

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**3 May 2005
(extract from Book 4)**

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By authority of the Victorian Government Printer

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Tuesday, 3 May 2005

The PRESIDENT (Hon. M. M. Gould) took the chair at 2:03 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 27 April to:

**Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Act
Geothermal Energy Resources Act
National Electricity (Victoria) Act
Outworkers (Improved Protection) (Amendment) Act
Statute Law Revision Act.**

QUESTIONS WITHOUT NOTICE

The PRESIDENT — Order! I call the Leader of the Opposition, the Honourable Philip Davis.

Hon. PHILIP DAVIS (Gippsland) — I direct a question without notice to the Minister for Major Projects — —

Ms Hadden — On a point of order, President, I seek further clarification as to my speaking rights under the sessional orders in three instances, and in particular whether I will be accorded a question without notice today. I gave notice of my intention to make a statement on a report on Tuesday, 19 April, during the last sitting week, and my notice appeared on the notice paper for Wednesday, 20 April — the only notice on that notice paper under that section. On Thursday, 21 April, my notice was listed first on the notice paper under the heading ‘Statements on reports and papers’, and I appear to have been overlooked. The other members’ names all had asterisks next to them, which meant that they were new additions.

Another matter is the Mitcham-Frankston Project (Amendment) Bill which was to be debated on Thursday, 21 April. I was no. 21 on the speaking list before lunch, and then after lunch I was no. 22 on the speaking list. I wish to have clarification on that issue.

The other matter is my speaking rights in relation to the general business motions. I am simply not recognised to speak as an Independent member of this house because the sessional orders only recognise political parties. It was only as a result of the generosity and good grace of the opposition parties, who very kindly gave up some of their valuable time on the last sitting

Wednesday, that I was able to make what I consider a valuable contribution to this house on that matter. It is on those matters I seek your clarification, President.

The PRESIDENT — Order! This matter was raised in the last sitting week, and I indicated to the member that I had discussed with the party leaders the proportional basis on which she would be entitled to speak. With respect to question time it is three questions in a four-week cycle; for 90-second statements she is entitled to one per sitting week; and adjournments — —

Hon. Bill Forwood — I only get one!

The PRESIDENT — Order! That is right! So does every other member only get one. While I am on my feet I will not have Mr Forwood interrupting. If he interrupts one more time, he will be removed from the chamber under sessional orders.

Mr Smith interjected.

The PRESIDENT — Order! That includes Mr Smith!

With respect to adjournment matters, the member will be entitled to one per sitting week. That would create a problem for all members if the house for some unknown reason did not sit on a Thursday, but that would be an issue that all members would have to deal with. The member is entitled to speak on every second-reading debate that takes place in the house, as she did in the last sitting week. When it comes to statements on reports, which are made for 1 hour on Thursdays, on a proportional basis the member could speak once every four weeks on those.

Again, as I indicated to the honourable member, if she wants to check *Hansard* she will see that I ruled on this on the Tuesday of the last sitting week and again during the time for general business. In relation to general business the sessional orders do not specifically refer to Independent members. It is an issue that needs to be dealt with and the parties are going to look at that. Last week during general business the Leader of the Opposition and the Leader of The Nationals indicated to the house that they were prepared to give the member some their parties’ allocated time. Until the sessional orders are amended, that is the basis under which the member will be able to speak on general business

Ms Hadden — Further on the point of order, President, this is the fourth sitting week of these parliamentary sittings. On the basis you have just

indicated will I be given a question without notice this week?

The PRESIDENT — Order! This is the second sitting week that the member has been an Independent member. Therefore the proportional basis that I have just indicated started as of the first sitting week, which was last week, when the member made a statement to the house indicating that she was an Independent member.

Melbourne Markets: relocation

Hon. PHILIP DAVIS (Gippsland) — Hopefully the Minister for Major Projects, Mr Lenders, has been forewarned as to my question. I refer the minister to his response to my question on 19 April in relation to the proposed move of the Melbourne Markets. In reply he advised that stakeholders support the government's proposal. I now refer to a letter the minister received from stakeholders on 22 April in which they refute that statement. I quote:

We believe your comments take our letter out of context. Our position has always been to remain on the current site. It is disappointing that our best endeavours to clarify our position from both meeting at the Melbourne market, letters to the state government and media releases over the past 18 months have been misunderstood or misrepresented. We would affirm that we wish to stay at the present site for the foreseeable future.

Does the minister concede that he misled the house in quoting stakeholder correspondence and asserting the support of stakeholders, who have in fact clearly stated their opposition to the government's plan to relocate the market?

Mr LENDERS (Minister for Major Projects) — I thank the Leader of the Opposition for his question and his ongoing interest in the market's move. As the leader would be aware, this will be the fifth time that the market has moved since the foundation of Melbourne. I will not go back and remind the house — though I would suggest the member may wish to go to my comments in *Hansard* last time on the issue about how Sir Henry Bolte, Sir Gilbert Chandler and others dealt with the fourth move of the market.

In response to his material question of whether I misled the house, firstly, on 21 April I did say in this house that not everybody wanted to move from the market. Anybody who has been to the market knows that the preferred position of many people is to stay where they are, although there are others who feel quite strongly about moving.

In the context of this Parliament, if I recall correctly, the Leader of the Opposition asked me a question about my and the government's position on the market. In the heat of question time I grabbed my notes and the first paragraph in a letter I found signed by the five organisations was that:

We the undersigned wish to express the full support of our members for the Melbourne wholesale market (MWM) to be relocated to Epping.

Then I quoted from a market survey, or a group, that quoted in eloquent terms what the Leader of the Opposition in the Assembly, Mr Robert Doyle, said about being gung-ho and going north, or whatever it was.

In the context of my reporting frankly to this house in response to a question without notice, the first paragraph of a letter that I pulled out of my file to help the house and the leader said unambiguously that:

We the undersigned wish to express the full support of our members for the Melbourne wholesale market (MWM) to be relocated to Epping.

Having said that — —

Hon. Bill Forwood — Table the letter!

Mr LENDERS — I am happy to table the letter for Mr Forwood. It does not in any way or sense move from the fact that some people would prefer not to move, but what it does show is that if there is a need for a move, they overwhelmingly have said to the government they want to move north, not west.

In the context of misleading the house, unequivocally if the Leader of the Opposition suggests that when he asks questions without notice to ministers that ministers say, 'I will take it on notice', then that is what we will do. But in this particular case the Leader of the Opposition asked me a question and to be helpful to him in the house I got the two things in my file: one, a letter from the five organisations, the opening line of which I read to the chamber, and second, the words of the Leader of the Opposition in the Assembly about being 'north or nothing', or whatever his terms were.

I did not mislead the house. I gave the house the best information I could, but the material thing here is that we have a huge economic and social decision to make. For the fifth time in Victoria a new site will be sought for the wholesale market. We as a government are going through an exhaustive dialogue with the users of the market, we are going through discussions with the municipalities that are seeking to have this market, and we want to get the best market possible for the

economic growth of Victoria to assist those people in Victoria, whether metropolitan or rural, who send their small trucks to purchase from the market and then distribute out to the various people who sell flowers and vegetables and other things.

We also want to have the best site so that those who come in with their large trucks can deliver food and produce to the market in an efficient distribution system without necessarily clogging up inner urban roads and to have it in the best possible location. That is what we will continue to go for.

We will get the best business case for it, we will get the best procurement strategy for it, and we will work as much as we can with the stakeholders so we make the correct economic decision for Victoria that is good for Victoria and the market stakeholders.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I direct a supplementary question to the minister and take note of his comments, which I believe confirm in reality that he has taken the stakeholders out of context. Having said that, I further ask: is it a fact that the government has already decided to move the market despite the clear stakeholder objections and that funds have been allocated for the acquisition of the Epping site in today's budget and that an announcement will be made imminently?

Mr LENDERS (Minister for Major Projects) — It would be extremely inappropriate for me as a minister in the cabinet to make comments on a budget statement before the Treasurer has actually risen to his feet, which he will do in the Assembly in about 45 minutes. I would suggest to the Leader of the Opposition that perhaps he go and listen to the Treasurer, and that is the first statement he will get on an amount from the government on this particular issue.

On the issue of the location of the site, we have quite clearly indicated to market users and the community generally that an announcement is imminent. I would hope to get an announcement out by the end of this month on due process as to the location of the Melbourne Markets site. It is an extremely exciting one. I hope the Leader of the Opposition maintains his enthusiasm for this move when he does not think he will get any more political mileage out of it, and when he does not think he will get the chance to go on Mildura and Swan Hill radio and make mischief anymore.

This is an exciting project for Victoria for the long haul, and I hope he is there for the long haul, with the government, to take the market community with us.

A Fairer Victoria

Mr PULLEN (Higinbotham) — Will the Minister for Aged Care advise the house how older Victorians will be able to lead richer, more independent and active lives as a result of the initiatives outlined in the Bracks government's *A Fairer Victoria* statement?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank the member for his question and his commitment to making sure the quality of life for older Victorians is enhanced through initiatives taken by the Bracks government. Along with a number of ministerial colleagues, including the Premier and the Deputy Premier, last week I was involved in the launch of the *A Fairer Victoria* platform, which is a program designed to meet long-term disadvantage in the Victorian community. Along with a number of other ministers, including Ministers Broad and Lenders in this house, I worked on a task force under the stewardship of the Deputy Premier in developing this approach to addressing disadvantage.

It was clear to us within the Bracks government that despite the level of our investment in public services and the quality of community support we have provided in five years, there continues to be ongoing disadvantage experienced in our community either on the basis of demography or geography. Particular people and places continue to suffer disadvantage. The package of measures outlined in *A Fairer Victoria* is a first instalment of the government's commitment to start drilling down and addressing and readdressing the fundamental aspects of disadvantage. The government has identified \$788 million, which I am pleased to say will be included in coming budgets, to deal with those items.

In particular reference to Mr Pullen's question, \$50 million was allocated to specifically meet the needs of older members of our community to live more independent and happy lives at home. All members of our community, including politicians, recognise that older members of our community want to live at home, want to stay in their family home and live independent lives. They recognise the degree of support they may require from time to time to enable them to live independently.

Within this package of \$50.1 million — to be specific — about \$36 million will provide extensions to the home and community care program, a significant

commitment of the Bracks government up until now. Members of this house will have heard me speak on many occasions about how we, as a government, commit more than our requirement of matching funding with the commonwealth government — \$47 million in the last budget was allocated beyond our matching component to provide that degree of support to home-based community care. We are adding to that in the next four years by allocating \$36 million as part of the package of A Fairer Victoria.

Beyond this we are also adding a scheme to look at specific disabilities or issues that people have to enable them to live more independent lives. Twelve million dollars has been allocated to packages that include an increase to the number of personal alerts available to members of our community. This is a scheme that has increased significantly since our coming to government. A little over 8000 personal alerts had been provided by the previous government when we came to government; that has now increased to 19 000 personal alerts, an increase of 130 per cent over the life of this government. I do not know of any other program that has increased that significantly. This will address the ongoing waiting list and may remove the waiting list for personal alerts across Victoria — a system that will assist people to live at home.

We have also added to the security and confidence of people by allowing for 3000 additional pairs of spectacles to be provided to people — an important extension of the Victorian eye-care program that I am very pleased to support from one year to the next. We have also provided 2000 sets of dentures under this particular plan, which adds to the significant contribution in last year's concession package where we allowed for 130 000 extra dental treatments. The A Fairer Victoria package will support older members of our community to live happy and independent lives.

Melbourne showgrounds: redevelopment

Hon. PHILIP DAVIS (Gippsland) — I direct a further question to the Minister for Major Projects. I refer the minister to the redevelopment project at the Royal Agricultural Society of Victoria's showgrounds. I understand that demolition work began in mid-February this year. I ask: is it a fact that the government and the Royal Agricultural Society of Victoria are yet to sign off on a contract for this project and that therefore the government alone is wearing the risk of the redevelopment of the Melbourne showgrounds, and what are the implications therefore for today's budget?

Mr LENDERS (Minister for Major Projects) — As I have outlined to the house before, it would be inappropriate for a minister to be commenting on the budget until the Treasurer rises in the Assembly, so I certainly will not be commenting on anything particular in any of the budget papers. However, on the issue of the Melbourne showgrounds, this government, unlike the Kennett government, has treated the Royal Agricultural Society of Victoria with respect. I say that in absolute seriousness. The previous government treated the showgrounds as a play tool of the former Premier. He would make unilateral statements about the showgrounds — statements without substance and at the last minute about things that he would do that could affect their show, their infrastructure — with loose promises and without even taking the society into account. What we saw over a period of time was the showgrounds — a grand Victorian institution — start to become dilapidated because there was no particular effort to deal with the infrastructure, no particular effort on how on earth you should deal with a situation where there are 14 days of intensive use and then very spasmodic use for the other 50 weeks of the year.

This government has been in serious dialogue with the Royal Agricultural Society and has made a significant contribution of over \$100 million in real money to building this up, and in doing so we have a heads of agreement in place, we have made announcements with the society and we have started construction. The Leader of the Opposition is correct that construction has started on some of the demolition projects, and various other things under various instruments have actually commenced. This government does not believe in using major projects for cheap political stunts. It does not believe in endangering the state's interests by making hasty comments on a range of these things. I advise the Leader of the Opposition once again to have a read of the *Gateway Review Process*. That is probably a good thing for him to do, because there is a range of things — whether it be our strategic assessment, the business case, the procurement strategy, the tender decision, the readiness for service or the benefit analysis — that are all areas we need to take into account.

Hon. Philip Davis — On a point of order, President, while I am tempted to make the point that the minister is trivialising an important issue, my point of order is that the minister has certainly addressed the subject of the showgrounds redevelopment, but he has not come anywhere near responding to the question that is before him. You may direct him to dispose of the question in the manner he sees fit, but at least it should be in accordance with the notion of the question which is before the house.

The PRESIDENT — Order! I ask the minister to come back and to be responsive — I cannot force him to be responsive — to the question asked by the Leader of the Opposition about the showgrounds, the Royal Agricultural Society and the work that is going on at the showgrounds.

Mr LENDERS — The first part of the opposition leader's question, as I alluded to, asked me to comment on the budget.

