diversity in the arts and in food and so on. We do not have to apologise for who we are or what we have achieved. We have embraced people from all over the world. They have added to our society, and we are a much richer society because of that. Migrants have come here because of what we have had to offer as a nation.

We are all Australians, whatever our background, and that includes the Aboriginal people as well. They clearly are the first Australians, and they have the same rights as anybody else. I do not believe they have any

special rights, any more than any one else in our society has special rights.

English is our first language. I commend the member for Sandringham on the amendments he has put forward, and I really do not care whether the member for Sandringham, the Liberal Party or the government gets the credit. They are sensible amendments which the government has picked up on and is incorporating in the legislation. As a member of The Nationals I certainly will not be opposing this legislation and wish it a speedy passage.

**Mr INGRAM** (Gippsland East) — From the outset I indicate that I oppose the bill. In explaining that I would like to quote the words of an extremely popular Australian song which is ingrained in our psyche:

We are one, but we are many,  
And from all lands on earth we come.  
We share our dreams, and sing with one voice:  
I am, you are, we are Australian.

The lyrics of the song, which is arguably Australia's unofficial national anthem, invoke passion and pride in what it means to be Australian. The song preaches tolerance, respect and a united Australia. Perhaps we should listen closely to it, because the words 'sing with one voice' indicate that we are not the multicultural Australia that is being promoted. The song says that we are halfway between the multicultural Australia that we claim to be and a monoculture, and I think that neither is necessarily what we are trying to achieve in this country.

Australia has grown as a nation from its 40 000 years of indigenous occupation through to the time of the first European settlers and the many waves of immigrants who have subsequently come to this country. Each wave has brought diversity and given this country great wealth, and each has introduced us to new cultures and new experiences and has strengthened our country — a great outcome.

The preamble to the bill states:

The Parliament of Victoria recognises and values the cultural, religious, racial and linguistic diversity ...

I do not think we necessarily value linguistic diversity in Australia. I think we understand and respect that people come to this country with their own languages, but there is a view in Australia that there should be an attempt to have English as the main language. I will give some examples, and I know that this may not necessarily be popular. I know the consultation on the bill was fairly detailed, but if you look at the *Report of the Multicultural Victoria Act Consultative Committee*,

which was tabled in September 2004, you will see that it highlights the criticism that the bill received. A number of things were raised, and I do not agree with them all.

Eleven points were made, and some of them go much further than I would prefer to go. The paper highlighted the fact that the committee received 140 written submissions, the breakdown of which was provided. Arguably about 40 per cent of submissions were not supportive of the proposal. Considering that the terms of reference were fairly tight with what they had to do, it is interesting to note that opposition was extremely high among individual submissions. I think it is important that I place that on the record.

I grew up in Mallacoota, which lives and breathes tolerance and respect for all the cultures that make up Australia. One of my best friends is an interesting mix — his father was German and his mother was Polynesian. I feel sure we looked a fairly odd couple, but as young people growing up in a place like Mallacoota we found that people respected each other for their actions, what they stood for and what they did, not what a piece of legislation in this Parliament might have done or said.

Mallacoota is an interesting place because it started as a fishing community, and as with many of those industry towns that are based on immigrants doing most of the work — the member for Mildura mentioned Robinvale and other areas, and a lot of my electorate is based on the timber industry — many of the workers came to Australia from all over the world without any knowledge of English. Yet they have adapted, and they have strengthened and grown our community considerably.

It is clear from the discussion paper on the legislation that the majority of people making submissions, even those opposed to the legislation, support the concept that we are discussing — that is, tolerance and respect for all the cultures that make up this great state. I stand up for that, as do other members of this place, but I would not say that passing legislation to represent these things is the best way to go, and that was highlighted by the submissions. I do not think the majority of Victorians, if asked, would say they supported the linguistic diversity that is contained in the legislation.

**Mr PANDAZOPOULOS** (Minister assisting the Premier on Multicultural Affairs) — I thank the members who have spoken on the bill and those who wanted to speak. It is important to sum up the bill, and I will cover a few key areas. Multiculturalism is like architecture: everyone has a point of view about it. Not

everyone will be right about it, and those of us who are practitioners have to balance a number of things.

There is a lot of misunderstanding about what multiculturalism is, which is why we had the debate about what the principles should be. Rather than defining multiculturalism, we stated the principles that make us a civic and culturally diverse society, which is a factual statement of what we are.

This bill has gone through a very long process. We looked at the legislation in New South Wales, Queensland and Canada, and this bill has basically come together as a result of that. It is disappointing when people want to hijack multiculturalism for their own political ends or for their own views of the world. It is not just me saying this. I commend the new federal Minister for Citizenship and Multicultural Affairs, Peter McGauran, who issued a press release on 30 November about the Christmas and Easter pageant issue. He is reported in the press release as saying that:

... multiculturalism was not to blame for nativity scenes and other Christmas displays being banned from some shops, kindergartens, schools and childcare centres.

‘These are the actions of zealots attempting to hijack multiculturalism and are rightly opposed by all fair-minded Australians’.

Further the press release states:

The minister said it was not Australia’s ethnic communities seeking to downplay Christmas but people not wanting to offend perceived minority interests.

A lot of the debate that we have had in communities has been along those lines.

This bill is about saying that there are principles underlying our community support for diversity. All speakers have said that. Government needs to have leadership and show the way on some of these things. The principles are about respecting our laws, respecting common citizenship and respecting each other. These are the sort of things that underpin our cultural diversity.

We have negotiated with the opposition and accepted amendments in good faith. I did that not because I thought it was necessary but because I wanted to make sure that as many people in this Parliament as possible would support the legislation. The last thing we want are divisions over amendments, which some people might see as being less supportive of the legislation. The no. 1 principle behind this bill is the Parliament’s common vision for support of our cultural diversity. That is why the government has accepted the amendments, which do add some value.

The bill focuses on how government can improve services to communities. That is what the whole-of-government reporting is about. Many members of Parliament attended the consultations on this bill, and a point often raised was that we do not do enough to support multicultural communities by providing assistance with the English language and in a lot of other areas. They were saying that we support diversity and that they want governments to do more, but at the same time some people were questioning multiculturalism as being at fault for wanting to teach people to be good Australians and to be part of Australia. That is what this is all about.

It is a shame that we do not have that time to debate this issue more. This measure will strengthen the role of the Victorian Multicultural Commission. The government is keeping the Victorian Multicultural Commission intact in the form in which the Kennett government set it up, but there are some improvements.

I thank members for their contributions. I thank the member for Sandringham and the member for Shepparton for attending a number of forums. I thank members on the government side for attending forums as well. It has been a large consultative process. It is very different from the way the Kennett government abolished the former Ethnic Affairs Commission, with the measure being brought in very late at night.

The government has consulted widely and believes this legislation is an appropriate balance. I thank all members for their support.

**Business interrupted pursuant to standing orders.**

**The ACTING SPEAKER (Mr Smith)** — Order! The time set down for consideration of items on the government business program has arrived.

**House divided on motion:**

*Ayes, 75*

- |                 |                |
|-----------------|----------------|
| Allan, Ms       | Langdon, Mr    |
| Andrews, Mr     | Languiller, Mr |
| Asher, Ms       | Leighton, Mr   |
| Baillieu, Mr    | Lim, Mr        |
| Barker, Ms      | Lobato, Ms     |
| Beard, Ms       | Lockwood, Mr   |
| Beattie, Ms     | Lupton, Mr     |
| Brumby, Mr      | McIntosh, Mr   |
| Buchanan, Ms    | McTaggart, Ms  |
| Cameron, Mr     | Marshall, Ms   |
| Campbell, Ms    | Maughan, Mr    |
| Carli, Mr       | Maxfield, Mr   |
| Clark, Mr       | Merlino, Mr    |
| Cooper, Mr      | Morand, Ms     |
| Crutchfield, Mr | Mulder, Mr     |
| D’Ambrosio, Ms  | Munt, Ms       |

Delahunty, Mr	Napthine, Dr
Dixon, Mr	Nardella, Mr
Donnellan, Mr	Neville, Ms
Doyle, Mr	Pandazopoulos, Mr
Duncan, Ms	Perera, Mr
Eckstein, Ms	Perton, Mr
Garbutt, Ms	Plowman, Mr
Gillett, Ms	Powell, Mrs
Green, Ms	Robinson, Mr
Haermeyer, Mr	Ryan, Mr
Hardman, Mr	Seitz, Mr
Harkness, Mr	Shardey, Mrs
Helper, Mr	Smith, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Sykes, Dr
Honeywood, Mr	Thompson, Mr
Hudson, Mr	Thwaites, Mr
Hulls, Mr	Treize, Mr
Jasper, Mr	Walsh, Mr
Jenkins, Mr	Wells, Mr
Kosky, Ms	Wynne, Mr
Kotsiras, Mr	

*Noes, 2*

Ingram, Mr                      Savage, Mr

**Motion agreed to.**

**Read second time.**

*Circulated amendments*

**Circulated government amendments 1 to 3 as follows agreed to:**

- (1) Clause 4, lines 3 to 9, omit all words and expressions on these lines and insert —
  - “( ) Parliament recognises that the people of Victoria are united in their shared commitment to —
    - (a) a democratic framework governed by the rule of law; and
    - (b) Victoria and Australia and the people, interests and future of Victoria and Australia.
  - ( ) Parliament further recognises that all Victorians come from diverse cultural, religious, racial and linguistic backgrounds and values the richness that such diversity brings to the Victorian community.
  - ( ) Parliament supports the obligations of citizenship to which sub-section (1) refers and promotes the diversity to which sub-section (2) refers by recognising the following principles of multiculturalism —”.
- (2) Clause 4, line 28, omit “State and have a” and insert “State;”.
- (3) Clause 4, lines 29 to 31, omit all words and expressions on these lines and insert —

“( ) all Victorians have a responsibility to abide by the State’s laws and respect the democratic processes under which those laws are made.”.

*Remaining stages*

**Passed remaining stages.**

**FAIR TRADING (ENHANCED COMPLIANCE) BILL**

*Second reading*

**Debate resumed from 1 December; motion of Mr HULLS (Attorney-General); and Mr KOTSIRAS’s amendment:**

That all the words after ‘That’ be omitted with the view of inserting in their place the words ‘this house refuses to read this bill a second time until there is an adequate period of consultation with the broader community and industry groups in particular, in relation to the effect of the compliance provisions proposed by the bill’.

**House divided on omission (members in favour vote no):**

*Ayes, 53*

Allan, Ms	Jenkins, Mr
Andrews, Mr	Kosky, Ms
Barker, Ms	Langdon, Mr
Beard, Ms	Languiller, Mr
Beattie, Ms	Leighton, Mr
Brumby, Mr	Lim, Mr
Buchanan, Ms	Lobato, Ms
Cameron, Mr	Lockwood, Mr
Campbell, Ms	Lupton, Mr
Carli, Mr	McTaggart, Ms
Crutchfield, Mr	Marshall, Ms
D’Ambrosio, Ms	Maxfield, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Morand, Ms
Eckstein, Ms	Munt, Ms
Garbutt, Ms	Nardella, Mr
Gillett, Ms	Neville, Ms
Green, Ms	Pandazopoulos, Mr
Haermeyer, Mr	Perera, Mr
Hardman, Mr	Robinson, Mr
Harkness, Mr	Savage, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Hudson, Mr	Treize, Mr
Hulls, Mr	Wynne, Mr
Ingram, Mr	

*Noes, 24*

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Clark, Mr	Perton, Mr
Cooper, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr

Doyle, Mr  
Honeywood, Mr  
Jasper, Mr  
Kotsiras, Mr  
McIntosh, Mr  
Maughan, Mr

Shardey, Mrs  
Smith, Mr  
Sykes, Dr  
Thompson, Mr  
Walsh, Mr  
Wells, Mr

**Amendment defeated.**

**House divided on motion:**

*Ayes, 53*

Allan, Ms  
Andrews, Mr  
Barker, Ms  
Beard, Ms  
Beattie, Ms  
Brumby, Mr  
Buchanan, Ms  
Cameron, Mr  
Campbell, Ms  
Carli, Mr  
Crutchfield, Mr  
D'Ambrosio, Ms  
Donnellan, Mr  
Duncan, Ms  
Eckstein, Ms  
Garbutt, Ms  
Gillett, Ms  
Green, Ms  
Haermeyer, Mr  
Hardman, Mr  
Harkness, Mr  
Helper, Mr  
Herbert, Mr  
Holding, Mr  
Hudson, Mr  
Hulls, Mr  
Ingram, Mr

Jenkins, Mr  
Kosky, Ms  
Langdon, Mr  
Languiller, Mr  
Leighton, Mr  
Lim, Mr  
Lobato, Ms  
Lockwood, Mr  
Lupton, Mr  
McTaggart, Ms  
Marshall, Ms  
Maxfield, Mr  
Merlino, Mr  
Morand, Ms  
Munt, Ms  
Nardella, Mr  
Neville, Ms  
Pandazopoulos, Mr  
Perera, Mr  
Robinson, Mr  
Savage, Mr  
Seitz, Mr  
Stensholt, Mr  
Thwaites, Mr  
Trezise, Mr  
Wynne, Mr

*Noes, 24*

Asher, Ms  
Baillieu, Mr  
Clark, Mr  
Cooper, Mr  
Delahunty, Mr  
Dixon, Mr  
Doyle, Mr  
Honeywood, Mr  
Jasper, Mr  
Kotsiras, Mr  
McIntosh, Mr  
Maughan, Mr

Mulder, Mr  
Naphthine, Dr  
Perton, Mr  
Plowman, Mr  
Powell, Mrs  
Ryan, Mr  
Shardey, Mrs  
Smith, Mr  
Sykes, Dr  
Thompson, Mr  
Walsh, Mr  
Wells, Mr

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY BILL

*Second reading*

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

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## CORRECTIONS AND MAJOR CRIME (INVESTIGATIVE POWERS) ACTS (AMENDMENT) BILL

*Second reading*

**Debate resumed from earlier this day; motion of  
Mr HULLS (Attorney-General); and Mr WELLS'S  
amendment:**

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to — (a) retain the laudable amendments to the Corrections Act 1986 in relation to prisoners' name changes; and (b) take into account the outcome of further consultation with the wider community about the effects of the proposed amendments to the Major Crime (Investigative Powers) Act 2004'.

**House divided on omission (members in favour vote  
no):**

*Ayes, 53*

Allan, Ms  
Andrews, Mr  
Barker, Ms  
Beard, Ms  
Beattie, Ms  
Brumby, Mr  
Buchanan, Ms  
Cameron, Mr  
Campbell, Ms  
Carli, Mr  
Crutchfield, Mr  
D'Ambrosio, Ms  
Donnellan, Mr  
Duncan, Ms  
Eckstein, Ms  
Garbutt, Ms  
Gillett, Ms  
Green, Ms  
Haermeyer, Mr  
Hardman, Mr  
Harkness, Mr

Jenkins, Mr  
Kosky, Ms  
Langdon, Mr  
Languiller, Mr  
Leighton, Mr  
Lim, Mr  
Lobato, Ms  
Lockwood, Mr  
Lupton, Mr  
McTaggart, Ms  
Marshall, Ms  
Maxfield, Mr  
Merlino, Mr  
Morand, Ms  
Munt, Ms  
Nardella, Mr  
Neville, Ms  
Pandazopoulos, Mr  
Perera, Mr  
Robinson, Mr  
Savage, Mr

Helper, Mr  
Herbert, Mr  
Holding, Mr  
Hudson, Mr  
Hulls, Mr  
Ingram, Mr

Seitz, Mr  
Stensholt, Mr  
Thwaites, Mr  
Trezise, Mr  
Wynne, Mr

*Noes, 24*

Asher, Ms  
Baillieu, Mr  
Clark, Mr  
Cooper, Mr  
Delahunty, Mr  
Dixon, Mr  
Doyle, Mr  
Honeywood, Mr  
Jasper, Mr  
Kotsiras, Mr  
McIntosh, Mr  
Maughan, Mr

Mulder, Mr  
Naphine, Dr  
Perton, Mr  
Plowman, Mr  
Powell, Mrs  
Ryan, Mr  
Shardey, Mrs  
Smith, Mr  
Sykes, Dr  
Thompson, Mr  
Walsh, Mr  
Wells, Mr

**Amendment defeated.**

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

**Remaining business postponed on motion of Mr THWAITES (Minister for Environment).**

## ADJOURNMENT

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

That the house do now adjourn.