Hon. Bill Forwood — Did you sign the contract?

Mr LENDERS — I take up Mr Forwood's interjection. If Mr Forwood had listened to his leader — perhaps he should listen to his leader more, and he would then not have as many problems as he does — if he had heeded his leader's comments, he would know that the leader asked a question in two parts. The first part was dealing with whether I would comment on something that may or may not be in the budget papers.

Honourable members interjecting.

Mr LENDERS — I am not going to answer a question — —

Hon. J. M. Madden interjected.

The PRESIDENT — Order! The Minister for Sport and Recreation!

Hon. Philip Davis — On a point of order, President, the minister has clearly indicated to the house that he is confused about the question that was put to him. President, I seek your guidance. I could assist the house by very briefly rereading the question, which was very short.

The PRESIDENT — Order! I do not uphold the point of order, and I ask the minister to continue.

Hon. Bill Forwood — On a different point of order, President, the minister in his answer is suggesting that the two parts of the question were in a particular order and that I was not listening because he thinks I had them the wrong way round. My point of order is taken just to assist the minister at the table. I will remind him that the first part of the question — —

The PRESIDENT — Order! Mr Forwood should sit down. I have already ruled on the point of order. I ask the minister to conclude his answer in the time allocated.

Mr LENDERS — The Leader of the Opposition may seek by loud persuasiveness or bullying, whatever

you wish to call it, to try to force me down a path without a gateway into answering the question. But if the Leader of the Opposition wishes a minister to give an informed answer to this house, and particularly as he is so sensitive about whether what we say may be out of context, it is very important to put it into the absolute context of the history of the showground renegotiation and why we are coming to a contractual situation with the Royal Agricultural Society's showgrounds through our joint-venture arrangement so that we get this right. I take his earlier comments very seriously about me taking things and quoting things out of context. I want to put this down a very clear path through the correct gateways so we answer it bit by bit.

Firstly, chronologically: no, I am not going to comment on budget, the second or first part of his question; but on the issue of whether the contract is signed, before we engage in the final signing of contractual documents with any organisation we want to make sure that we and the organisation have dotted the i's and crossed the t's, done all those necessary things — —

The PRESIDENT — Order! The minister's time has expired.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — President, I am disappointed you would not allow the minister to finish his answer because I took it that he was saying no contract has been signed. Therefore my supplementary question is: given the government's track record for delays on major projects, if the joint venture contract is yet to be signed, how does the government propose to finish this major project on time — that is, before the Royal Melbourne Show next year?

Mr LENDERS (Minister for Major Projects) — I hope to have much of the work finished by the Royal Melbourne Show this year. This year we have the 150th show going ahead, which is an important one for us.

I would be more than happy — away from the political stunts the Leader of the Opposition is trying to pull in this place by questioning this particular project — to take him through this exciting project, and the house at a later stage, step by step on how we are achieving this. But I can give the house and the Victorian community the assurance that we will work with the Royal Agricultural Society and the joint venture to get this project up and running. We have already commenced preliminary demolition works and we obviously have the legal foundation and instruments to do so or we, and the show and the people doing the work, would not be proceeding with this. The formal completion of all the

contractual arrangements is a very elaborate process, not just the build and design, it is also the service agreements over a period of time — —

The PRESIDENT — Order! The minister's time has expired.

Housing: crisis accommodation

Ms ROMANES (Melbourne) — My question is addressed to the Minister for Housing in her capacity as the minister responsible for funding for refuge services. Can the minister inform the house of how the Bracks government is creating a fairer Victoria by fighting the scourge of violence within the family?

Ms BROAD (Minister for Housing) — I thank the member for her question on this very important and difficult social issue. The Bracks government has a firm belief that everyone deserves to be safe and to live in a safe home free of violence. Of course the Bracks government already provides substantial funding through the Office of Housing for crisis accommodation for women and children escaping from family violence, but we recognise that more can be done, and that is why the announcement last week in *A Fairer Victoria* included a new package of initiatives worth \$35 million, which will go a long way towards addressing this horrific problem. This new approach means a faster response to incidents, and to support and referral around the clock. It means new options for emergency and longer term accommodation for women and children and the possibility of short-term accommodation options away from the family home for men.

The package includes \$3.5 million for a 24-hour, 7-day-a-week response through both statewide and local after-hours services — something which does not presently exist — more consistent responses to reports through the introduction of uniform risk assessment criteria and training for professionals, as well as monitoring the implementation of those reforms. It further includes \$7.3 million for case management services and \$1.8 million for intensive case management for the most complex and difficult cases. It includes \$1.3 million to establish an innovative program for young men exhibiting violent behaviour.

Hon. Bill Forwood interjected.

Ms BROAD — It also includes \$11.5 million to break the cycle of violence through increased counselling services for women and children as well as more men's behaviour change programs. Further, it includes \$5.3 million for a new strengthened justice system response, including more police prosecutors and

new family violence specialist services for victims at three magistrates courts. There is also \$600 000 for new crisis accommodation and referral services for men so that women and children can remain safely in the family home where that is possible. As well as that there is \$1.4 million to expand choices for emergency accommodation and a further \$2.4 million over four years to establish a fourth indigenous healing service and four time-out services for indigenous communities experiencing family violence.

This is a very comprehensive package of initiatives designed to offer more options and more choices for women. The Bracks government is making every effort to ensure that families are raised in a safe and secure environment free from the horrors of domestic violence, and I very much hope that the opposition will lend its support to this new approach to dealing with family violence.

Wind farms: planning

Hon. P. R. HALL (Gippsland) — My question without notice this afternoon is addressed to the Minister for Energy Industries and Resources. I ask: in his capacity as a minister responsible for energy industries, can he confirm that he has received a report from the Labor Party's economics, innovation and industrial development policy committee questioning the wisdom of the Bracks government's vigorous pursuit of wind energy developments?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I thank the honourable member for his question. I am pleased to say that the Labor Party promotes discussion, democracy and debate on a range of issues including those relating to energy, which are of course the subject of debate in the community as well. In relation to this particular report, it is not really a report. Frankly, it was a couple of people on a policy committee who submitted a discussion paper to the policy committee. That paper had not been discussed at the policy committee and was certainly not adopted by the policy committee, so its status was a discussion paper written by a couple of people who were on the policy committee for the committee to consider.

It was subsequently reported in the press and blown out of all proportion. It made great revelations like, 'Wind energy costs more than energy produced by brown coal' — as if we did not know! It is no surprise to anyone that this is the case. It also made another big revelation — that is, 'The wind does not blow all the time and therefore you do not get continuous energy

from wind power'. These were the great revelations that were made in this discussion paper.

Wind energy is just one of the types of energy proposals this government pursues from a policy perspective. I should make the point — I have made it before, but I think it is important to keep saying it — that this government is pro renewable energy, but it is also pro the development of clean coal technologies and providing a future for the coal industry and for brown coal production of electricity in the Latrobe Valley. You can do both — you can actually do both!

I look forward to Mr Hall's support of some of the initiatives we will see in the budget context in relation to this area, where we are trying to support the industry in relation to a wide range of initiatives that the Treasurer will also announce very shortly. Yes, we have these debates, and we are quite happy to have discussion papers come up through our policy committees. I do not know what Mr Hall does in his policy committees — or whether he has any at all or whether he simply suppresses any debate or discussion. Quite frankly, The Nationals should have a proper and informed debate about wind energy and renewable energy in this state. If they did that they might find that one or two people who live in country Victoria and support wind energy might want to make a contribution, and therefore the party might be able to have an informed debate.

We welcome the debate in relation to the energy industry in this state. We want to support renewable energy, and we want to support the industry in the Latrobe Valley as well.

Commonwealth Games: community participation

Ms CARBINES (Geelong) — My question is to the Minister for Commonwealth Games. I ask the minister to inform the house what action the Bracks government is taking to ensure that disadvantaged members of our community participate in the Melbourne 2006 Commonwealth Games and share in the opportunities generated by the games.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome Ms Carbin's question in relation to the Commonwealth Games. I know what a great supporter of the Commonwealth Games she is, particularly in relation to the opportunities given to people in Geelong Province.

It will be a big event — the biggest event we have ever had in Victoria's history. There will be 4500 athletes

competing and we will have 90 000 interstate or international visitors. But it is bigger than just statistics, because it is about more than just sport. It is about much more than statistics.

Hon. D. K. Drum — What is it about?

Hon. J. M. MADDEN — It is about giving everybody a fair go, Mr Drum. That is reflected in the recently released social policy statement *A Fairer Victoria*. 'A fairer Victoria for everybody' is also one of the themes of the Commonwealth Games. Not only is it about communities right across Victoria celebrating the games, as we have seen from recent announcements, it is also about promoting the values of a fairer Victoria, such as celebrating diversity, respect for indigenous communities and involvement of disadvantaged groups. Our Equal First strategy — which I have mentioned before in this chamber — absolutely reflects that.

Let me give some background to some of the initiatives being delivered through Equal First: by making the games affordable and accessible; by making games information available in alternative formats; by providing wheelchair-friendly shuttle buses between public transport hubs and key venues during the games; by providing all ticket-holders with free public transport within the metropolitan Melbourne region on the day of the event; by ensuring that the companion card — I know Mr Bishop has been interested in this issue — can be used so that a carer can attend the games without having to purchase an extra ticket; and also by identifying bilingual volunteers to help communication between cultures.

That is a range of initiatives. To reinforce that, one of the most significant of those initiatives has been the 1500 Victorians who have completed the pre-games volunteer training program. This has given the skills and confidence to those people to leverage career opportunities and to put their names down to volunteer for the games. One of those examples was a young lady who stated that because of her involvement in this course her life has finally moved forward after years of depression. She is keen to take on more challenges. Because of that she has volunteered for the seniors festival as well as applying as a volunteer for the 2006 Commonwealth Games.

We can see that there are tangible results in the Equal First strategy which will culminate not only in the games but the legacy from those games well and truly into the future. The games will be an event that gives everybody in Victoria a fair go. Not only will it be a wonderful opportunity to celebrate diversity in

Australia and across the world, but it will make Victoria an even better place to be.

Local government: contracts

Hon. J. A. VOGELS (Western) — I direct my question without notice to the Minister for Local Government. MAPS Group Ltd, trading as Strategic Purchasing, is a public company which negotiates contracts for common-use goods and services on behalf of suppliers, including local government. Section 186(1) of the Local Government Act states:

Before a Council enters into a contract for the purchase of goods and services, or for the carrying out of works, to the value of \$100 000 ... or more, it must —

run an open and transparent tender. I ask the minister: as councils are not presently complying with the act through this process, is she planning to grant councils exemption from section 186 to validate their dealings with the MAPS Group?

Mr Viney — On a point of order, President, I listened carefully to the honourable member’s contribution. I refer you, President, to chapter 20 of the standing orders, because that is definitely the voice of John from Timboon on 774 ABC two weeks ago. I suggest that you should eject him as a stranger in the house.

The PRESIDENT — Order! That is a frivolous point of order and I do not uphold it. The Minister for Local Government, to respond.

Ms BROAD (Minister for Local Government) — In response to the member’s question, where councils make application for exemption from the tendering requirements under the Local Government Act, those applications are assessed by my department, and I am given advice in relation to those applications.

In relation to the specific matter the member has raised, I propose to take that on notice. If the member wishes to provide me with any information about this particular matter, I am very happy to take that on notice and refer it to my department, but I am not in a position today to refer to a particular application from a particular council. In general the procedure that the member has referred to under the Local Government Act is the procedure that is followed.

Supplementary question

Hon. J. A. VOGELS (Western) — It surprises me that the minister does not know what is happening, because I understand the MAPS Group has contacted councils encouraging them to write to John Watson,

from the department, seeking an exemption from the act. This noncompliance has been going on for at least three years, so why has the minister knowingly permitted this to occur? Obviously the councils have written to John Watson who, I assume, passes on those messages to the minister. So why has the minister permitted this to occur and to continue?

Hon. R. G. Mitchell — Is that written and spoken on behalf of the ABC?

Hon. J. A. VOGELS — I am John from Timboon; I happily give that out.

Ms BROAD (Minister for Local Government) — There is undoubtedly a great deal of correspondence which goes around. The fact of the matter is that providing exemptions to councils can only be done by the local government minister. If exemptions are sought from me, then I will deal with them. As to correspondence that might go around making all sorts of suggestions to councils about seeking exemptions, that is clearly a matter for councils to make up their own minds about.

Housing: affordability

Hon. KAYE DARVENIZA (Melbourne West) — I have a question for the Minister for Housing, Ms Broad. Can the minister inform the house of how the Bracks government is creating a fairer Victoria through further action to increase the supply of affordable housing?

Ms BROAD (Minister for Housing) — I thank the member for her question and her continuing interest in this very important issue for Victorian families of housing affordability. The Bracks government believes everyone deserves a decent place to live. That is why since we came to office in 1999 we have invested an extra \$283 million in addition to our commitments under the commonwealth-state housing agreement. That amounts to almost \$1 billion having been allocated since 1999 to building more houses and to improving existing homes as well as to helping more homeless Victorians get a roof over their heads.

I am pleased to inform the house that with the release of *A Fairer Victoria* — the Bracks government’s major statement on social policy — we are able to extend those commitments even further. *A Fairer Victoria* sees the allocation of an extra \$49.6 million to increase the availability of affordable housing in Victoria for low-income families. That means that the total investment by the Bracks government since 1999 is now more than \$1 billion and that the extra funding is

now some \$333 million above our commitments under the commonwealth-state housing agreement.

This major investment in housing infrastructure and services is possible because of the prudent financial management of the Bracks government and its continuing efforts to grow the Victorian economy.

Mr Lenders — AAA here to stay.

Ms BROAD — Exactly. This is in contrast to the rock-solid promise by the Leader of the Opposition to create a \$7 billion black hole in the state's finances.

The Bracks government believes access to affordable housing is crucial to reducing disadvantage, and without proper housing people will miss out on opportunities for education and employment as well as other opportunities. However, this does not seem to be a view shared by those opposite, whose commitment to public housing needs to be seriously questioned.

I refer the house to comments attributed to the Leader of the Opposition in the *Age* of 27 April, that this is a smoke-and-mirrors exercise and his absolutely false claim that the government now houses fewer people than was the case in 2000. I can assure all Victorians as well as the house that there is absolutely nothing smoke and mirrors about \$50 million worth of affordable housing for low-income Victorians. People in need of affordable housing certainly know that, even if the Liberal opposition cannot figure it out.

But the fact is that the opposition is a bit all over the place when it comes to funding for public housing. Apparently the honourable member for Doncaster in another place believes that no funding should be committed to housing and that, instead, money should be spent on private rental housing. This is an invitation for private landlords to increase rents without producing any extra affordable housing for low-income Victorians whatsoever. So I am not sure — —

The PRESIDENT — Order! The minister's time has expired.

WorkSafe: wind power guidelines

Hon. BILL FORWOOD (Templestowe) — My question without notice is to the Honourable Theo Theophanous, Minister for Energy Industries and Resources. I refer to the WorkSafe guidance note entitled 'Falls prevention — windmills', which says:

... the most effective solution in reducing the risk of falling from windmills is to replace windmills with ground-based pumps.

Did WorkSafe consult with the minister before it decided to recommend that wind power be replaced with ground-based pumps, which the guidance note says may be diesel or electric powered?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I think the honourable member really is due for retirement. That question has to go down as the most bizarre that has been asked in this house for quite a long time: whether the guidance notes issued by WorkSafe in relation to windmills — I take it the member is referring to windmills as the normal farmhouse-type windmills which pump water out and which are scattered around Victoria — extend to the wind power generators we have. I do not think so, Mr Forwood!

I am not actually sure, therefore, whether the question is appropriately directed to me, given that I am not responsible for windmills and nor am I responsible for WorkSafe. I am responsible for wind power development in the state. I am also responsible for the new energy safety regulator that we are establishing, but as far as I know that does not cover windmills. It probably covers wind turbines producing power, because they generate electricity, but I doubt that it covers windmills. It is a very entertaining question. I thank Mr Forwood for it, and I wish him good luck in his retirement.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — Given that the government has decided through this WorkSafe guidance note to replace renewable energy with fossil fuel-driven pumps, does the minister believe this is an appropriate use of fossil fuels, and what calculations have been done on the greenhouse gas effect of using diesel and electricity instead of wind power?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — Again I doubt that this is anywhere near my portfolio area, but the WorkSafe guidance notes that the member refers to are outside of my area. If he is asking me a general question about the reduction in greenhouse gas emissions and the use of technology to reduce these emissions, I suggest that he have a very close look at the fantastic initiatives that will be in the budget delivered by the Treasurer.

Budget: Aboriginal land

Mr SCHEFFER (Monash) — My question is directed to Mr Jennings, Minister for Aboriginal Affairs. Can the minister inform the house of the recent

\$9.6 million land initiative that was announced as part of this year's social policy statement?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I thank Mr Scheffer for his question and his concern about the wellbeing of Aboriginal people. The package that he has outlined in his question is actually part of the *A Fairer Victoria* proposal that was launched by the government last week and forms an integral part of this year's budget and future budgets.

The proposal I wish to talk about to the house at this time is designed to address fundamental issues of dispossession within the Aboriginal community — strategies which have been embarked upon by the government to try to assist the social and economic development within Aboriginal communities and which are seen through the important prism of Aboriginal people being in control of precious cultural heritage. Those things — those fantastic features of the Victorian environment — come together in terms of providing greater opportunities for Aboriginal people to be in control of land; to participate in land management, particularly in relation to national parks and other elements of Crown land; to be involved in measures designed to preserve precious cultural heritage sites across the state; and then to be skilled and supported to provide the appropriate environmental and cultural tourism opportunities that may be attached.

At the heart of this proposal is the intention of the government to support Aboriginal communities in south-west Victoria to develop such a package. We start with the support of the Bunjil shelter in Gariwerd, otherwise known as the Grampians National Park, to make sure that this important site, which identifies Bunjil, the creator story, with Aboriginal dreamtime mythology and the important spiritual connection of that place to Aboriginal people. We want to make sure it is preserved, maintained and interpreted for this and future generations so that those who come to that place will know the importance of Aboriginal cultural heritage. It will link with other important sites throughout south-western Victoria, including the fantastic environment around Mount Eccles and Lake Condah, a location that has seen continual habitation for the best part of 10 000 years, where Aboriginal people cultivated eels and had a lifestyle that was based around the capture and nutritional value that eels lent to their environment — an extraordinary use of the natural lake and its environs to harvest eels over tens of thousands of years.

There is the fantastic opportunity that is presented by the volcano known as Tower Hill, which includes fantastic natural features but also has seen the

development of a number of significant elements of cultural heritage interpreted at the interpretation centre. We believe that the viable tourism industry can be based on this feature and the additional Deen Marr.

Deen Maar is an island off the coast of south-west Victoria that is part of the dreamtime story. The island is flat stone on the horizon and is understood as a point of the Bunjil story to be the stepping stone when Bunjil left the earth and became a star; it was a stepping stone from the earth to the heavens. That is exactly what it looks like, and that is why for thousands of years Aboriginal people were buried along the sand dunes with their heads pointing in the direction of this island. It is a very important aspect of the cultural heritage of Victoria, and we will all be better if we understand the significance of this cultural heritage. The package announced in *A Fairer Victoria* goes some way to enhancing this cultural heritage.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 2055, 2301, 2754, 3314, 3376, 3623–27, 4191, 4223, 4500, 4504.

MEMBERS STATEMENTS

Budget: leak

Hon. BILL FORWOOD (Templestowe) — I rise to congratulate David Broadbent on another wonderful coup in announcing the Bracks government's budget on Channel 9 last night. We are well aware of the incompetence of the government. It is the most incompetent government going around. However, to find out by watching Channel 9 last night the major features of this budget does, of course, top most things.

Hon. T. C. Theophanous — Not all of it!

Hon. BILL FORWOOD — Mr Theophanous says, 'Not all of it!' That interjection, by itself, is an admission that there was a lot of it. Laurie Oakes got himself a job for life last time when he got a budget leak and was able to print, before the Treasurer said it, what was in the budget.

We heard in some detail the flurry of activity that took place once the leak was out, and this open, honest, transparent government rushed down to the law courts

to get an injunction preventing the publication of the budget that had been leaked.

The question must be asked: from where did the leak come? It certainly did not come from anyone on this side. This was a leak from the government, from the internal bowels of the government. This came from the Department of Premier and Cabinet; this came from Treasury — —

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

Melbourne Markets: relocation

Ms MIKAKOS (Jika Jika) — I wish to place on record my strong support for the relocation of the Melbourne wholesale fruit, vegetable and flower market to Epping. Quite simply, the Epping site is the best location for an expanded wholesale market. Some 80 per cent of produce comes from the north along the Hume Highway. Trucks can use the adjourning Craigieburn bypass, the Metropolitan Ring Road and the Western Ring Road to save 22 kilometres off the average trip. The Epping site also allows for future expansion due to the availability of land nearby.

There is overwhelming support for the Epping site amongst local residents, businesses, council and operators of the market itself. Most recently this was demonstrated by a meeting of almost 500 people including the wholesalers, truck drivers, employer representatives, local councillors and local Labor MPs, including me, at the Melbourne Markets in Footscray on 1 March at 5:30 a.m. to rally for the Epping site. In correspondence sent to me the Victoria Chamber of Fresh Produce Wholesalers, Vegetable Growers Association of Victoria, the Flower Growers Advisory Committee, and the Victorian Retail Fruiterers Association have indicated strong support for the relocation to Epping. It is clear that Epping is the best site, and I urge the shadow Minister for Agriculture to get behind this project which is in the best interests of the Victorian industry.

Barmah Muster

Hon. W. A. LOVELL (North Eastern) — Yesterday, together with the Honourable Graeme Stoney and members of The Nationals, I had the opportunity to witness 155 years of Australian heritage at the Barmah Muster. An annual event to round up cattle that have been grazing in the forest, the muster began on Monday, 25 April. Over five days up to 60 riders daily mustered around 800 head of cattle from the forest into a dry swamp area known as Goose

Swamp. On Sunday about 250 riders participated in the Goose Swamp muster when the cattle were moved into a holding paddock near the muster yards. The muster culminated yesterday with the cattle being moved into the yards and drafted into owners' lots.

Each year the Barmah Forest Cattlemen's Association and the Barmah Forest Preservation League come together to make the muster a unique Australian cultural event. It attracts participants and observers from as far away as Queensland. Over the weekend a bush dance, a yarn-spinning competition and the Barmah Muster cup race provided additional uniquely Australian events for visitors and cattlemen. The local Barmah district farmers will proudly tell anyone willing to listen of their love for and understanding of the forest where their families have lived and farmed for over six generations. The preservation league slogan 'Barmah forest for all and forever' sums up the feeling of local families who truly love and understand this magnificent forest and want to see it available for use by and enjoyment of future generations.

Anzac Day: remembrance

Hon. J. G. HILTON (Western Port) — I would like to make a brief statement today on Anzac Day. As I am sure every other member in this house did, I attended Anzac services on Anzac Day a week ago yesterday. Anzac Day attracts bigger crowds every year. It appears to be increasingly representing that true spirit of Australia. Anzac Day binds the entire country together in a unity of purpose and a commonality of spirit. Not only do we acknowledge the past on Anzac Day but I believe increasingly we see it as a statement of our confidence in the future of and pride in our country.

Anzac Day services are organised by RSLs throughout Australia. I would like to compliment all the RSLs for the tremendous work they do, particularly the ones in my electorate of Western Port Province.

Public liability: volunteers

Hon. ANDREA COOTE (Monash) — I have a concern that this Bracks Labor government does not do anything to support elderly volunteers. Volunteers are an essential part of our community and the ageing volunteers are particularly important because volunteering gives people not just an opportunity to be independent but to be involved in the community. It is a very important part of their health and social wellbeing.

Victoria's active elderly who volunteer in the community are being discouraged by the public liability insurance premiums that are absurdly high or

unavailable. We rely on our elderly volunteers to run programs such as Meals on Wheels and historical societies, which are of great benefit to the entire state. Not-for-profit organisations are struggling to get public liability insurance and meet the premiums. Because there is a perceived higher risk of injury, volunteers over the age of 80 are often asked to resign. This results in less volunteers contributing to the community and marginalises elderly volunteers. Labor has made it harder for mature Victorians to volunteer by halving their car registration rebate by \$80. This stingy grab for cash is a cruel act that a Liberal government would reverse. It is time that Labor realised the contribution elderly volunteers make to our society and that it ensures public liability premiums for active elderly volunteers are fair and readily available.

Rail: Gippsland line

Ms ROMANES (Melbourne) — It was exactly one year ago that I joined many hundreds of others on a significant train trip when the Bracks government returned passenger trains to Bairnsdale after a 10-year absence. Twice-daily passenger services were returned to Bairnsdale on 3 May 2004 after completion of the biggest upgrade to the line in 120 years.

The return of passenger trains to Bairnsdale has been a huge success, and since then patronage has grown by a massive 60 per cent, or 38 000 people. This is a fantastic result and it underlines how important the rail service has been to the people of East Gippsland, linking them with Melbourne and promoting tourism and economic development. It also demonstrates how out of touch the Liberal and National parties were when they closed down the line in the first place.

It is very obvious that the East Gippsland community has really got behind the service, and it has proven to be a great way to travel to the east for families, visitors, and tourists to the wonderful East Gippsland rail trail. The popularity of the line will continue to grow.

Won Wron prison: future

Hon. RICHARD DALLA-RIVA (East Yarra) — The Bracks government's closure of Won Wron prison was a devastating blow to the township of Yarram and its surrounding communities. The local community campaigned for almost four years to keep the prison open, and we Liberals made a commitment last year that we would commit money at the next election to maintaining and upgrading the facility. Despite all the social and economic implications, the government still proceeded with the closure of Won Wron, decommissioning it on 4 February. On the Monday

following that closure I visited the area and saw the devastation the closure had caused the 42 former prison staff and their families who had been forced to either remain in the town or to take early retirement.

At 4.00 p.m. on 21 April the new Minister for Corrections in the other place announced that he would reopen the Won Wron prison. What an absolute disgrace! This government has absolutely ripped the guts out of a town and out of a community. It was a disgusting insult from the minister when he went around and said in a press release that the reopening would 'provide employment opportunities for members of the local community'.

It is absolutely disgraceful conduct. It demonstrates policy on the run. It reaffirms my view that the prison system is overcrowded. The government closed this facility and in less than two months reopened it. Shame!

Vermont Secondary College: music centre

Hon. H. E. BUCKINGHAM (Koonung) — On the evening of Thursday, 21 April, I attended the opening by the Minister for Education Services in the other place, the Honourable Jacinta Allen, of Vermont Secondary College's new music centre. The centre is the first of the buildings to be completed under stage 1 of the school's master plan. It cost \$3.4 million, with the state government providing \$1.89 million and the commonwealth government providing \$1.15 million. The college community raised a most impressive \$385 000 towards the project — a fantastic achievement — and I congratulate them. The money was raised through the many efforts of the staff, students and parents, both past and present, which is testament to the outstanding community spirit of Vermont Secondary College.

On the night students entertained us with comedy skits, musical items and fantastic jazz played by the stage band under the direction of music coordinator, John Wise, who, along with his colleagues and the music support group parents, have all worked hard to achieve the centre's opening. Also on the evening, on behalf of the mayor of Whitehorse, who was absent because of the birth of his first child, Cr Bill Bowie unveiled mosaic murals by artist-in-residence Deborah Amon-Cotter, who is part of the terrific Whitehorse artist-in-residence program. They were completed by students from years 7 and 8 and will adorn the front doors of the centre.

Finally I would like to acknowledge the work and dedication of the principal, Mr Rod Williamson, and his staff at Vermont Secondary College.

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

Barmah Muster

Hon. W. R. BAXTER (North Eastern) — I first attended the Barmah Muster in 1952, which the *Weekly Times* of May 1952 attests, and I was therefore pleased to be able to attend again yesterday as I have on many occasions in the intervening years. It is interesting for the house to note that cattle have been grazed in the Barmah forest for a period longer than this Parliament has existed, because Barmah was originally part of the Tongala Run.