### **Kew Cottages: site development**

**Mr McINTOSH** (Kew) — I have a matter I wish to raise with the Minister for Community Services concerning the future of the Kew Cottages site. The action I seek from the minister is for her to finally come clean about what the government proposes for Kew, and to begin the process of consultation which was obviated by the Minister for Planning calling in this matter some 12 months ago. That consultation should start with my local community and the government should at least hold some form of public meeting to explain and properly inform my community, if not the whole of Victoria, about its plan for the future of the site.

I reiterate the opposition's opposition to the proposal the government has loosely set out. The opposition takes the view, firstly, that there is a complete lack of

choice for residents currently living on the site; secondly, what has been mooted in the press in a variety of forms is a complete overdevelopment of the site; and thirdly, the fact that some 27 hectares of public open space is being wasted when it could easily be joined to Yarra Bend Park is a significant concern. Another matter of concern is the government's direct conflict of interest. It is responsible for the current residents of Kew Cottages. It is the owner of the site and therefore the chief financial beneficiary of any sale. It is the developer, and now it is the planning authority.

Five years of poor public policy, of inconsistent proposals and a complete lack of clarity as to what will occur on the site demonstrate not only an utter contempt for the residents but also the confusion in the government's mind. What is going to happen to the residents? Where do they go? Who stays and who goes, and what exactly will their accommodation look like? The idea of some 250 medium-density houses was mooted by the Premier some four years ago. More recently the idea of some 800 small homes was mooted — apparently not the 250 originally proposed. There have even been proposals for high-density high-rise apartment buildings up to seven storeys with 1200 apartments in the area.

Since calling in the project, the government has provided no clarity and no detail as to what its plan will look like. The confusion created in government ranks would have been exacerbated by the recent, and very welcome, announcement by the Heritage Council that the buildings, trees and land on the site will be included on the heritage register. It is a matter of real concern that there is still no proposal about infrastructure in the area — roads, schools and public transport. I reiterate that the Minister for Community Services must immediately inform the citizens of Victoria what the government plans.

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

### **Schoolies week**

**Mr TREZISE** (Geelong) — I raise an issue for action by the Minister for Police and Emergency Services. It relates to the violence and hooliganism which has marred the so-called schoolies week in Victoria, and specifically in Lorne. As all members would be aware, schoolies week is about year 12 secondary students celebrating the end of their secondary school life and what they see as freedom from what would have been a pretty gruelling 12 months of work towards their goal of passing the Victorian certificate of education.

A number of coastal towns in Victoria, including Lorne, have become a mecca for schoolies week. But as I also said, the schoolies week celebration this year has been marred by acts of violence committed by thugs in their early 20s who arrive in town to lure young women. While doing that they are assaulting innocent adolescents, hooning around in their cars and vandalising anything that happens to get in their path. I ask the minister to urgently examine this issue and take appropriate steps to ensure the violence and thuggery that has marred schoolies week this year does not occur again.

In raising this issue with the minister it must be said that the answer to this problem does not rely simply on policing. The problem needs to be tackled on a number of fronts, including policing, but also through education, from a local government perspective and by working in partnership with private local businesses. I put on the record that Victoria Police has done a tremendous job in tackling what has to a large extent been unprecedented violence at schoolies week events.

However, having said that, what occurred at Lorne must not happen again. The events of this year's schoolies week were unacceptable. The streets were unsafe for adolescents who were simply out to have a good time, and something has to be done about it. I know that by its very nature any event at which young people, booze and freedom combine will always have some form of trouble or problems associated with it. We need to minimise the antisocial behaviour and eradicate as much as possible the thugs — they are knucklehead thugs who are called toolies — who prey on those who are out to have a good time.

I urge the minister to tackle this problem head on. Innocent Victorian certificate of education students who have worked hard over many years to achieve their desired goals have a right to celebrate their freedom, and they have a right to do so in a safe environment, free from interference by brainless thugs who are out to wreck things and create as much havoc as they can during schoolies week.

### **Midland Highway, Tatura: safety**

**Mrs POWELL** (Shepparton) — I raise a matter for the Minister for Transport about two dangerous intersections at Tatura — the intersections of the Midland Highway with Undera and Dhurringile roads. The action I seek is for the minister through VicRoads to provide overhead street lighting at these two busy intersections and to investigate other safety measures.

I received a letter dated 9 November from Senior Constable Hutchings of Tatura police, who is very concerned about these intersections. He has been working at the Tatura police station since May 2003. The letter says:

These intersections are located within known high-collision and black spot areas and both support a large volume of traffic. A large amount of heavy vehicles from Unilever, Tatura Milk, and Tatura abattoirs as well as the numerous fruit and vegetable carriers use this intersection on a daily basis. Large numbers of heavy vehicles that are locally based as well as interstate and metropolitan transports regularly use both the Midland Highway and ...

The letter refers to both of those intersections. It continues:

The Tatura-Undera Road at this point is a two-way carriageway running north-south with vehicles travelling east on the Midland Highway able to execute a right turn into Tatura-Undera Road to travel south towards Tatura ... The driver of any vehicle travelling north on the Tatura-Undera Road intending to enter onto the Midland Highway to travel west must enter a sweeping left-hand bend which intersects with the Midland Highway allowing vehicles to then travel west on the Midland Highway. It is a poorly designed section of road due to the angle of the bend forcing the driver to almost crick their neck to observe any west-bound traffic approaching to whom they must give way. Alternatively vehicles travelling east on the Midland Highway wishing to enter into the Tatura-Undera Road to travel south towards Tatura must enter a narrow sweeping left-hand curve which then joins the Tatura-Undera Road.

Senior Constable Hutchings goes on to talk about the second intersection with Dhurringile Road, which has only one small street sign indicating the intersection and is also controlled by a stop sign. He believes these intersections pose a significant risk because there is no lighting at either intersection and at night it is hard to locate their entry and exit points. The signage is extremely poor, there is not enough warning, and he has received numerous complaints that in foggy conditions during winter it is almost impossible to find the entrance to these intersections. If lights were installed, motorists could at least see the entrance. This area is also regularly affected by fog during the winter.

There have been many accidents at these intersections during the last 10 years. On 5 March this year five vehicles were involved in one accident. There was a cow on the road on a dark night, and because the cow was black no-one saw it. If lights had been installed the cow may have been a bit more visible. The Midland Highway carries huge volumes of traffic — South Australian traffic going to the snowfields during winter use this highway and during the fruit season there are lots of non-locals in the area. Senior Constable Hutchings has written to the City of Greater Shepparton and to VicRoads. In its response on 23 April VicRoads

indicated that it would consider these sites while preparing a funding submission for future street-lighting projects.

### **Kirk Engineering Services: government assistance**

**Mr ANDREWS** (Mulgrave) — I raise a matter for the attention of the Minister for Manufacturing and Export. I ask the minister to take action to support a local firm in my electorate, Kirk Engineering Services, in its use of important and innovative technology to boost its productivity. As the Minister for Manufacturing and Export would know, coming from the same area, our local community is home to many manufacturers, ranging from the Marplex company, which is making plastic polymers for the new Ford Territory four-wheel-drive vehicle — a facility that the minister and I visited — to Mayne Pharma, which produces specialist cancer drugs. At this point it is important to note that Mayne Pharma was the 2004 Victorian Exporter of the Year.