We saw yesterday teenagers — male and female — on horseback helping to bring cattle into the forcing yards, and they were the sixth generation of their families to do so. This was the Australian heritage in stark relief. The irony was not lost that in the weekend newspapers advertisements appeared announcing the Victorian Environmental Assessment Council inquiry into the river red gum forests of the state. The results of that inquiry could bring this proud tradition to a sad and abrupt end.

I took the opportunity to warn the crowd yesterday to be very wary of politicians who gladhand their way around up there, proffering support, giving the indication that they are fully on side, but those same politicians come back to this place and vote for even more national parks.

Brighton: beach mural

Mr PULLEN (Higinbotham) — I congratulate the 166 Mayflower Retirement Community residents and staff on the production of a beautiful mural, Brighton Beach, which was unveiled last week. Mayflower Retirement Community is situated in Centre Road, East Brighton, and all 166 people contributed to the mural which is in the foyer. The unveiling was to be performed by the mayor of Bayside, Cr Craig Tucker, but he took ill, and the member for Brighton in the other place, the Honourable Louise Asher, stepped in to perform the unveiling. The artwork has been made possible by the generous assistance of the Helen Macpherson Schutt Trust and artist-in-residence Julie Gross McAdam.

The chairman of the Helen Macpherson Schutt Trust, Darvell Hutchinson, told the fascinating story of Helen and how the trust was set up in 1951 following her

death in France, where she was living, and that she left an estate of \$550 000 for the benefit of Victorian charities. She was buried in a pauper's grave. The trust today has around \$70 million and last year paid out more than \$5 million to Victorian organisations covering disabled care and support, community support, education, health, age persons care and support, arts, culture and heritage, employment and the environment.

Helen Macpherson Schutt was a remarkable woman who still brings hope and joy to so many people some 54 years after her death, as she has to the residents, their families and staff at Mayflower.

Local government: review

Hon. R. H. BOWDEN (South Eastern) — During recent weeks and the past few days I have continued to receive expressions of concern from constituents and members of the Mornington Peninsula Shire Council about aspects of the current review by the Victorian Electoral Commission and about representation models and the shape, size and construction of the recommendations for the future delineation of the Mornington Peninsula Shire Council's wards.

There is widespread concern and suspicion that there will be a mixture of multimember wards and single member wards, which has not been well received. Multimember wards are not well received in the community and I continue to receive expressions of concern. There is a belief among many councillors, officers, and more aware members of the community in the southern peninsula in particular, that the government and the Victorian Electoral Commission may have a preference in their thinking towards multimember wards, and that is not encouraged or wanted.

Essentially the question is: maybe there is support for the South Australian model, which I am told is not wanted or desired.

Soccer: violence

Mr SOMYUREK (Eumemmerring) — I rise to condemn soccer riots in this country and to call on the governing body of Soccer Australia to impose lockouts on clubs whose teams are involved in riotous behaviour. Riots over the last few weeks around Australia, including Melbourne, have sullied the game's reputation in this country. The fact that this violence appears to be based along ethnic lines exacerbates the problem. This country has an excellent record with respect to intercultural, inter-ethnic and

inter-religious harmony — there are no inter-ethnic riots in the general community, so I do not see why a game of soccer should precipitate these shameful events. As a committed soccer fan and someone from a culturally diverse background, it disturbs me to watch images of rioting fans draped in their club and ethnic community colours.

Soccer violence is a big issue everywhere in the world and, to be fair, in comparison with other countries our fans are quite tame. Soccer is a world game; consequently it is well positioned to be a conduit for peace and unity between peoples and nations. All too often, however, the terraces are hijacked by thugs who somehow equate the game of soccer with sociopolitical issues of ethnicity, nationalism or regionalism. These people need to understand that a win or loss in soccer does not demonstrate that a particular social or ethnic group is superior to others. However, rioting fans project a very bad image to the rest of the world, nation or communities involved in the riots.

Apsley Racing Club: 150th cup meeting

Hon. DAVID KOCH (Western) — Apsley, a small but vibrant community of 75 people in the West Wimmera held its 150th annual cup meeting on Sunday, 24 April, at the Edenhope racecourse. Apsley Racing Club is Victoria's oldest continuous country racing club and welcomed 2500 people to be part of this historic race meeting. Many racegoers travelled for hours to be present, with some 500 attending cup eve celebrations.

In 1855, 150 years ago, the local publican, Joe Botterill, who was also a keen horseracing enthusiast, staged the first race meeting. The winning post was conveniently placed at the front door of Mr Botterill's establishment, the Border Inn. Local legend has it that the racecourse was built before the town. The Apsley racecourse closed in 1977, and since then its cup meetings have been held at Edenhope.

This year's feature event, the Yalumba Apsley Cup, was won by Dianne's Miss, ridden by Ben Melham and trained by Darren Weir of Ballarat. With record gate takings, the highest acceptances ever, combined with a healthy 60 per cent increase in on-course turnover, the Apsley Cup day continues to prosper and be a great day out. My congratulations to Apsley Racing Club president, Dick Hood, secretary, Sharon Richardson, and a very supportive and active committee for running a highly successful and most enjoyable cup meeting.

Geelong: Lado folk dance ensemble

Hon. J. H. EREN (Geelong) — Geelong recently hosted a fantastic performance by the Lado folk dance ensemble of Croatia. Lado was founded in 1949 in Zagreb as a national ensemble and has since performed across the globe, becoming known as one of the best folk ensembles in the world.

I was very pleased to be invited to the recent Geelong performance. Geelong has a large Croatian community and it showed how popular Lado is with hundreds of people attending this magnificent show which was performed at the Geelong Croatian Community Centre in Corio. With a cast of over 50 people displaying the various costumes and musical instruments of the different regions of Croatia, it was certainly a very colourful and musically entertaining evening. I was very impressed, as were all of the other people in attendance.

I congratulate the organisers of the event. It was a very happy and joyous show and one that I will not soon forget. I thank the organising committee for inviting me and wish them all the very best in their endeavours to highlight to the wider community the Croatian culture through folk dancing performances such as this. Once again congratulations to one and all. Well done.

Anzac Day: remembrance

Hon. S. M. NGUYEN (Melbourne West) — Today I wish to speak in praise of past and present servicemen and servicewomen. The recent Anzac commemorations throughout Australia and in Gallipoli were, I believe, outstanding successes.

I attended a number of functions during this time and was heartened to see growing numbers of people attending to show their respect to those who sacrificed so much. One such function was in Queens Hall where the Turkish sub-branch of the Victorian Returned and Services League held a commemorative reception to mark the 90th anniversary of Anzac Day. This was a special night and I congratulate everyone involved in making it a memorable event.

I would also like to take this opportunity to express my heartfelt thanks for the bravery and sacrifice shown by Australians in past and present conflicts. Many Vietnamese have experienced the horror and dislocation of war, but we always have fond memories of the tough diggers who tried so hard to defend Vietnamese freedom in the swamps and jungles of southern Vietnam. Even though it is nearly 30 years since the end of the war in Vietnam, we should never forget their efforts and should keep on thanking the

men and women who gave so much to the Vietnamese people. I would also like to pay a tribute to the people involved in opening the Vietnam war memorial on Saturday, 30 April, with the Governor-General and the Vietnamese community.

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

CHILDREN'S COURT OF VICTORIA

Report 2003–04

For Hon. J. M. MADDEN (Minister for Sport and Recreation), Ms Broad presented, by command of the Governor, report for 2003–04.

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Electronic democracy

Ms ARGONDIZZO (Templestowe) presented report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report be printed.

Ms ARGONDIZZO (Templestowe) — I move:

That the Council take note of the report.

This is a report on an inquiry into electronic democracy which commenced during the 54th Parliament and has now been completed during the 55th Parliament. It is an excellent report and during the 55th Parliament the committee changed consultants and the composition of the committee. I recommend that members read the report, in particular the recommendations and executive summary, which is well written and gives a brief summary of what has occurred. It has 90 recommendations that will hopefully improve the accessibility and distribution for all members of our community.

The committee had a trip overseas in the 54th Parliament and one in the 55th Parliament, and some excellent information was obtained. I was not one of the people who participated in that trip, but I did read the report.

I would also like to thank the members of the committee, who worked diligently to complete this report with much cooperation. I would also like to thank the staff — the executive officer, Andrew Homer; Simon Dinsbergs, the administrative officer; and Sonya Caruana. But most of all I would like to thank the consultant, Peter Chen, who did an excellent job on the report. He is a visiting fellow in research and analysis at the University of Melbourne's Centre of Public Policy. He is extremely well respected amongst his peers. We were quite surprised when we advertised for the position that once he had applied a few other people who had an interest in doing this inquiry withdrew their applications because they preferred Peter Chen to get the job. He has put together an excellent report, and we thank him for that.

Hon. A. P. OLEXANDER (Silvan) (By leave) — I too would like to draw members' attention to this report. I was involved in the background research and the committee in the 54th Parliament. The e-democracy brief at that time and subsequently related to ways in which we could engage the Victorian community in the democratic process using electronic technology. We investigated issues such as e-voting or voting with various types of technology. Issues were canvassed relating to voting by computer, by computer kiosks, voting by telephone, voting by SMS technology and a whole range of other technologies which are in use in many democratic jurisdictions around the world. In particular we had a look at some very innovative technologies that were being employed in the United States of America and Europe, particularly in France, where electronic voting is quite well developed.

Some of these technologies have had the impact on these overseas markets of increasing the level of participation in the democratic process because of the accessibility they have provided for citizens to the voting process, and they have increased in some areas — in the United Kingdom, for example, where many pilots were conducted — the level of people who participate with their vote in elections. In markets where voting is voluntary, this is a perennial problem. I think the test of any inquiry and of any recommendations is going to be the uptake of some 90 recommendations by the government, but I would say —

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

Motion agreed to.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 5

Ms ARGONDIZZO (Templestowe) presented *Alert Digest No. 5 of 2005, together with appendices.*

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Adult Multicultural Education Services — Report, 2004.

Bendigo Regional Institute of TAFE — Report, 2004.

Box Hill Institute of TAFE — Report, 2004.

Central Gippsland Institute of TAFE — Report, 2004.

Centre for Adult Education — Report, 2004.

Chisholm Institute of TAFE — Report, 2004.

Driver Education Centre of Australia Ltd — Report, 2004.

East Gippsland Institute of TAFE — Report, 2004.

Gordon Institute of TAFE — Report, 2004.

Goulburn Ovens Institute of TAFE — Report, 2004.

Holmesglen Institute of TAFE — Report, 2004.

Kangan Batman Institute of TAFE — Report, 2004 (two papers).

Northern Melbourne Institute of TAFE — Report, 2004.

Parliamentary Committees Act 2003 — Minister's response to recommendations in the Scrutiny of Acts and Regulations Committee report on the Review of Redundant and Unclear Legislation concerning the *Maintenance Act 1965*, *Marriage Act 1958* and the *Perpetuities and Accumulations Act 1968*.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme — Amendment C64.

Banyule Planning Scheme — Amendment C48.

Bayside Planning Scheme — Amendment C47.

Brimbank Planning Scheme — Amendment C32.

Colac Otway Planning Scheme — Amendment C33.

Corangamite Planning Scheme — Amendment C11.

Glenelg Planning Scheme — Amendment C19.

Horsham Planning Scheme — Amendment C21.

Maribymong Planning Scheme — Amendment C11.

Melbourne Planning Scheme — Amendment C88.

Moonee Valley Planning Scheme — Amendment C19 and C53 Part 2.

Psychologists Registration Board — Minister's report of receipt of 2004 report.

South West Institute of TAFE — Report, 2004.

Sunraysia Institute of TAFE — Report, 2004.

Surveillance Devices Act 1999 — Reports, 2004, from the Chief Commissioner of Police, Chief Executive Officer of the Australian Crime Commission, the Director of Police Integrity, the Secretary of the Department of Sustainability and Environment and the Secretary of the Department of Primary Industries, pursuant to section 37 of the Act (five papers).

William Angliss Institute of TAFE — Report, 2004.

Wodonga Institute of TAFE — Report, 2004.

Proclamation of the Governor in Council fixing an operative date in respect of the following Act:

Water Efficiency Labelling and Standards Act 2005 — Remaining Provisions — 29 April 2005 (*Gazette No 17, 28 April 2005*).

BUSINESS OF THE HOUSE

Program

Ms BROAD (Minister for Local Government) — I move:

That, pursuant to sessional order 20, the orders of the day, government business, relating to the following bills be considered and completed by 4.30 p.m. on Thursday, 5 May:

Mitcham-Frankston Project (Amendment) Bill

Charities (Amendment) Bill

Health (Compulsory Testing) Bill.

The three bills listed on the government's business program are the three bills on which debate commenced in the last sitting week. The government would like to complete debate on all seven bills listed under orders of the day, government business, on the notice paper today; however, these are the three bills which the government must have completed by the end of this sitting week.

Hon. P. R. HALL (Gippsland) — I indicate that The Nationals are happy to see the bills listed as items 5, 6 and 7 debated but also say that it would be a pretty skinny week if that was all that was to be debated.

We certainly will cooperate with the government in trying to get some of the other bills through once the appropriate leave has been granted for debate on them tomorrow or Thursday. It seems a sensible provision. We believe we need to have appropriate debate in this chamber. It would be rather ludicrous to suggest we only do three bills, one of which is substantial although we have already had a day's debate on it. We are happy to try to accommodate and work with the government and the opposition in getting some of the other bills on the notice paper passed.

Hon. BILL FORWOOD (Templestowe) — I wholeheartedly agree with the words of the Leader of The Nationals. I am sure that we on this side of the house, particularly with debate on the budget to occur soon, would be very happy to ensure that more than just the three bills the government has put on the business program would be passed this week.

For that reason I am slightly surprised that the government believes it is necessary to put those three bills on the business program. With the best will in the world it is very difficult to imagine how we could possibly keep debating the Charities (Amendment) Bill, the Health (Compulsory Testing) Bill and the Mitcham-Frankston Project (Amendment) Bill through to some time on Thursday. I look forward to the government explaining why it believes it is necessary for the business program to be used this week. That said, we are quite happy to deal with the legislation that the government wants dealt with.

Motion agreed to.

STANDING ORDERS COMMITTEE

Membership

Ms BROAD (Minister for Local Government) —
By leave, I move:

That the Honourables Andrea Coote and Graeme Stoney be discharged from the Standing Orders Committee and that the Honourables Philip Davis and Bill Forwood be appointed in their stead.

Motion agreed to.

SENTENCING (FURTHER AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Ms Broad.

Ms BROAD (Minister for Local Government) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Sentencing (Further Amendment) Bill 2005 reflects this government's commitment to supporting victims of crime by promoting greater recognition of victims in the sentencing process.

The needs of victims of crime have been an increasing priority for the justice system over the past 15 years. There is widespread acknowledgment that, while the criminal justice system process is focused on identifying, convicting and punishing an offender, there must also be a commitment to assist the person most affected by the offence to recover from its effects. The cost of crime is not only measurable in terms of property loss but in the damage to the health, relationships and quality of life experienced by victims.

This bill recognises the needs of victims of crime in three key ways.

Firstly, the bill amends section 5(2) of the Sentencing Act 1991. That provision currently requires a court sentencing an offender to have regard to various matters, including:

the personal circumstances of any victim of the offence;
and

any injury, loss or damage resulting directly from the offence.

However, these matters which the legislation requires the court to have regard to may not fully encompass all aspects of the impact of a crime on a victim. For example, impacts such as a victim's eroded sense of safety, inability to form social relationships or inability to hold down a job may not be regarded as falling within the matters to which a court currently must have regard. A court may consider such things as part of the impact on the victim but is not currently required to.

In order to emphasise the relevant impact on a victim, this bill will introduce an express requirement into section 5(2) that courts must have regard to the impact of the offence on the victim when making sentencing decisions. The purpose of this amendment is not to fetter judicial discretion. Rather, this will reinforce the longstanding position that it has always been relevant for a sentencer to have regard to the impact of an offence on the victim.

Secondly, the bill will provide that where the victim so desires the prosecutor must read aloud appropriate, admissible and relevant parts of the victim impact statement during the sentencing proceeding.

Section 95A of the Sentencing Act 1991 currently provides that if a court finds a person guilty of an offence, a victim may make a victim impact statement to the court for the purpose of assisting the court in determining an appropriate sentence.

At present, there is no requirement that admissible, appropriate and relevant components of victim impact statements must be read out in open court, although courts currently have the discretion to do this. By making this mandatory where the victim so requests, this bill acknowledges the importance for many victims of having their voice formally heard in the court process. Courts will still retain the discretion to determine whether or not the statement in question is admissible, appropriate and relevant.

Court processes should be responsive to victims, and victims should be provided with information about the proceedings. One way in which victims' access to information and proceedings could be enhanced is for steps to be taken to ensure that they are not unnecessarily excluded from the court.

Sometimes a victim will be a witness in the proceeding. A court may make a 'witness order' which requires all witnesses except the defendant and the witness being examined to leave the court. In the Magistrates Court, an exception is also made for the informant because he or she is a party to those proceedings.

When a 'witness order' is made, a victim who is also a witness is excluded from the court. While this may sometimes be appropriate, it may be preferable for the court to give specific consideration to whether the victim needs to be excluded.

Finally, the bill will ensure that a victim who wants to observe proceedings is not automatically excluded when the court makes an order for witnesses to leave the courtroom. This provision is intended to ensure that courts consider the particular circumstances of the victim when ordering witnesses from the courtroom. This recognises the particular position of victims in criminal proceedings. The court will still retain the discretion to make a determination that a victim must leave the courtroom; for example, in order to ensure a fair trial to the defendant.

By improving the justice system's response to victims of crime, this bill reflects the government's commitment to protecting the rights of all people in the community and to modernising the justice system.

I commend the bill to the house.

Debate adjourned for Hon. C. A. STRONG (Higinbotham) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

PARLIAMENTARY ADMINISTRATION BILL

Second reading

Ordered that second-reading speech, except for statement under section 85(5) of the Constitution

Act, be incorporated for Mr LENDERS (Minister for Finance) on motion of Ms Broad.

Ms BROAD (Minister for Local Government) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Introduction

As members will be aware, the administration of the Parliament has been reviewed through the 'One Parliament' project led by the presiding officers. In November last year, as an outcome of the 'One Parliament' project, part 9 of the Public Administration Act 2004 implemented a new administrative structure for the Parliament of Victoria. This reduced the number of parliamentary departments from five to three.

The Parliamentary Administration Bill will complete this process of legislative reform.

In particular, the bill will:

- outline a more modern administrative structure for the Parliament with improved governance structures;

- clearly outline the employment arrangements for parliamentary officers and will ensure that these arrangements are more consistent with modern employment arrangements for the delivery of public services; and

- replace the Parliamentary Officers Act 1975 but will retain and update the key provisions of that act.

The bill has been prepared in consultation with the presiding officers and the department heads of the three parliamentary departments.

Overview

Before I outline the key features of this bill, I will briefly outline why this bill is both important and necessary.

Firstly, the Parliamentary Officers Act 1975 is significantly outdated and no longer adequately addresses the employment arrangements across the Parliament. The Parliamentary Officers Act 1975 adopted many of the employment arrangements applied to the public service at that time. The public service has since undergone significant change in respect of employment arrangements and the Parliamentary Officers Act 1975 has not kept pace with that change. The bill will redress this.

Secondly, the more modern administrative arrangements outlined in this bill will assist in providing more efficient and effective services to members of Parliament and the broader public.

Thirdly, the bill is consistent with the broad aims and objectives of the Public Administration Act 2004 such as ensuring good governance within the Victorian public sector with an emphasis on integrity, impartiality and accountability in public sector employment. The bill aligns the governance and employment procedures for parliamentary officers with

that act. Necessary modifications have, of course, been made to account for the separation of Parliament from executive government.

Key areas of the bill

I will now identify some key areas of the bill.

Number of departments

The amendments to the 1975 act made by part 9 of the Public Administration Act 2004, which has now come into operation, reduced the number of departments within Parliament from five to three. This was done by incorporating the functions of the Department of the Parliamentary Library and the Department of the Victorian [Parliamentary] Debates into the Department of Parliamentary Services. This structure is retained in the bill.

Department heads

The department heads of the three departments will remain:

the Clerk of the Legislative Assembly for the Department of the Legislative Assembly;

the Clerk of the Legislative Council for the Department of the Legislative Council; and

the Secretary of the Department of Parliamentary Services for the Department of Parliamentary Services.

The clerks will continue to be appointed by the Governor in Council, as they are now under the Parliamentary Officers Act 1975 and their remuneration will continue to be determined by the Governor in Council in accordance with section 94 of the Constitution Act 1975.

The Governor in Council process for the appointment and remuneration of the clerks ensures transparency and maintains the independence of the clerks.

The Secretary of the Department of Parliamentary Services, however, will be appointed on contract by the President and Speaker jointly and his or her remuneration will be determined in accordance with clause 11(4) of the bill.

These arrangements for the Secretary of the Department of Parliamentary Services are similar to arrangements currently in place in the commonwealth Parliament. We consider these arrangements to be appropriate as they recognise the different nature of the secretary's position which, unlike the clerks', is focused on the provision of logistical services, rather than procedural knowledge and support.

The bill links the salary of the Secretary of the Department of Parliamentary Services to the salaries of the clerks to ensure that the three department heads are paid equally.

The bill provides clear lines of accountability for the department heads. The bill provides that:

department heads are responsible to the relevant Presiding Officer or [presiding] officers for the management of the relevant department; and

department heads are not subject to direction in the exercise of their employment powers but, rather, must act independently.

Retention of other key features

The bill also retains many key aspects of the Parliamentary Officers Act 1975, including:

provisions creating the office of Clerk of the Parliaments;

provisions governing the employment of electorate officers; and

provisions which ensure that the previous holder of the office of Parliamentary Librarian can continue to access various procedures applicable to other department heads.

Values and employment principles

Another new and very important inclusion in the bill is provisions which require parliamentary officers to demonstrate particular values and employment principles which are based on those in the Public Administration Act 2004.

The values are worth repeating and are essential to the provision of public services in this state. They are:

responsiveness;

integrity;

impartiality;

accountability;

respect; and

leadership.

The employment principles require that employment processes be established which ensure that:

employment decisions are based on merit;

employees are treated fairly and reasonably;

equal opportunity is provided; and

parliamentary officers have a reasonable avenue of redress against unfair or unreasonable treatment.

Employment of staff

The bill revises employment arrangements in Parliament to provide clear employment relationships and powers for department heads.

The bill outlines the powers of a department head in relation to the employment of parliamentary officers and, in particular, outlines that:

department heads are responsible for employing the staff within their respective departments; and

the powers of department heads should be exercised in accordance with the parliamentary officers' values and the employment principles.

The bill restricts parliamentary officers and department heads from engaging in other paid employment. These restrictions are imposed in recognition that parliamentary officers and

department heads are engaged in a professional occupation and that their duty is to the Parliament. These restrictions will:

enhance the governance of the parliamentary departments; and

enable parliamentary officers and department heads to perform their work with impartiality and integrity.

Amendment to Parliamentary Committees Act 2003

The bill amends the Parliamentary Committees Act 2003. The Library Committee is abolished. Its functions, including the provision of advice to the presiding officers in relation to the parliamentary library and Hansard, will be performed by the House Committee. A new joint investigatory committee on electoral matters is established. The functions of this committee will be to inquire into the conduct of state and/or local government elections and the administration and practices associated with such elections.

This government is committed to protecting the integrity of the electoral system and ensuring maximum participation in the democratic process. The government considers that establishing this committee will assist in achieving these objectives.

Section 85 of the Constitution Act

Ms BROAD — I wish to make the following statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by clause 42 of the bill.

Clause 42 inserts a new section 51(2) into the Parliamentary Committees Act 2003 which provides that it is the intention of section 50 of that act, as it has effect on and after the commencement of clauses 38 and 39 of this bill, to alter or vary section 85 of the Constitution Act 1975.

Clauses 38 and 39 provide for the establishment of a new joint investigatory committee of the Parliament (the Electoral Matters Committee). Section 50 of the Parliamentary Committees Act 2003 provides that proceedings of joint investigatory committees or any recommendations or reports made by a joint investigatory committee do not give rise to a cause of action in law, and must not be the subject of, or in any way be called into question in, any proceedings before a court.

As this bill establishes a new joint investigatory committee, it expands the field of operation of section 50 of the Parliamentary Committees Act 2003. The purpose behind section 50 is to allow committee members to discharge their duties and responsibilities without obstruction or fear of prosecution and to foster free and frank discussion of proposals and matters being considered by committees.

Incorporated speech continues:

Section 19 of the Constitution Act 1975 provides that the Council and the Assembly and their committees and members hold and enjoy the same privileges, immunities and rights as were held by the House of Commons in 1855. Therefore, a privilege (which has its origins in the Bill of Rights 1689) is conferred on Victorian parliamentary committees whereby the committees are protected from being 'impeached or questioned' in any 'court or place out of Parliament'. The powers and privileges of both the houses of Parliament include the inherent power to take any action to ensure the functioning of its chambers, to regulate its proceedings and to arrest and punish for contempt or breach of privilege. For the avoidance of doubt, section 50 of the Parliamentary Committees Act 2003 expressly seeks to protect committee proceedings, reports and recommendations from judicial consideration.

Clause 42 of the bill ensures that the new joint investigatory committee has the same level of protection as all other parliamentary committees.

Other consequential amendments

The bill also makes a small number of consequential amendments to other acts, including the Public Administration Act 2004. The amendments to the Public Administration Act 2004 are of a minor nature and include ensuring that public entities which are commissioners also have to maintain minimum record keeping requirements.

As members will agree, I am sure, the staff of the Victorian Parliament provide services to both members of Parliament and to the public that are equal to the best in this country's parliaments. The staff are professional, responsive and impartial in the performance of their duties. Accordingly, this bill will provide a contemporary organisational and employment structure for these officers that recognises their value and the excellence of their service.

I commend the bill to the house.

**Debate adjourned on motion of
Hon. BILL FORWOOD (Templestowe).**

Debate adjourned until next day.

JUSTICE LEGISLATION (AMENDMENT) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Ms Broad.

Ms BROAD (Minister for Local Government) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Justice Legislation (Amendment) Bill will achieve three objectives — firstly, it will facilitate the delivery of alternative dispute resolution programs by Victoria Legal Aid

(VLA); secondly, it will allow for the tabling of Victorian Law Reform Commission reports when Parliament is not in session; and thirdly, it will effect the introduction of Coordinated Universal Time in Victoria.

Amendments to the Legal Aid Act 1978

The bill will amend the Legal Aid Act 1978 to facilitate the provision of alternative dispute resolution, or ADR, services by Victoria Legal Aid. An ADR program known as the roundtable dispute management service is currently offered by VLA, which will be supported by this bill. Roundtable dispute management is a form of ADR specific to family law disputes.

The bill establishes appropriate protection for parties participating in ADR programs provided by VLA through a confidentiality and inadmissibility regime. The bill prohibits the passing on of information arising out of ADR programs to any person, including in court, subject to a limited number of exceptions.

Through the Attorney-General's justice statement, the Bracks government has indicated its strong commitment to alternative dispute resolution pathways that ensure a fairer and more accessible justice system. By enabling the provision of ADR programs by VLA, the bill supports a key aim of the justice statement.

Amendments to the Victorian Law Reform Commission Act 2000

The bill will amend the Victorian Law Reform Commission Act 2000 to enable the Attorney-General to table Victorian Law Reform Commission interim and final reports to occur when Parliament is in recess. This will ensure the timely public release of VLRC reports so that recommendations made in those reports can also be considered in the context of national law reform.

Coordinated universal time

The bill amends the Summer Time Act 1972 and the Supreme Court Act 1986 to replace references to Greenwich Mean Time with the term Coordinated Universal Time.

Coordinated Universal Time is the most commonly used time scale in the world, using a system of atomic clocks that is more accurate than Greenwich Mean Time. The differences in the time scales have implications for computer programs that use high-speed data transfers and also for universal synchronisation applications.

The bill provides for terminology changes only, and there will be no practical impact on Victoria's observance of daylight saving.

All Australian states and territories agreed to switch to Coordinated Universal Time by 1 September this year, one month prior to the introduction of daylight saving.