By way of background, Kirk Engineering Services commenced its operations in Victoria in 1977 and presently employs some 17 staff at its Mulgrave facility. It is an advanced engineering company that specialises as a supplier of engineering services to the printing industry. The company has developed a successful market for printing rollers using conventional copper plating and chroming. This is in relation to the engraving of cylinders for printing, particularly with respect to the flexible packaging market and to the packaging we might well see on a day-to-day basis in the retail industry and in the packaging of food.

I have a little knowledge of the printing industry, having dealt with many printers in a previous job. It is a very competitive, cut-throat and important industry, and the need for competitive advantages extends to those who supply plant and important equipment to the industry. The search for innovation and the search for all sorts of competitive advantages is obviously an important one for the printing industry broadly and for Kirk Engineering Services in my local area in particular. Whether it be computer-to-plate technology or the production of printing cylinders such as these, innovation is critically important in our moving forward, growing jobs and becoming an even more important part of the local economy that I represent in this place.

To this end Kirk Engineering Services has recently identified a clear opportunity to replace the copper plating of aluminium and steel rolls with, I am

informed, a cold-sprayed single copper layer. This important innovation will drive productivity and may well have some important environmental impacts as well. To that end, given the important role that Kirks plays in our local community and the need to innovate and drive efficiency improvements, I ask the minister to take action to support it in its endeavours to evaluate this important new technology.

### **Black Rock Yacht Club: boat ramps**

**Mr THOMPSON** (Sandringham) — I raise a matter for the attention of the Minister for Environment that concerns the Black Rock Yacht Club and the adjacent boat launching facilities. I raise it in the context of the history of the yacht club and the book that was launched last night. The book, which is entitled *The History of the Black Rock Yacht Club*, was released by the club to mark 100 years of sailing from Half Moon Bay. The book consists of 168 pages and includes some 200 photographs. It describes the establishment and development of this most successful sporting club and records the contributions of the many people associated with it.

From its foundation in 1904 as the Black Rock branch of the Brighton Yacht Club, its members have taken a responsible approach to the use and protection of Half Moon Bay for the benefit of the whole community. Members constructed the first timber and rock breakwater to limit storm damage and erosion, raised money to share the cost of a larger, publicly constructed breakwater that later became the pier, and in 1926 purchased the HMVS *Cerberus* and then sold it to the Sandringham municipal council to ensure it was placed in Half Moon Bay.

In competitive yachting a Black Rock boat first won a national championship in 1938, but since that time the number of successes has grown to 69 national championships and 12 world championships. Members have achieved Olympic representation on five occasions, including the 470 men's crew that won the gold medal at Sydney in 2000. The club has developed attractive and practical facilities at Half Moon Bay, from which it has successfully staged several world championship events and many national championships. Today the club provides an environment that encourages family membership, places emphasis on race control and safety and caters for competition from club level to international standard. Sail training courses are conducted for both juniors and adults, and in recent years the club has been extending this activity to local schools.

This publication, *The History of the Black Rock Yacht Club*, is an account of 100 years of achievement by the members of Black Rock Yacht Club and is a significant contribution to the community history of the district. I would especially like to pay tribute to the club's office bearers and committee members, who have presided over the development of the club over many decades. I would also like to honour the work of the editor of the book, Mr Ralph Higgins, and the people who helped him in compiling the history.

To mark the celebrations and to accompany the launch of the book I ask the minister whether it might also be possible for the department to facilitate and oversee the clearance of sand off the boat launching ramps in the precinct to enable the members and other people to launch their boats as well for the next 100 years.

### **Yarra Ranges: family support project**

**Mr MERLINO** (Monbulk) — I raise a matter for the Minister for Community Services regarding family support. My electorate covers Melbourne's outer east in the Shire of Yarra Ranges, where the needs of young families and children have never been more urgent. The action I seek is that the minister allocate money for a family support innovations project within the shire. Access to decent early years services are absolutely critical for the health and wellbeing of children. The results of research overwhelmingly emphasise that a person's formative years can have a huge impact on the rest of their lives. As a society, and for the future vitality of our communities, we need to ensure that our children get the best start in life.

The Bracks government has rebuilt the state's universal children's services through a 55 per cent funding boost, which has resulted in record participation rates being achieved in many of our kindergartens. New mothers in my electorate are also benefiting from the big investments the government has made in our maternal and child health service. The minister and I were recently at the Monbulk Maternal and Child Health Service to announce the provision of funding.

However, there are always some families and children who fall between the gaps in services and need extra help. That is where services such as the child protection and family support services run by Victoria's non-government organisations play an important role. The Minister for Community Services has announced new funding for a range of the government's successful family support innovations projects. As I understand them, the projects that have already been established are reducing child abuse rates right across the state. This has resulted in Victoria's child protection

notification rates falling compared to the rest of the nation. It is clear that the government is adopting the right approach to curbing child abuse and neglect. The program tailors support to meet the individual needs of families, which can range from counselling and parenting classes to practical assistance with child-care arrangements and housekeeping.

I ask the Minister for Community Services to allocate a family support innovations project to the Shire of Yarra Ranges to allow the whole community to work together to combat child abuse and support vulnerable families.

### **Disability services: travel assistance**

**Mr PERTON** (Doncaster) — The matter I wish to raise for the attention of the Minister for Education Services concerns the provision of appropriate supervision for a severely disabled child in the Benalla region while he is travelling to school. Craig Taylor Pearce is a strong, loving, growing, 15-year-old boy who is severely intellectually and physically disabled. He lives in Lima East with his mother, Helen, and older brother, Robert, who normally supervises and attends to Craig when the two are travelling home from school together on the Benalla–Lima East bus. Craig is a student at the Wangaratta Special School, which is an excellent school with a wonderful reputation that is led by a very capable principal, Mrs Barbara Norman.

Robert, who is 17 years old, is about to commence an apprenticeship and will be unable to provide the care and supervision that his brother requires beyond the end of this term at school. Craig requires constant supervision because of his problematic behavioural outbursts, during which he is liable to injure others by lashing out, agitated and kicking, or to injure himself through choking on the foreign objects he habitually places in his mouth. In the mornings Craig's mother, Helen, drives him and his brother Robert to the bus stop in Benalla. While the trip to Benalla by car takes 30 minutes, the return trip by bus, stopping to drop off other able-bodied students from the Benalla area along the way, takes three times as long.

Helen Taylor is a working mother faced with the prospect of giving up the job she loves for the community she loves because it would be easier than trying to keep on leading a relatively normal family life with her two sons. In Helen's own words, working is her respite from the constant pressure of being the sole parent of a severely disabled child. Helen's work in community services is something fundamental to her identity, to her sense of self and to her capacity to face the burdens that she faces.

Robert Taylor is a normal 17-year-old and a member of his local youth group who deserves time out. Because of his physical and mental disabilities Craig is totally dependent on his carers.

Craig's sad plight was brought to my attention not by his mother but by his grandfather, Mr W. D. Taylor, who wrote to me concerned at the lack of action being taken by the Department of Education and Training to address the problem. The department has declined to respond to the family. Indeed, it has failed to return phone calls. I tried to ring the responsible bureaucrat, and I have not had a telephone call returned. I advised Mr W. D. Taylor to ring the minister's office. The excuse was that the letter had been sent to the office of the Minister for Education and Training and had not made the transition to the Minister for Education Services.

This is a serious issue. The department has not worked with the family, and it has not helped to enable Robert and his mother to lead some semblance of a normal life. Helen faces leaving her position as a senior manager in local government if adequate care is not discovered for Craig immediately. That would be a loss to the community, and it would be loss to this family. I ask the minister to come into this house and make a commitment to help. Ignoring the problem is a betrayal of this community and this boy.

### **French Island: sporting facilities**

**Ms BUCHANAN** (Hastings) — My issue is for the attention of the Minister for Sport and Recreation in another place. The action I seek is for the minister to give due consideration to the funding of the public sporting facilities used by residents on French Island. The governance issues on French Island are unique, in that it does not come under the jurisdiction of any local government region. So from a municipal perspective the islanders in effect govern themselves and do so very ably under the management and vision of the French Island Community Association. That association has identified that the current recreation facilities on the island are in need of upgrades that can be carried out in such a manner as to increase the number of sporting opportunities that can be taken up by residents of all ages.

Locals tell me that back in the 1930s tennis courts were constructed that have now been virtually worn out with overuse. Residents are looking to resurface these courts to cater for not only tennis but other sports such as netball and basketball. With the only other sports being those conducted on the island's only oval, this proposal offers a very effective and environmentally sustainable

way of catering for a diverse range of sporting pursuits that residents could become involved in.

French Island has undergone a quiet revolution over the last 15 years. Back in the 1960s and 1970s the island was a proposed nuclear power plant site, the jewel in the crown of the conservative government's grand plan to fully industrialise Western Port. Thankfully it is no longer earmarked for that by this side of the house, and through the hard work of the French Island tourism group in conjunction with the state government, French Island is now identified nationally as one of the Premier ecotourism destinations in Australia. Its environmental significance was recently reflected in the announcement by the Minister for Environment of an increase in acreage to the island's national park. The state government recognises that French Island is a unique part of Victoria in many ways — environmentally, agriculturally and in respect of ecotourism — and that that French Islanders are pretty special people too.

I call on the Minister for Sport and Recreation in the other place to provide further opportunities for French Islanders of all ages to engage in healthy sporting and recreational pursuits.

### **King Street, Templestowe: upgrade**

**Mr KOTSIRAS** (Bulleen) — I raise a matter for the attention of the Minister for Transport. It concerns King Street, which is located in my electorate and actually borders the electorates of Doncaster and Bulleen. I ask the minister to instruct VicRoads to undertake a costing for the upgrading of the road and to prepare a time line for its construction. I know that the member for Doncaster has worked very hard to get this road constructed, as have I. I know that the Parliamentary Secretary for Infrastructure, the member for Brunswick, visited the area with the Honourable Bill Forwood, a member for Templestowe Province in another place, to have look at the appalling condition of this stretch of road. I feel that both of them agree that something has to be done.

The King Street reference group and the King Street residents action group have worked very hard to make the council and the government aware of the poor condition of this road. At this stage I also pay tribute to Ted Parker for his hard work in organising this group and working very hard to make sure that the local members, the council and the state government are aware of this dangerous part of the area. It is very important that the work be done immediately. The residents understand that the money is not available for upgrading in the next months, but they would like a time line. Whether it is 1 year, 4 years or 10 years, they

want some certainty that this road will be upgraded before someone is seriously hurt or killed. The road is used by schoolchildren and by our elderly, and it is very important that it be constructed at some time in the near future.

In the past we have had three roads in the area which have been appalling. One is Thompsons Road, which the minister has now agreed to fund; the second one is Templestowe Road; and the third is King Street. Thompsons Road and King Street are the only two left, so I urge the minister to instruct VicRoads to undertake a feasibility study to work out the costings for the upgrade of the road and also to inform the residents and the council of a possible time line. Again, the council understands the priorities, but surely the minister through VicRoads will be able to give them some undertaking as to how long this upgrade will take and its cost. In the past the minister has been good — he has responded to my correspondence, and he has responded to matters raised on the adjournment debate.

I urge the minister to seriously consider this road and to instruct VicRoads to advise Manningham council and the residents action group when this road will be upgraded and what the cost will be.

### **Aboriginals: government assistance**

**Mr HARKNESS** (Frankston) — Tonight I wish to raise a matter for the attention of the Minister for Community Services. As all members of this house ought to be aware, there are many serious issues confronting indigenous people in Victoria, particularly young Koori people, so the action that I seek from the minister is to take action so the Victorian government can play its part to get a better deal for young Aboriginal people in our community, to urgently investigate and take appropriate steps to ensure that this occurs and to continue to provide resources and support for young Koori Victorians.

The recent publicity around Michael Long's march to Canberra to seek a meeting with the Prime Minister to get him interested in addressing Koori disadvantage demonstrates the challenges for all of us in the community in working harder to tackle indigenous disadvantage. On every single indicator in Australia Aborigines are disadvantaged, whether it be birth rates, infant mortality or life expectancy. The reasons for this are many and complex and go back 200 years. They go back well beyond the realms of this adjournment date, that is for certain.

Koori young people in particular face significant disadvantage on a range of indicators, such as health,

education, housing, employment family violence and child protection. This disadvantage contributes to the level of contact they have with the justice system. It is very sad that Koori children are 10 times more likely to be on care and protection orders than other young people in the community. Koori children under the age of 10 years are 10 times more likely to have been apprehended by police than non-Koori children of the same age. These are very troubling statistics and certainly should be of concern to us all. The recent legislation that passed through this house to stop young Kooris reoffending and giving them a chance to have crime-free adult lives is to be commended. I understand that Michael Long has almost finished his walk to Canberra, but it is disgraceful that he has had to march there in order to shake the Prime Minister out of his apathy. It is absolutely shameful.

The disadvantage in this community is massive, and some of the facts are absolutely startling. Koori children are 10 times more likely to be on care and protection orders. Koori children under the age of 10 years are more than 10 times likely to have been apprehended by the police than non-Koori people. These figures and statistics are very troubling and alarm me greatly. I know that the Minister for Community Services takes a great deal of interest in this, as do other members of Parliament. It is certainly a shame that there are probably some people in our community, and maybe some people in this Parliament, who do not have that compassion and concern for these very troubling statistics, so I ask the minister to take appropriate action.

### **Responses**

**Ms GARBUTT** (Minister for Community Services) — I turn first to the member for Kew, who raised the issue of the Kew Cottages heritage issue. Let me say at the beginning that the reason the government is undertaking this redevelopment at Kew is to give the people with disabilities who live there better lives. That is the goal; that is what is driving us. When the government first made this announcement there were 450 residents, and we intend to give them all better lives. All proceeds from the sale of the site and the redevelopment will go to funding disability services and accommodation.

I contrast that with the approach of the Liberals. Obviously they care more about buildings than about people. I think their true colours were revealed last week when a Liberal ward councillor was elected on an anti-redevelopment platform. That absolutely confirms that the Liberal Party has sold out; its members care

more about buildings than about people with disabilities.

Let us not romanticise about Kew Cottages. It is a Dickensian institution and a place of very unhappy and disturbing memories for a lot of people who have lived there. Community visitors reports tabled in this house year after year underline, and I have other stories as well, that former residents who have moved out into community houses all over the city are very disturbed and stressed at any thought that they might have to go back there. Just the idea of it upsets them.

The plan is that 100 residents will remain and live on the site. They are very concerned about the decision of the Heritage Council to keep six buildings as a permanent reminder — in their faces, if you like — of distressing times and of the appalling conditions under which they used to live there. The redevelopment of Kew has been monitored and evaluated, and the residents who have already relocated are reporting having better lives that are more meaningful. They are more engaged in household activities, with neighbours and with the community. There is no doubt they are doing much better.

As a government we are going to get on with the job of closing Kew and redeveloping it — and the decision of the Heritage Council will not divert us. We will follow the correct procedures, there is no doubt about that. This government has always acknowledged the historical and heritage values of Kew Cottages. If you have a look at the urban design framework that was put together, the government acknowledged and incorporated into that heritage features such as trees, the memorials and two of the buildings, so that is there.

I hope to be announcing a developer soon. We are going through a correct and proper process, and we will continue to do all of that. It is a shame that the Liberals cannot for once put the lives and happiness of people with disabilities first.

The member for Monbulk raised with me issues about — —

**Mr Plowman** interjected.

**Ms GARBUTT** — Well, it is. You care more about buildings than people.

**The DEPUTY SPEAKER** — Order! The minister will direct her remarks through the Chair, and the member for Benambra will not interject, particularly while out of his place.

**Ms GARBUTT** — The member for Monbulk raised with me issues about the needs of vulnerable families and children. He mentioned the family support innovations projects. I have described these as the flagships of our child protection reform, and our focus is on early intervention and prevention. These projects are already showing success. The established ones have already been successful in reducing notifications to child protection agencies, and the figures across the whole state of Victoria are going down in contrast to the rest of the country where they are going up. They are skyrocketing in other states, but they are reducing a little in Victoria.