I commend the bill to the house.

Debate adjourned for Hon. C. A. STRONG (Higinbotham) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

LAND (REVOCAION OF RESERVATIONS) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Ms Broad.

Ms BROAD (Minister for Local Government) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

A bill such as this is required by governments from time to time to facilitate the change in land status of Crown land.

Sandhurst abattoir site

This bill will revoke the historical permanent reservation of Crown land at Sandhurst near Bendigo that was reserved for abattoir purposes back in 1874.

The bill will re-reserve the site for nature conservation purposes in order to ensure the proper management, protection and enhancement of the remnant stands of native vegetation on the site.

This land, which is approximately 2 hectares in size, has not been used for abattoir purposes for at least 70 years.

Whilst historical records suggest that up until 1862 there appears to have been two stockyards, a cattle yard, a pig yard and a workman's hut and stable on the site, the land now contains important box-ironbark vegetation.

The protection of box-ironbark forests and woodlands is an important issue for the state, as a significant amount was cleared in the past. This is an opportunity in the Bendigo region to contribute to protecting against further degradation of the natural environment.

Richmond site

This bill will also facilitate the construction of two new super tram stops and associated roadworks in Swan Street, Richmond, improving public transport accessibility in the area. The government has also made a related commitment to improve pedestrian access to Heyington railway station.

The bill strikes a balance between the need for reasonable and safe traffic flow and quality disability and public transport commuter access.

The tram stops will be similar to existing platform stops being constructed throughout the metropolitan tram network and will provide easier access to trams operating along route 70 between Wattle Park and the city.

The increased accessibility of the platform-equipped stops implements a commitment to progressively meet the requirements of Australia's Disability Discrimination Act. It also provides greater access for local public transport users, as well as workers travelling to workplaces in the area.

The US-based GE, the world's largest financial services company, is set to expand its Australian head office in Swan Street, Burnley, and to establish an Asia-Pacific regional training and development centre at the site.

It is vital that we facilitate improved access and that we plan for safe commuting and pedestrian safety for both current and expected new road, footpath and public transport users in and around the area. In doing so we will ensure that regard is had for local amenity. Expert arboriculturalist assessments will be relied upon to ensure that this occurs, and a landscape plan will be developed in a proposed partnership with the City of Yarra to secure the best possible outcomes in and around Richmond Park.

The spatial requirements of the platform-equipped tram stops and road improvements necessitate the usage of a narrow strip of land to the north and south of Swan Street. The developer already owns the land on the south side of Swan Street. A small portion of land to the north of Swan Street will be necessary to complete the project.

The bill will excise a narrow strip of the permanent reservation and the Crown grant at Richmond Park. Every effort will be made to ensure that local amenity is not only protected but improved as part of this initiative.

The expansion of GE's Australian head office at Richmond represents a \$98 million investment that will create over 1500 new jobs, the largest single jobs boost in Victoria in over 20 years. This in turn provides a significant boost to the Victorian economy and a boost to jobs in and around the Richmond area.

I commend the bill to the house.

Debate adjourned for Hon. D. McL. DAVIS (East Yarra) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL

Second reading

Debate resumed from 20 April; motion of Ms BROAD (Minister for Local Government).

Hon. BILL FORWOOD (Templestowe) — At the outset I wish to make the point, as I have in the past, that because of the changes to the sessional orders in this place I will be denied the opportunity to speak in a fulsome way on this bill. I am going to be cut off after I have spoken for quarter of an hour, yet this is a bill of fundamental importance to the state. It is a disappointment or an outrage, or any word you may choose or like, that members in this place are prevented from saying what they wish to say on matters of importance such as this legislation.

I start by putting into context the legislation before the house. I was involved in the latter years of the Kennett

government in discussions about whether or not there should be a tunnel on the Eastern Freeway extension under the Mullum Mullum Creek.

An honourable member — The long tunnel.

Hon. BILL FORWOOD — Yes, that's right, the long tunnel option or the short tunnel option or the cut-and-fill option — the various options that were investigated. I remember being briefed by the officials then in charge of the project about the anticipated cost of such a long tunnel, which of course was greatly desired by many people in the community and in my electorate where the Eastern Freeway runs at the moment, and further out in Mitcham, for example. I well remember long discussions with the then Premier about whether or not \$80 million was available for the long tunnel.

Then I recollect that the Labor Party made this promise in the 1999 election, 'We will deliver the long tunnel'.

Mr Smith — Core promise!

Hon. BILL FORWOOD — Core promise! I make the point that one could easily say that this was the first of a series of lies this government has told about this project. In my brief contribution today I look forward to adumbrating other lies that have been told in the course of this project, and no doubt as time goes by there will be more lies, and lies on lies. However, what we know is that once the government was elected it decided it would proceed to implement its promise and would continue to build the Eastern Freeway extension through to Ringwood along the designated route, and it would do this including — would you believe it? — the long tunnel option.

As honourable members in this place know, this government's ability to deliver anything at all on time and on budget has been demonstrated time and time again to be precisely nil — that is, it has no ability to deliver any projects on time or on budget. This was another example. The government went away and did its sums, asking itself, 'Is it possible for us to build the Eastern Freeway extension to Ringwood in the way it is meant to be, including our long-promised tunnel under the Mullum Mullum Creek?'. The answer, of course, was no. Here was a core promise made to the people of Victoria but, 'We cannot keep it. What will we do? The first thing we might do is to rename the project'.

I think the government renamed the project three or four times. We are now up to EastLink, but it has been all sorts of other things on the way past. I went to do some research, but it took a long time to follow the

name changes through, so in the end I thought, 'Who cares? It is now called EastLink'.

I also make the point that members should look at the tolling charges that will be now put on this road, where they have taken the old Eastern Freeway extension and lobbed it onto a totally different road — for which of course there was a federal government commitment to contribute \$535 million — —

Mr Viney — It was \$420 million.

Hon. BILL FORWOOD — But let me make the point that it was never to flow through to the Eastern Freeway extension which was a road for which, I should make the point, provision had been made in the budget and funds had been made available in the forward estimates to build the Eastern Freeway extension through to Ringwood.

Mr Viney interjected.

Hon. BILL FORWOOD — It was an absolutely clear-cut case of these funds being made available, except that this mob with the \$80 million had obviously blown the budget already. It bolted the Eastern Freeway extension onto what was then known as the Scoresby freeway, and rebadged it. If you look at the project now, what you will see is that the majority of the funds that will be generated by tolls — if this tollway is ever, unfortunately, built — will come from the part of the road that was to be publicly funded. Any person can do the work, and they will see that the majority of funds for this disastrous toll road will be generated on the bits between Springvale Road and Ringwood. It is an appalling outrage on the people of the eastern suburbs that they are being duded again by this mob of hypocrites and liars, who have destroyed so much of the state already and continue to do so through the appalling project which they bring to the house by way of legislation today.

The next thing it is important to note — I know other colleagues in this place have mentioned it and the Leader of the Opposition will do so — is the appalling lie that was told in the 2002 election campaign when the Labor Party went out with brochures. Was the name of the Labor Party's candidate out that way Honeysuckle or Honeyapple? I have forgotten. I think it was Honeysuckle. She put forward a brochure which said, 'There will be no tolls'. Of course that was a lie. The people of Victoria know it was a lie; the people of Australia know it was a lie. I was interested to hear someone from Newspoll — I think that is what it was — say that among the only issues that are Australia wide in terms of knowledge and polling is the fact that

the Bracks government has lied in relation to this project. This lie will come back to haunt it.

Mr Viney said in his contribution to the debate, 'I have said I am sorry'. The Premier has also said he is sorry. So Mr Viney, the pious little man, mouthed the words — but no one believes him, because they know from the summary advice to the Premier's expenditure review committee that this was all hidden beforehand. They know — even if Mr Viney tries to deny it, even if he comes in with his pious apologies — that this was another Bracks government set-up job. We know that you can pretend to be all things to all people, but you cannot get away with fooling all the people all the time, to mix three metaphors in one.

I make the point that one of the beneficiaries of the Springvale Road to Ringwood extension would have been my electorate. I have taken a long and involved interest in this. In behalf of my constituents I stand here and say to the people of Victoria, and of this house in particular: it is appalling that a road that was to be publicly funded has been swept up into a tolling regime in such an way. It is ridiculous.

I find it very disappointing that The Nationals decided on this occasion not to oppose this legislation. In the time I have known The Nationals I have known them to be a party of integrity, a party that stands up and says what they want to say about the things that are of importance to them. They have never been in my mind since the days they were last in coalition with the Labor Party, a party — —

Ms Broad interjected.

Hon. BILL FORWOOD — They were. As the minister knows, before the 1992 election, when they entered into coalition with the Liberal Party, the last time they were in coalition was with the Labor Party. I have never known The Nationals to be a party that actually condones behaviour of this type, where blatant lies are told, but it looks on this occasion as though it is trying to put its own political survival ahead of its principles. It is very sad that a party of such principle for such a long time — and honourable members in this place know that when I was in the Northern Territory and an official with the Country Liberal Party (CLP) I used to attend National Party conferences — —

Mr Viney interjected.

Hon. BILL FORWOOD — I was there in 1987 when — —

Honourable members interjecting.

Hon. BILL FORWOOD — I would like to pick up the interjection of the Minister for Local Government. She says that I have lost my way because I am no longer with The Nationals. On the other hand some people might like to believe that like St Paul on the road to Damascus I might have seen the light. However, I should make the point that at the same time I attended National Party conferences I also attended the Liberal Party ones because the CLP was affiliated with both. It was a peculiar Territorian party.

Ms Broad — Very peculiar!

Hon. BILL FORWOOD — Yes, a peculiar Territorian party, and still is, I might add, although I have not been a member for many years. The Nationals were a party of integrity that would not condone the sort of behaviour we have seen from this government in relation to this project, which as we and everybody in Victoria knows is one of the great betrayals of all time in political history. Books will be written about the appalling way the people of Victoria have been treated by this government in relation to this project. The bill facilitates this appalling project.

I invite honourable members to turn to the budget papers that have been released today and look at where the contingent assets and liabilities of this project are listed. Pages 114 and 120 of budget paper 2 detail the risks of this project to this government. I say 'to the government', and despite these risks the greatest risk to it is the loss of government that will come at the next opportunity because of the lies that the government has told to so many people on such a regular basis.

It was my friend the member for Box Hill in the other place, Mr Clark, who I think said when quoting Lenin that if you repeat a lie often enough people will one day believe it as the truth. I can say to honourable members in this place that you can continue to lie as much as you like about this and no-one will ever forget that this is nothing but a lie. This will be a road built on a lie. We support its construction, but we do not support its being built upon this lie or the people of Victoria, and particularly the people who will drive along the first section between Springvale Road and Ringwood, being slugged in the unmerciful way this money-grubbing government will do. I make the point that today is the first time in the history of Victoria that revenue will exceed \$30 billion. What do we get for it? Absolutely bugger all!

Hon. J. G. HILTON (Western Port) — That was the most amazing contribution from the Honourable Bill Forwood. He has retired on the job, because he obviously did no research in preparing his contribution

and, as usual, his volume betrayed the lack of substance in his argument. The opposition continues to believe it can make mileage out of this issue. I am happy it thinks that way, because it obviously distracts it from doing something else, which is to develop alternative policies. I am happy that it thinks that way, because it is absolutely wrong. If Mr Forwood reads the *Australian*, which I am sure he does, he will see that the Newspoll in today's newspaper has a 54 to 46 majority for the government. I believe that is the way the public thinks.

The charge against the Bracks government is not that the road should not be built or that the road should not be tolled, because we had toll roads under the Kennett government; it is the fact that the opposition claims that the Bracks government lied to win the 2002 election. That is absolutely and totally untrue. At the time of the election the Bracks government had every intention of building the road with appropriate commonwealth support, I am told. I have spoken in this house a couple of times of the circumstances leading up to the changing of that decision, and I am happy to describe them again. When National Express decided to pull out of Victoria the government was faced with a bill of \$1 billion. What is a government to do in those circumstances? The government could decide not to put in \$1 billion and let public transport collapse. It could say, 'Yes, we can afford the \$1 billion, but we are going to put the budget into deficit'. It could say, 'We can afford the \$1 billion but we are going to cut services like schools, hospitals and education'. None of those was palatable. There was one policy which the government could adopt which would enable it to fund the public transport, not send the budget into deficit and retain its public services — that is, to toll the Mitcham–Frankston freeway.

Does anybody in this house in their wildest dreams believe a government would decide to impose tolls on a major piece of infrastructure unless it had no alternative? The government had no alternative, and in my view it made the right decision. I believe the people of Victoria know it made the right decision. The opposition can try and make political capital out of this issue, but this shows its naiveté and the lack of respect it has for the people of Victoria.

What is the opposition's proposition in relation to the tollway? The opposition has said that it will negotiate, which essentially means it will try to buy out the contract. Buying out or renegotiating a contract entered into by a previous government is a dangerous proposition, because it means that other people entering into a contract with governments have some concern that subsequent governments will not honour that contract. The opposition has said that it will buy out the

contract, and the buying-out of the contract will cost \$7 billion. That is a lot of money. Where is the \$7 billion going to come from? I look forward to opposition members telling us, if there are any other speakers, where this money is going to come. There are a few choices. The \$7 billion could come from the budget, which would obviously send the budget into deficit and totally ruin the government's AAA credit rating. The government could decide to take the money from other sections of the budget — it is worth 25 per cent of total budget outcomes — but that would lead to a reduction of services in a variety of areas.

I just instance one area: \$7 billion could afford to pay 140 000 teachers for a year. We have less than 100 000 teachers in Victoria. So perhaps we could decide not to pay 100 000 teachers, and a few nurses as well just to make up the balance. Is the opposition going to do this? Of course not. Not even the members of this opposition, half of whom are absolute morons on these issues, would be that stupid. I suggest this money will not come from anywhere. At some stage within the next few weeks — maybe days, maybe weeks — the opposition will be saying, 'Well, we did not really mean that. We have looked at it again. We cannot really negotiate this contract'. And then it will say, 'We know the road is a good idea. We do not really have any alternative but we will go ahead with it, and we will maintain the tolls'. That is what the opposition will say, and when it says that, remember that you heard it first from the government.