I am pleased to inform the member for Monbulk that Anglicare Victoria in partnership with Connections, two very fine welfare organisations, have been selected to run the family support innovations project across the shire of Yarra Ranges. The member for Monbulk has been very active in advocating and lobbying for that. He is a very effective and terrific local member.

The family support innovations projects deliver an increase in funding, quite a big boost, to local child and family support organisations, which have to coordinate their services and activities and target vulnerable families. They tailor support to the individual needs of these families. They provide a flexible range of support, including counselling, if that is what is needed, parent classes and child care. It is up to the family and the organisations involved to identify what will make a difference. These projects are indeed making a big difference to families.

The government will allocate \$470 000 in this financial year to the Shire of Yarra Ranges project, and that will rise to \$750 000 thereafter, so it is a big boost. The decision on exactly how that money will be applied will be made locally by the welfare agencies meeting together and identifying the particular needs of the region. I look forward to this particular project making a real difference to families in need, as has happened across other areas of the state where the projects are operating.

The member for Frankston raised the issue of the welfare of indigenous Victorians, particularly Koori youth. It is a good issue. He is a very effective local member who has a strong interest in this. The government has a number of programs in place to assist Koori families and young people.

The figures should shame us all. Young Koori people are 10 times more likely to find themselves in the child protection system, and the imprisonment rate among

Koori youth is also far too high. We admit that and are putting new programs in place.

We recently debated in this house the Children and Young Persons (Koori Court) Bill, which was supported by all parties in this place and which we all acknowledged was well done. However, in her contribution to the debate the member for Caulfield made some observations about the government's record on the funding of programs to assist young Aboriginal people in the juvenile justice system. She is reported as saying:

The funding for juvenile justice support services, which in the 2003–04 budget was \$7.6 million, will decline to \$7.5 million in 2005–06, so we are seeing a reduction in that program. I would like to understand why this is occurring.

It is a pity she did not check why before she actually made that statement.

**An honourable member** interjected.

**Ms GARBUTT** — Perhaps she did just shoot off at the hip, and we are not surprised! The budget has actually increased. So let me correct the record; she has made another mistake. I am reliably informed by the department that the funding for the juvenile justice program for Koori youth has actually increased. The actual budget for 2004–05 is now \$9 million.

**Mr Harkness** — That is a big difference!

**Ms GARBUTT** — It is a big difference, you are right. It is not \$7.6 million or \$7.5 million, it is now \$9 million due to a transfer in 2003–04 of funding for the Community Support Fund project into ongoing state appropriations, as announced in the 2003–04 state budget. The member for Caulfield obviously cannot read budgets. The budget for 2005–06 is currently estimated to remain at \$9 million, but it will rise, of course, by July 2005 in line with the consumer price index.

I can understand the member for Caulfield might have made an error, but the bigger problem is that the member for Caulfield is far too wrong on far too many occasions. We all know she is the Queen of Clangers, and she has added to the list.

**Mr Holding** — She's got form!

**Ms GARBUTT** — She does have form. If she is going to take this portfolio seriously, she needs to understand the basics. It is a very sensitive portfolio. She has to show some compassion. Instead she is going around kicking child protection workers, as we have seen recently. She cannot go around kicking workers in

non-government welfare agencies, because they do a great job. She should not be doing that sort of thing. They do a great job looking after the most vulnerable children, who are also often the most difficult, in the state.

On issues like Kew Cottages the member for Caulfield has to make a stand for disabled people against those who want to preserve that Dickensian institution. She should be standing up for people with disabilities instead of worrying more about buildings. If she cannot do that, maybe she should think about doing something else next year. Maybe she should approach the leader — whoever that is going to be next year. Isn't that a question! Is it going to be the member for Malvern or the member for South-West Coast? Who are you supporting, Tony?

**The DEPUTY SPEAKER** — Order! The minister will speak through the Chair!

**Ms GARBUTT** — I return to what the government is doing to assist Aboriginal people. Some of the projects operating out of Rumbalara in Shepparton are leading the way. The member for Shepparton would be very familiar with these programs.

I recently read in the *Age* some criticism about the Council of Australian Governments trial at Rumbalara. I cannot comment from the commonwealth point of view, but from my perspective the programs that we have in place there in partnership with the Rumbalara Aboriginal cooperative and the Department of Human Services are working very well. They are innovative, breaking new ground and getting some great results. I will point to just two of them.

The indigenous family support innovations project in Shepparton has made a huge difference to local families. It is working very well, which is demonstrated by the low number of child protection notifications in that particular project — 8.9 per 1000 people compared to 19 per 1000 people elsewhere. That is a terrific result. This government is working in partnership with that indigenous community.

There is another project running in Shepparton — the family decision making project. Seventy-eight children have gone through this project in the last two and a half years. These are children subject to notification to the child protection unit. We brought in the elders of that community and worked out a plan. Of those 78 children, only 3 have been renotified to the child protection unit. That is an outstanding result as well. It is a project that we funded through the last budget to extend to the rest of Victoria. We believe in

empowering indigenous communities to make their own decisions — unlike the commonwealth government. We are determined to continue to invest, to find new and innovative projects, to reduce the prevalence of child abuse in indigenous communities and to reduce the numbers of indigenous youth in juvenile justice centres as well.

**Mr HOLDING** (Minister for Manufacturing and Export) — I thank the member for Mulgrave for raising a very important matter in relation to the printing industry and in particular to a company called Kirk Engineering Services in his electorate. As the member for Mulgrave noted and as he is well aware, the printing industry is an industry which faces huge competitive pressures both because of pressures from imports and also because of considerable overcapacity that has developed in the industry in recent years. This is creating very big competitive pressures for those companies in the printing industry. They are looking for new and innovative ways of developing new product streams and markets so they can continue to grow their business. Kirk Engineering Services is an outstanding company that is doing just that.

I am very pleased to inform the honourable member that we have provided Kirk Engineering Services with a grant of \$20 000 to enable it to conduct a technology evaluation project to evaluate an innovative cold spray technology. This technology will investigate replacing the conventional plating method, with all of its problems of heavy metal waste disposal, with a much faster method of cold spraying. This is very important, not only because it will mean the printing process or the plating process will be a quicker one, which will improve the firm's productivity, but because it will also reduce the creation of waste which the firm then has to dispose of and reduce the volumes of water that it uses.

The process will provide a whole range of productivity increases for the company and reduce its costs. The use of this technology has the potential to pave the way for a number of new ventures. The company is also interested in coating aluminium and steel rolls with zinc for future laser engraving and cold spraying composite rolls with copper and zinc. With cold spray technology the coating material is not melted, as in conventional thermal spraying, but it is accelerated to supersonic velocities, enabling it to be sprayed on a wide variety of base materials.

This is a very helpful new technology for Kirk Engineering Services. It has developed it in partnership with the Commonwealth Scientific and Industrial Research Organisation. This is the only company that the CSIRO is working with on this new technology in

the printing industry. It will be able to use it to capture market share in Australia and, more importantly, to create export markets in order to grow this company into the future and to market this new cold spraying technology world wide.

I thank the member for Mulgrave for raising this matter. I am pleased we have been able to use our agenda for new manufacturing to support an innovative export-focused globally competitive company in this way.

**The DEPUTY SPEAKER** — Order! The Minister for Manufacturing and Export, as minister at the table, will respond to matters raised by the member for Geelong for the Minister for Police and Emergency Services; the members for Shepparton and Bulleen for the Minister for Transport; the member for Sandringham for the Minister for Environment; the member for Doncaster for the Minister for Education Services; and the member for Hastings for the Minister for Sport and Recreation in another place.

**Mr HOLDING** (Minister for Manufacturing and Export) — I will draw those various matters to the attention of the relevant ministers and ask them to respond directly to the members.

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

**House adjourned 5.01 p.m.**



**QUESTIONS ON NOTICE**

*Answers to the following questions on notice were circulated on the date shown.  
Questions have been incorporated from the notice paper of the Legislative Assembly.  
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.  
The portfolio of the minister answering the question on notice starts each heading.*

**Tuesday, 30 November 2004**

**Community services: child sex offenders**

- 413.** Mrs SHARDEY to ask the Minister for Community Services with reference to the visit of convicted child-sex offender Paul Cudmore to Northcote Shopping Plaza —
- (1) What was the outcome of the full examination and inquiry by the Department of Human Services announced by the Premier on 23 February 2004 into how Paul Cudmore was able to abscond from his guardians and will the Minister make public the outcome of the inquiry.
  - (2) Was recommendation 20 of the September 2001 Report of the Review Panel to Consider the Operation of the Disability Services at the Statewide Forensic Service (SFS) followed and had the staff member accompanying Mr Cudmore —
    - (a) worked for SFS for at least six months;
    - (b) undertaken and satisfactorily completed the workplace orientation and induction program;
    - (c) completed at least 18 shifts within Mr Cudmore's unit of residence.
  - (3) Why were SFS rules concerning community access (leave), which state that SFS clients with a history of child-sex offences should not be taken to areas frequented by children, ignored in this case.

**ANSWER:**

- (1) I am informed that: the investigation has been completed and the findings were that:
  - The policies and procedures regarding community access at SFS are thorough and extensive;
  - Overall the practice of the staff in relation to the circumstances surrounding Mr Cudmore's unauthorised absenteeism from the Intensive Residential Treatment Program (IRTP) followed the policies and procedures that operate in relation to community access; and
  - The investigating officer considered that Mr Cudmore's community access plan was appropriate to his level of progress and development in the IRTP. The investigator noted that during the four month period from October 2003 to January 2004, Mr Cudmore had been on a number of community access visits with no incidents reported. From the information cited the investigator found that there were no identifiable behaviours or indicators to suggest that Mr Cudmore posed a risk of absconding or unauthorised departure during a community access visit prior to the incident.

The investigator put forward a number of points for consideration that may assist in finetuning the procedures regarding community access, as a result the supervision of clients identified as being of high risk of leaving supervision while on community access will be increased.

As I have provided information on the outcome of the investigation I see no public interest in the further release of information on this matter.

- (2) The staff member who escorted Mr Cudmore on the day of the incident has been employed by the SFS since 9 December 2000 and has met all the requirements of staff escorting clients as described in recommendation 20 of the Vincent Review, that is:

- (a) worked for SFS for at least six months;
  - (b) undertaken and satisfactorily completed the workplace orientation and induction program;
  - (c) completed at least 18 shifts within Mr Cudmore's unit of residence.
- (3) There is an activity/venue selection assessment process, which is used to identify suitable community access venues. Decision factors include criteria such as the venue/activity cannot be predominantly family orientated, the patrons/participants are predominantly adult and whether there is opportunity to safely rehearse relapse prevention strategies.

The activity/venue selection is also dependent upon the time that the activity is proposed to take place. Selections are limited to those times and days where the likelihood of residents coming into contact with their target group is minimised. Public Holidays and school holidays have a major impact upon selection available to clients during this time.

In addition, staff escorting the resident are required to survey the physical layout and patron characteristics. The community access activity may be altered or terminated should staff assess the risk to have increased.

The treatment process does require residents having gradual exposure to the normal community living situations and opportunities to implement strategies under supervision in these situations in order to maximise the potential for treatment success leading to eventual integration into the community

In the instance of Mr Cudmore, the shopping took place on Sunday morning, assessed by staff as being a day time and venue suitable to his progression through the program.

### **Community services: flood relief**

**436. Mr BAILLIEU** to ask the Minister for Community Services, what was the aggregate sum approved for flood relief by the Department of Human Services for the December 2003 floods and the January 2004 floods in metropolitan Melbourne.

**ANSWER:**

I am informed that:

The storms that occurred in the early morning of 3 December 2003 produced significant flooding in metropolitan Melbourne. The worst affected being Fairfield, Preston, Northcote, Coburg, Viewbank, Doncaster and Box Hill. The Bureau of Meteorology has described the storm as a 1 in 100 year event, and it has been reported that the Victoria State Emergency Service had 7300 requests for assistance. The Insurance Council of Australia has since reported that \$124M in claims were paid for this event.

On 29 January 2004 another storm produced flash flooding across southern Victoria, particularly affecting the areas of Hawthorn, Malvern, Bellarine Peninsula, Elsternwick and St Kilda. The Victoria State Emergency Service and Metropolitan Fire Brigade took over 800 calls for assistance to this storm event. The Insurance Council of Australia reported that \$18M of claims were paid during this event.

The Government moved quickly to ensure that those people who were adversely affected by this event had assistance available to ensure their immediate health, safety, and wellbeing needs. Emergency assistance grants were made available for individuals and families experiencing genuine hardship. Where possible, the grants were issued to maintain people in their own homes, rather than find alternate accommodation.

These grants are not intended to be a replacement for insurance, and are not considered as compensation for losses.

The Department of Human Services provided financial assistance grants to the total of \$1.94M dollars for the storms and floods of December 2003 and a total of \$57,000 in January 2004.

**Community services: flood relief**

**437. Mr BAILLIEU** to ask the Minister for Community Services —

- (1) How many applications for flood relief did the Department of Human Services receive for each affected metropolitan municipal area for the —
  - (a) December 2003 floods;
  - (b) January 2004 floods.
- (2) How many applications for flood relief did the Department of Human Services approve for each affected metropolitan municipal area for the —
  - (a) December 2003 floods;
  - (b) January 2004 floods.

**ANSWER:**

I am informed that:

These Emergency Assistance Grants are intended to assist people who were in genuine hardship as a result of the storms. They are not a replacement for insurance, and are not considered as compensation for losses.

- (1) In regard to the number of application received,
  - (a) a total of approximately 3,700 application were received following the December 2003 storm;
  - (b) and in January 2004, 140 applications were received.
- (2) The Department of Human Services provided direct financial assistance
  - (a) for 2,372 of the applicants following the December storms.
  - (b) In January this year, financial assistance was provided to 103 applicants.

As you will note, approximately two-thirds of applications were approved in each of these events.

**State and regional development: Docklands studios**

**438. Ms ASHER** to ask the Minister for State and Regional Development with reference to the *Probity Plan for the Docklands Film and Television Studio Complex Project* —

- (1) Was the template Confidentiality Agreement Annex B used; if not, why.
- (2) Were confidentiality statements obtained from all Steering Committee members, project team members, external consultants, the probity advisor and the probity auditor.
- (3) On what date/s were the confidentiality statements obtained.
- (4) How many confidentiality statements were not obtained and from whom were they not obtained.
- (5) If there was a failure to obtain confidentiality statements, including from any new consultants and team members, what was the reason.
- (6) Were all ‘movements of submissions’ logged and monitored, and how many were there.
- (7) In Phase 3 (Request for Tender) were the confidentiality statements for Steering Committee members, project team members, external consultants, the probity advisor and the probity auditor confirmed; if not, why.

- (8) If the confidentiality statements were confirmed, on what date/s were they confirmed.
- (9) How many 'interviews and presentations' took place during the Request for Tender stage.
- (10) On what dates, and with which tenderer, did these 'interviews and presentations' take place.
- (11) Were records of interviews, meetings, agendas and file notes kept of all these 'interviews and presentations'; if not, on which dates and in relation to which tenderers were written records not kept.
- (12) Who were the 'authorised persons' with access to 'documents which contain tender related commercially sensitive information'.
- (13) Were all documents containing tender related commercially sensitive information 'stored at all times in secure conditions'.
- (14) Where precisely and under what circumstances was this information stored.
- (15) Was a 'Movement Control Register' maintained; if so, how many movements were recorded in the register.
- (16) Which tenders appeared on the Movement Control Register, on which dates were the tenders moved and returned, and to whom were the tenders issued.
- (17) Was the electronic information kept in the manner prescribed.
- (18) What were all the dates of meetings with Central City Studios (CCS) and were all these meetings attended by the required two persons; if not, on which date/s did meetings take place without the stipulated two persons being present.
- (19) On which date/s was a minute taker not present.