Although we have the hypocrisy of the opposition trying to make an issue out of a consideration as a result of which the Bracks government made the right decision, in my view the Bracks government in this decision is shown in a very positive light. It is prepared to make the hard decisions. It is prepared to make decisions which are to the benefit of Victoria. And until the opposition learns that it also has to develop policies which are to the benefit of all Victorians it will obviously be only a whingeing and carping opposition, with no policies and no respect. I am happy to commend this bill to the house.

Hon. E. G. STONEY (Central Highlands) — I must say at the outset that I am quite pleased that Mr Hilton at least had the gumption to make a contribution to this debate — he is one of the few members from the other side of the house who has risen to defend the indefensible.

I am rising to make a contribution to put on record my opposition to tolls on the Scoresby freeway, and I prefer to call it the Scoresby. I know Mr Forwood alluded to the fact that it has had many names, but for the sake of

my contribution I will call it the Scoresby. I want to put on record also my distaste for the broken promise of the Bracks government that there would be no tolls on the Scoresby. That was a core, cast-iron promise. I think the government knew before the last election that the road had to be tolled. I think it hid that fact in order to win many votes out in that area. They were very good at hiding that, and it will come back to bite them in the long run.

I would like firstly to congratulate my colleague Mr Bowden, whose speech has now faded into the distance — I think it was made the week before last.

Mr Smith — It was insignificant. At least someone was listening to it!

Hon. E. G. STONEY — I listened to Mr Bowden's speech in detail and I was impressed with his detailed knowledge of that whole area, and by the fact that he often brings issues to this place about the grave traffic problems facing the south-east. Mr Bowden made the point that the Scoresby is a valuable and needed link. He reminded the house that the federal government has more than \$500 million on the table subject to it not being a tollway. He certainly outlined the need for the road. He talked about the containers coming from Gippsland and heading north, and he made the point very strongly that of course we need the road, but we expect it to be free of tolls. As I said, Mr Bowden is a tireless campaigner for the Monash Freeway and traffic problems out that way.

Mr Smith — Why don't you use a pony?

Hon. E. G. STONEY — And Mr Smith probably is too, as he walks around the golf course!

Mr Smith — What have you got against golf?

Hon. E. G. STONEY — The other day Mr Bowden reminded the house of the diminished travel times on the Monash Freeway. He said the situation was unacceptable and appalling. He went on to say that the Monash Freeway is hopeless and does not give a fair go, and reminded everyone that the government is not showing any initiative with the Monash.

I must say as an aside that I am often puzzled by the management of the Monash. The other day I was heading out of the city to Gippsland in heavy rain. I noticed the traffic was particularly light on the Monash Freeway, until we got out a little bit. There, on the inbound lane, in the middle of peak hour, contractors were erecting barriers. Of course they took up a lane, and straightaway past that the traffic was bumper to bumper right back to Jacksons Road. You would have

to ask why anyone would be doing just general maintenance work on that freeway, in the rain, during peak hour. I think there were a lot of upset people that day, as they wondered themselves why maintenance work was being done on that freeway at that time in the rain.

But it is not only the Monash that is hopeless. We also have Stud Road and Springvale Road. I frequently drive from Mansfield to Moorabbin, and of course Ringwood is a total bottleneck. Mr Forwood mentioned the proposed tunnel. I can assure the house that if we had won the election in 1999 the long tunnel would have been built. I was also privy at that time to the negotiations that were going on to build that tunnel, and that tunnel would be in operation today if we had won that election. That decision was close in 1999. However, it quickly faded into the distance as the new government changed the whole way that project out there was going to proceed. It is no wonder that people out there are furious. They will not forget the promise of no tolls, and they certainly will not forget the backflip.

When this bill was introduced I immediately took a copy of the second-reading speech from the table. I thought it would be interesting. But really, the second-reading speech comes to a couple of pages and four lines. I recognise this is really only an amendment to the main legislation, but I am surprised how small it is. I make the point that the Liberal Party opposed the original legislation, and it will certainly be opposing this bill.

It is interesting to look back at the history of the broken promise. In the lead-up to the election the *Herald Sun* of 21 September 2002 carried an article with the headline 'Tolls needed for a 2020 state vision'. It states:

A jump in taxes or user-pay charges will be needed to fund a multibillion dollar vision to take Victoria to 2020, a landmark report has found.

The *Age* of 24 September 2002 states under the heading 'Freeway blow-outs and blunders give opposition plenty of ammunition against Labor':

Labor's poor handling of contentious freeway plans leaves doubts about the government's management of major projects.

...

... transport minister Peter Bachelor embarrassed the government yesterday by initially refusing to rule out tolls on the proposed Eastern Freeway tunnel, just an hour after Steve Bracks did rule them out.

Also on the same day, 24 September, an article in the *Herald Sun* headed 'Fee fears as road projects merge: freeway toll hint' appeared, saying:

The state government yesterday hinted that tolls could be introduced on the Eastern Freeway extension following cost blow-outs.

So members can see the signals were there. This was starting to actually hurt the government as it came into the election period, so Premier Bracks had to act. The next day, Wednesday, 25 September, the *Herald Sun* carried an article headed 'Freeway to be toll-free', stating:

The state government is gripped by confusion over road tolls after the Premier and Treasurer yesterday clashed over the move.

So there was a bit of internal division — surprise, surprise! The *Age* picked it up on 26 September, so in those three days a lot of action was happening out that way. The *Age* editorial of 26 September says, under the heading 'Government fumbles the go-slow freeway':

A link between the city's east and south-east seems ever more costly and remote.

The article goes on to identify cost blow-outs and says:

When the cost of roadworks blows out like this there is an obvious and tempting solution: let users help pay for all that fine new bitumen.

...

The practicalities of a huge undertaking like this are daunting. But it also represents a crucial political test for a government that must soon face the voters; a government yet to prove it can bring major projects to fruition.

We know what happened: Mr Bracks made cast-iron promises, went to the election and won a swag of seats out that way. Let us fast forward to the *Herald Sun* of Tuesday, 15 April, six or eight months later, and an article under the subheading 'How Bracks did a backflip'. It says:

Late last week, Steve Bracks arrived at a ... turning point: Labor was going to break a key election promise.

...

Several sober-faced and deeply self-interested Labor MPs yesterday filed out of Parliament House after being left with the news that their political careers had just been put in doubt.

As I have demonstrated earlier, the press was barking right back in September and October of the previous year, before the election, that the government was going to toll the road, and the government simply hid that. I know Mr Hilton spoke about the problems with public transport but already back in September and October, before the election, the government knew it

was going to break its promise and lied in order to win seats out that way.

The papers had a field day, On 15 April the *Australian* carried the headline 'Bracks breaks toll pledge so drivers pay for surplus'. The article states:

The Bracks government broke a core election promise yesterday by announcing a toll on a soon-to-be-built freeway.

What did it do? It blamed the Kennett government, of course. You have to have someone to blame, and this government blamed the Kennett government, even though the former government had been in power some years beforehand.

The fallout continued, however, and an article in the *Age metro* edition of 18 June 2003 entitled 'Plans laid without tolls study, says minister' states that:

The state government decided to impose tolls on the Scoresby freeway without undertaking detailed financial modelling on tolling, transport minister Peter Bachelor admitted yesterday.

The fallout still continued, the polls started to come out and the people spoke — and didn't they speak! The *Australian* of Monday, 1 September 2003, came out with the headline 'Voters punish Bracks for toll backflip'. It goes on to talk about Newspolls taken in July and August that showed voter dissatisfaction with the Premier and his popularity dropping to 54 per cent. Support for the government's primary vote fell sharply from May to June, which was put down to the fact that:

... government backflipped on a key election promise of no new toll roads and announced it would allow a toll on the Mitcham–Frankston freeway.

It went on into October, and an article under the headline 'Bracks takes toll flak' states:

Premier Steve Bracks has made a personal plea for understanding over his backflip on tolls for the Mitcham–Frankston freeway.

Those articles demonstrate more clearly than I possibly could that there is a heap of credibility in the claim of the opposition that the Bracks government knew well in advance of the election there would have to be tolls. It knew it had to hide this, and it did. It won a heap of seats and six months later asked for forgiveness. I believe I have made my point. We oppose tolls on this road. The government stands condemned for breaking a core promise not to toll the Scoresby freeway.

Hon. W. A. LOVELL (North Eastern) — I rise to speak on the Mitcham–Frankston Project (Amendment) Bill, and in doing so I would like to state from the outset that the Liberal Party opposes this legislation. That does not mean we oppose this road. In fact, we

support the building of this road. We support it because it is a good project, and it should go ahead. It will service the many people who live in the Mitcham–Frankston corridor, and it is a road that should be built. However, what we do not support is the government of Victoria lying to the people. We do not support tolls being charged on this road. Victorians will never forget the lies they were told by the Bracks government. Every time they pay a toll on that road, they will remember that Steve Bracks lies. No matter how many times the Bracks government changes the name of this road — whether it is called the Scoresby freeway, the Mitcham–Frankston freeway, the EastLink tollway or the Steve Bracks memorial tollway — people will still remember that the Bracks government lied to the people of Victoria.

Months before the state election this government knew it was going to introduce tolls on that road. The people out in the Scoresby corridor probably should have twigged to that before the election, because I have here an article from the *Age* of 28 September 2002 entitled 'Victoria caught in a spin'. It says:

The Bracks government is slipping into bad habits when it should be governing.

That is an understatement. The article continues by saying:

Premier Steve Bracks seemed to know his government's policy but two of the most senior ministers apparently did not.

That is wrong, because the two other ministers did know, and Steve Bracks did not. This article goes on to say:

Last Monday transport manager Peter Bachelor danced around the question of whether tolls — either of the direct or 'shadow' variety — would be imposed on the freeway that will link Mitcham and Frankston. Mr Bracks intervened later that day to assure motorists that there would not be tolls. On Tuesday there was a repeat performance, this time involving Treasurer John Brumby. Again the Premier was rolled out to state emphatically that no, Labor policy was against new tolls and there would be no new tolls ...

However, John Brumby and Peter Bachelor were actually telling the truth. They knew that the Bracks government was going to impose tolls on this road and they obviously felt insecure lying to the people. They obviously had some sort of conscience when they were dancing around the issue of tolls and not wanting to lie directly to the people. But Steve Bracks was prepared to go out there and lie to the people of Victoria. He knew the government was going to impose tolls on this road, but he told the people in the Scoresby corridor that there would be no tolls. Steve Bracks should now live up to that promise he made to the Victorian people

and remove the tolls from this road. Steve Bracks won a number of seats in the Scoresby corridor on that lie, and I can tell you that there are probably 12 or 13 members of his government out there who are very nervous about whether they will hold their seats at the next election.

Most mornings in the country, we find small, furry things on the side of the road which have been hit in the middle of the night. People refer to them as road kill. There are a few Labor MPs out in the Scoresby corridor with eyes as wide as searchlights because they can see the train wreck that is about to happen. They can see that the Scoresby freeway will come through there and wipe them out in the next state election. They will be road kill on the side of the road.

The Minister for Transport in the other place has since written to Victorian councils, encouraging them to support the money that the federal government had committed to this road staying in Victoria for other projects. In his letter the minister appealed to those local councils by naming projects of importance to them, but he did not say in his letter that you cannot endorse a state government making an agreement with the federal government, with signing a binding agreement that said there would be no tolls on this road and then turning its back on that agreement and expecting the federal government to allow it to spend that money however it wants. What a dangerous precedent that would set!

I am sure the Bracks government would not like to make an agreement in a local government area, to give it the money for a specific project but then to have that local council say, 'We do not want to do that any more; we think we will spend the money on something else'. The Bracks government would not be happy if that were to happen. It would set a dangerous precedent were the government to make an agreement but then allow that money to be spent in a different area.

In his letter the minister asked the councils to endorse the government's abandoning the binding agreement that it had signed with the federal government and endorsing the Bracks government telling lies to the people of Victoria. It is appalling that the Minister for Transport was prepared to use those local councils as pawns in a political game. It was a low trick. This government must live up to its promise and deliver a toll-free Scoresby freeway to the people. In closing, I reiterate that the Liberal Party opposes the bill.

Hon. J. A. VOGELS (Western) — I, too, would like to say a few words on the Mitcham-Frankston Project (Amendment) bill. It is interesting that in this budget week we are debating legislation dealing with a

project that probably should have been built 30 or 40 years ago — but the Labor Party often gets in the way when you are building freeways. History will show, as Mr Viney pointed out in debate a couple of weeks ago, that if you look at *Melway*, a corridor has already been reserved; he said that in 1967 the route was marked out for the freeway to be built.

When it was in power, in true Liberal Party form it built the Eastern Freeway, which is actually the first part of what was to be the Scoresby freeway. Then the Liberal Party lost the election and John Cain and then Joan Kirner took over government. Instantly, because of the Labor Party's policy of not supporting freeways, the Eastern Freeway finished at Doncaster. That was the end of that project for the time being.

The Kennett government won office in 1992 and found the condition of the state to be a debacle. One of the jokes around then was, 'What is the capital of Victoria?', and the answer was, 'Dollar'. It was sad but that is what happened at the end of the Cain and Kirner eras. As I said, the Liberal-National coalition won the election and the first thing it had to do was sort out the state's financial problems. In the late 1990s one of its election promises was to construct the Scoresby corridor from the end of the Eastern Freeway at Doncaster. That promise was fiercely opposed by the Labor Party in 1999 because it was basically against freeways.

The Kennett government lost office, and upon taking office the Labor Party's policy was 'No Scoresby'. However, it worked out early in the day that that road needed to be built. It went to the commonwealth and said, 'This is a road of national importance and you should be putting in 50 per cent of the funding'. At that stage the Scoresby link was going to cost \$850 million with \$425 million coming from the commonwealth and another \$425 million from Victoria. As with all Labor projects, it did not get started; it takes Labor years to get started on anything, so the costs keep creeping up.

Before the 2002 election we heard that the cost had risen to over \$1 billion. So after lots of bleeding the commonwealth came on board and said it would put in \$565 million, which was then 50 per cent of the cost of the road project. Labor had gone into the election, saying there would be no tolls on that road. I clearly remember sitting at home watching the great debate between the Premier and the Leader of the Opposition in the other place, Robert Doyle. The Premier was asked, 'Will there be tolls on this road if you win the election?', to which he said, 'No, there will not be any tolls'. Basically people were badly misled.