**ANSWER:**

I am informed as follows:

**In relation to the Probity Plan for the Docklands Film and Television Studio Complex Project:**

Regarding the detailed implementation of the Probity Plan, I am advised that confidentiality statements were obtained and maintained throughout the tender process, Expression of Interest Submissions and Tenders were stored securely at all times, the movement of documents was recorded, and all meetings with tenderers during the Expression of Interest and Request for Tender phases were minuted.

The State Government has been open and honest regarding the tendering process surrounding the Film and Television studios. There was extensive and thorough probity involvement at all stages of the process.

The deal negotiated with the preferred tenderer was signed off by legal and commercial advisors, and approved by an independent probity auditor and a probity adviser. The process was later thoroughly reviewed by the Victorian Auditor-General. The extensive involvement of both a probity auditor and advisor shows the seriousness with which probity principles were taken in this project.

The probity auditor gave sign-off at every relevant stage of the process. In fact, it said *"in all material aspects and based upon the probity framework and procurement process recommending CCS as the preferred tenderer has been undertaken in accordance with Victorian Government Purchasing Board Probity Policy and Guidelines."* It also said *"contract negotiations had been properly conducted"*.

**State and regional development: Docklands studios**

**440.** Ms ASHER to ask the Minister for State and Regional Development — why was no probity auditor appointed as at 30 August 2001 when Expression of Interests (EOIs) had already been called for.

**ANSWER:**

I am informed as follows:

Expressions of Interest for this project were called on 30 July 2001 and closed on 10 September 2001. The probity auditor was engaged on 14 September 2001.

In commenting on the Project in February 2003, the Victorian Auditor General noted that:

“The project’s probity auditor confirmed in September 2001, that in all material respects and based upon the probity framework, the short-listing of respondent was undertaken in accordance with the Victorian Government Purchasing Board’s Probity Policy and Guidelines, and was defensible.”

**Education and training: TAFE fees**

**498(a).** Mr PERTON to ask the Minister for Education and Training — with reference to Mark Latham’s promise to abolish Tertiary and Further Education (TAFE) fees for secondary school students and his statement on the ABC 7:30 Report on 12 May 2004 that Jenny Macklin has received the approval of the states and territories for this proposal —

- (1) Has Jenny Macklin spoken to the Minister about this proposal.
- (2) If so —
  - (a) when were these discussions undertaken;
  - (b) when was the abolition of any TAFE fees first discussed;
  - (c) how many/what proportion of school students actually pay TAFE fees;
  - (d) what fees are proposed to be paid by —
    - (i) students doing Vocational Education and Training (VET) in schools;
    - (ii) students doing a year 12 equivalent;
  - (e) will the Government pick up the cost of the TAFE fees or will the student be required to pay, if a student drops out of secondary school;
  - (f) will the Government abolish fees for school-based new apprentices;
  - (g) does a student who starts a school-based new apprenticeship in year 12, and the fee is abolished, have to pay TAFE fees in the second year;
  - (h) will the proposal also cover early enrolment in TAFE degrees, worth up to \$12,000 a place;
    - (i) what will be the impact on State revenue;
    - (j) how much compensation will the State receive for each TAFE fee abolished.

**ANSWER:**

I am informed as follows:

The Victorian Government is dedicated to increasing Year 12 retention and completion rates, and is eager to explore options to minimise financial barriers for school-aged students wishing to undertake Vocational Education and Training (VET).

In 2002–03, 28,306 students undertook VET in schools, and this figure is budgeted to increase to over 31,000 in 2004–05. Fees for these students are negotiated directly between TAFE providers and schools. At their discretion, both TAFE providers and schools may exempt underprivileged students from payment or provide them with substantial concessions.

Around 1,800 students are presently undertaking school-based new apprenticeships. These students are currently charged up to a maximum of \$290 for the apprenticeship component of their course.

TAFE Institutes may be accredited to offer degrees that demonstrate enhanced vocational skills and strong industry support. These degrees will not receive recurrent Government funding and are offered on a fee-for-service basis.

The State Government's new \$116.8 million investment in TAFE and ACE includes funding to support students aged 15–19 to complete Year 12 or the equivalent in TAFE and ACE through the extension of the Youth Pathways Program.

### **Aboriginal affairs: cultural heritage inspectors**

**529. Mr THOMPSON** to ask the Minister for Environment for the Minister for Aboriginal Affairs with reference to the appointment of cultural heritage inspectors under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth) relevant sections of which are managed by the State Minister —

- (1) How many inspectors are currently registered in Victoria.
- (2) What is the method of appointment of inspectors.
- (3) What is the method of revocation of appointment of inspectors.
- (4) How many inspectors, of the ones currently registered, are qualified to do the authorised work.
- (5) Are there any inspectors on the list who have not done any inspection work over the last 12 months.
- (6) When will the next training course be conducted and how will prospective and well qualified potential applicants be notified.

### **ANSWER:**

I am informed as follows:

- (1) There are currently 48 inspectors registered in Victoria.
- (2) Inspectors are appointed, in writing, by the Minister for Aboriginal Affairs. Prior to appointment, nominees are required to attend and complete a 5-day course based on the Legal Aspects training provided to authorised officers of Victorian Government agencies. Refresher training is also provided.
- (3) Appointments are revoked, in writing, by the Minister for Aboriginal Affairs.
- (4) See answer to question 1 above.
- (5) The majority of requests to inspectors are made to them directly by Aboriginal people or community organisations. The Government does not maintain a record of such requests.
- (6) No date has been set for a future training course leading to new inspectorship appointments. Nominations to previous courses have been obtained by notifying Aboriginal community organisations involved in cultural heritage management, and it is likely that any future course would be publicised in a similar way.

**Environment: North Suburban Properties Pty Ltd**

- 540.** Mr THOMPSON to ask the Minister for Environment with reference to the notice directed to North Suburban Properties Pty Ltd, the owner of premises situated at 225 Barkly Street, Brunswick, which noted the company had not complied with paragraphs 3, 4, 5, 6, 7, and 8 — why has the Environment Protection Authority not enforced the terms of the clean up notice against the company.

**ANSWER:**

I am informed that:

The issues in respect to 225–231 Barkly Street, Brunswick are complex and subject to Supreme Court proceedings between many parties. EPA Victoria is managing statutory processes in a manner it believes will deliver an appropriate environmental outcome.

**Environment: Spotless Group Ltd**

- 541.** Mr THOMPSON to ask the Minister for Environment with reference to the premises situated at 225 Barkly Street, Brunswick which were formerly owned/occupied by Spotless Group Ltd — why has the Environment Protection Authority not issued a clean up notice against the Spotless Group Ltd.

**ANSWER:**

I am informed that:

The issues in respect to 225–231 Barkly Street, Brunswick are complex and subject to Supreme Court proceedings between many parties. EPA Victoria is managing statutory processes in a manner it believes will deliver an appropriate environmental outcome.

**Environment: Spotless Group Ltd**

- 542.** Mr THOMPSON to ask the Minister for Environment with reference to the land situated 227–231 Barkly Street, Brunswick on which site Spotless Group Ltd applied for a permit to install tanks — why has the Environmental Protection Authority not served Spotless Group Ltd with a clean up notice.

**ANSWER:**

I am informed that:

The issues in respect to 225–231 Barkly Street, Brunswick are complex and subject to Supreme Court proceedings between many parties. EPA Victoria is managing statutory processes in a manner it believes will deliver an appropriate environmental outcome.

**Environment: North Suburban Properties Pty Ltd**

- 543.** Mr THOMPSON to ask the Minister for Environment — why has the Environmental Protection Authority not enforced the clean up notice it served on the proprietors of 225 Barkly Street, Brunswick.

**ANSWER:**

I am informed that:

The issues in respect to 225–231 Barkly Street are complex and subject to Supreme Court proceedings between many parties. EPA Victoria is managing statutory processes in a manner it believes will deliver an appropriate environmental outcome.