Now the estimated cost of the project is \$2.5 billion. Government members keep talking about it costing the opposition, if it wins government, \$7 billion to renegotiate or buy out the contract, or whatever. I think I heard the Honourable Geoff Hilton say that that amount would be 25 per cent of the total budget. I am told that at present you could buy all ConnectEast shares on the market for \$1.2 billion, so you would then own that company lock, stock and barrel. To say that \$7 billion is 25 per cent of the budget is absolutely not true.

Even if the project were to cost \$7 billion, and I do not believe it will be anywhere near that amount, this is a 30-year project, and the income for the next 30 years will go to ConnectEast, the company building it. If you had to buy out the company over a 30-year period, even at today's budget of \$30 billion, and if the budget never increased for 30 years — I am sure it will be \$35 billion and \$40 billion and \$50 billion as we go up — that would be \$900 billion over 30 years. Even \$7 billion over that \$900 billion is something like 0.4 per cent to 0.8 per cent of a budget, not 25 per cent as these people are talking about. It is a furphy.

Why are we, as the opposition, against this toll road? We are not against the freeway, we never have been, and the Liberal Party is not against tolls. The people of Victoria were misled and lied to, and that should not be allowed to happen.

If you are a 20-year-old and living in the Scoresby corridor area or at Frankston or further down the track, tolls are going to cost you about \$50 a week. If you work that out over a 30-year period, you will be paying something like \$80 000 in tolls over that time, and that is at today's costs. It is an enormous amount of money for people to have to factor in.

As I said before, the Liberal Party does not oppose a freeway, but it does oppose the tollway. We oppose this legislation not because we are anti-toll — and we need to reinforce that — but because we are anti-being-lied-to.

Interestingly today is budget day, and the budget that has come down is over \$30 billion. In 1999, the last time the coalition brought down a budget, the state revenue was about \$19 billion. In five years — five budgets later — we have \$30 billion, and it beggars belief that out of that sort of money and that sort of income we could not have found enough money to build this freeway free. It should not be tolled.

Hon. PHILIP DAVIS (Gippsland) — The first comment I would like to make is, as many of my

colleagues have said as they have progressed through, this debate is a matter of principle. It is a matter of trust. If the Parliament of Victoria does not hold the cabinet to account for its behaviour, both in public administration and policy commitments to the electorate, then the Parliament of Victoria would be negligent in the extreme. We can have wide-ranging debate, philosophical argument, debate about implementation strategies of public policy, but at the end of the day for the Parliament to remain relevant its primary role is not just to facilitate the passage of the executive's legislation but to ensure that the legislative measures so adopted by the Parliament reflect on the commitments and delegated trust that the electorate reposes in the executive.

The legislation before the chamber at this moment is a continuum of the broken promise and breach of trust with the Victorian electorate, and the government clearly stands condemned for its action in breaking the promise it made to the electorate about building a freeway on the Scoresby corridor.

I turn back to a little bit of history. I refer to a speech delivered by the Honourable Mark Birrell, MP, as shadow Minister for Major Projects, on Friday, 16 August 1991, at the Regent Melbourne for the Building Owners and Managers Association luncheon. It is instructive because he said, in part:

The coalition therefore makes an historic commitment: to link Melbourne's major freeways, beginning with a project to join the South Eastern and Westgate freeways, with the construction and funding by the private sector of an underground tunnel beneath the Domain.

I read that for the record to remind us that policy commitments can be made and kept, and as the immediately preceding speaker, the Honourable John Vogels, said, it could not be said of the Liberal Party that it has been opposed to toll road construction in the past, nor indeed I suspect will it be opposed in the future. But clearly the project about which this legislation turns is a project which is of fundamental significance in terms of public policy in this state and the credibility of the organs of government, and that includes the Parliament. Therefore it is a matter for the Parliament to expose the fraudulent behaviour of the executive.

In a press release of 28 May 1995 the Minister for Transport in the other place, Peter Batchelor, said that the state opposition warned the Kennett government to not impose tolls on Melbourne roads to pay for the controversial CityLink project. He went on and talked about the impact on traffic flows and said that tolls would hurt small business.

Mr Batchelor also said that studies showed that drivers have a psychological barrier to paying tolls and taking alternative routes. Further, he said that a typical example was the Westgate Bridge where motorists avoided the bridge in their thousands until the toll was lifted.

I recite that as a matter of record to remind us how it is that parties come into this place and posture differently when in government and in opposition. The difference between the Liberal and Labor parties is that the Liberal Party has been absolutely transparent on its position on tolling.

I heard the word 'hypocrisy' used by an earlier speaker from the government side. I take deep offence because the only hypocrites in this chamber are sitting on the government side of the house.

I point out that reference should be made to the commonwealth-state agreement that was signed in 2001 which specifically excluded the use of tolls. In the recitals it says:

Victoria undertakes to ensure that users of the Scoresby freeway will not be required to pay a direct toll.

I make the point that notwithstanding all the media huff and puff about this issue, that was a commitment that was well understood by the electorate, and the government's policy Linking Victoria recited at the 2002 election that there were capital commitments from the state government to build the Scoresby freeway as part of its Linking Victoria project out of state funds.

Further, it was reinforced by election brochures from candidates. I quote from one from Pollyanne Williams, the Labor candidate for Scoresby, which has a photograph of Steve Bracks on it and is authorised by R. Lindell. It says:

There will be no tolls on the freeway under a Bracks Labor government.

There was a letter from Steve Bracks himself in association with these brochures which states:

And Labor will build the Scoresby freeway on time and on budget.

How about that! The point is we saw a series of commitments made at the election in 2002 that absolutely bind the Labor Party to delivering the Scoresby project without tolls. There can be no excuse for the breach of promise that was made to the Victorian electorate about this project.

There is no question of the capacity of the Victorian government to fund the project as a government project

and the excuse — the lame excuses — made by the government to unload the responsibility of that funding commitment are pathetic in the extreme given that this year's budget, just released by the Treasurer, shows a record level of revenues coming into this state at all levels, from state-owned taxes as well as from goods and services tax revenue collected on our behalf by the commonwealth.

There is no excuse for Labor to dump its promise. The great Scoresby lie will be an albatross around the necks of Labor members of Parliament until the next election. As a consequence many members, both of this place and the other place, will not be here beyond 2006. I have every conviction that the Victorian electorate will hold the government to account for its broken promise on the Scoresby tollway, and the Liberal Party will not at any point give any succour to the government in facilitating any legislative proposal which assists the government to break this core promise.

I have to say it is disappointing in the extreme that when this bill was introduced the government's own party room caucus briefing paper summarising the bill noted that there would be no discussion with councils until after the bill was introduced, nor would there be any publicity before the bill was introduced into Parliament. It is quite clear that the government is trying at every point to avoid scrutiny and avoid reminding the electorate of the appalling and shabby behaviour regarding this legislation, which will cost the state dearly in terms of the additional costs of putting this out to tolling and which will cost the government in terms of its losing seats at the next state election.

Ms HADDEN (Ballarat) — I speak on this bill and I put on the record that I received a very thorough and professional briefing from the Southern and Eastern Integrated Transport Authority this morning, courtesy of the Minister for Transport in the other place, which was offered to me last Thursday week. I thank the SEITA advisers for that because they were very informative.

This is about a lie to the electorate and the Bracks government's broken promise. As a little girl I was raised to tell the truth. I was raised not to fib or lie. It was always called a fib when you were little, but as you got older it was called a lie. If I told a fib I used to get my mouth washed out with soap. My mother was kinder than others; she did not wash my mouth out with mustard. I was raised in a very honest, working class, hard-working family — my father was a truck driver for a Northcote brick company in the early years — so to break a promise and to tell a lie is something that I take very seriously.

I recall the 2002 election and the lead up to it, as well as other government members. I recall the great promises made by our Premier, Steve Bracks, that there would be no tolls on the Scoresby. We know now that promise was broken. Labor's Linking Victoria policy that led up to the 2002 election with the mantra that 'Labor listens and then acts' said that Labor's plan was to build a stronger and fairer community. Under road funding, section 7.18 of the policy states:

Labor will not introduce tolls or shadow tolls on motorists to fund new roads and freeways.

On 9 October 2001 the Premier issued a media release that stated the Scoresby freeway would become a reality because he had discussed and secured fifty-fifty funding from the federal government to build the 34-kilometre Scoresby freeway linking Ringwood in the north through to Dandenong and Frankston in the south, without tolls and following a signed memorandum of understanding with the federal government. The Premier said this was fantastic news for Victoria, and we all agreed.

The Premier and the Minister for Transport made many announcements leading up to the 2002 election, with many press releases and fliers delivered along the Scoresby corridor, with lunches and lots of fanfare that this was a toll-free freeway and that he had brought the federal government to its knees to sign a memorandum of understanding towards the fifty-fifty funding. We know now that was thrown to the wind and the Premier and the Bracks Labor government have been happy to hand back \$565 million to the federal government, just as it handed back \$93 million to the federal government in relation to the Melbourne Cricket Ground redevelopment. Its broken promises sit very unpalatably with me.

After the 2002 election the Premier proudly issued a press release headed 'Bracks government begins second term'. He was opening the 55th Parliament and he promised to govern for all Victorians, saying the responsibility of leading a large parliamentary majority was one he took extremely seriously.

He goes on to say:

We will deliver on the promises we made during the election campaign last year. We will honour the faith shown in us by the electorate and we will govern for all Victorians —

Mr Smith — On a point of order, Acting President, I have been listening for quite some time now, and I wonder if Ms Hadden is going to get back to the bill?

The ACTING PRESIDENT (Hon. H. E. Buckingham) — Order! I do not uphold the point of

order. I will give the member some latitude in developing her argument, and I ask her to come back to the bill.

Ms HADDEN — Thank you for that very learned response, and I am speaking on the bill. I am speaking about a broken promise and a lie; and if Mr Smith listened to me, he might realise he might have to wash his mouth out too. The Premier's press release says:

We will honour the faith shown in us by the electorate. We will govern for all Victorians — those who voted for us and those who chose not to.

At the next election there will be many along the Scoresby corridor who will choose whether they vote again for the Bracks government and broken promises. The press release goes on to say:

There will be no complacency amongst our members who are fully aware of the responsibilities that come with the privilege of being elected to office.

The Premier and all government members ought to revisit these press releases and think long and hard about the damage they have done to the Bracks Labor government through a broken promise. The people along that corridor are going to remember for the next 35 years the broken promise because they are going to have to pay the toll.

There are two issues in relation to the bill that concern me. I have read it, which might surprise some members on the government side as, from listening to their contributions, I doubt they have read it. One of the matters that concerns me is the fact that in clause 30 the freeway corporation will be exempt from land tax. Tell that to all those small businesses that are closing down now because they cannot afford to pay their land tax impost!

The other issue that concerns me is in relation to clause 14. From memory, the second-reading speech states that public land will be developed by the freeway authority and will then be handed back to the councils to manage. That is going to be an impost on the ratepayers because they are going to have to manage and maintain those large parcels of public land for at least the next 35 years. That is something I do not think local government is aware of.

The other issue is that the former federal Leader of the Opposition, Mr Latham, also blames the Premier for the federal loss by Labor at the last federal election. On 24 November last year, in the *Herald Sun*, Mr Latham was very critical. He hit out at Premier Bracks's broken promise on the Mitcham-Frankston freeway tolls as a key reason for Labor's election defeat. Mr Latham was

addressing a top level meeting of Labor strategists in Canberra. Guess who they were? Senator Robert Ray and Victorian MP, the Minister for Finance, Mr Lenders. Certainly Mr Latham has the same view as many others in the community.

I have received letters from people along that corridor, including a lady from Blackburn. She said:

I am in the Mitcham electorate which will have tolls on the freeway which the people out here are not very happy with because Mr Bracks said there will be no tolls before the last election then he changed his promise.

She then said 'Good luck' to me, and that she hoped I would win my seat as an Independent politician.

I also have a letter from a lady at Mordialloc. She said:

Many Victorians share ... frustration as they feel betrayed by their Labor backbenchers who have been reduced to clerks in the service of their masters in Spring Street since Steve Bracks and his inner circle replaced integrity with hypocrisy, commonsense with nonsense and democracy with a mixture of autocracy and bureaucracy.

This very kind writer said I deserved an Order of Australia for my courage in leaving the Labor Party and the Labor government. This is about integrity of the government. This is about a broken promise. This is about a lie to the electorate, and I cannot and will not support any lies or broken promises from this government. I do not support the bill.

House divided on motion:

Ayes, 26

Argondizzo, Ms	McQuilten, Mr
Baxter, Mr	Madden, Mr
Bishop, Mr	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Ms	Nguyen, Mr
Carbines, Ms	Pullen, Mr
Darveniza, Ms (<i>Teller</i>)	Romanes, Ms
Drum, Mr	Scheffer, Mr
Eren, Mr	Smith, Mr (<i>Teller</i>)
Hall, Mr	Somyurek, Mr
Hilton, Mr	Theophanous, Mr
Jennings, Mr	Thomson, Ms
Lenders, Mr	Viney, Mr

Noes, 15

Atkinson, Mr (<i>Teller</i>)	Koch, Mr
Bowden, Mr	Lovell, Ms
Brideson, Mr	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr P. R.	Strong, Mr (<i>Teller</i>)
Forwood, Mr	Vogels, Mr
Hadden, Ms D.	

Motion agreed to.

Read second time; by leave proceeded to third reading.

Third reading

The PRESIDENT — Order! The question is:

That the bill be now read a third time and that the bill do pass.

House divided on question:

Ayes, 26

Argondizzo, Ms	McQuilten, Mr (<i>Teller</i>)
Baxter, Mr	Madden, Mr
Bishop, Mr	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Ms	Nguyen, Mr
Carbines, Ms	Pullen, Mr
Darveniza, Ms	Romanes, Ms
Drum, Mr	Scheffer, Mr
Eren, Mr	Smith, Mr
Hall, Mr	Somyurek, Mr
Hilton, Mr (<i>Teller</i>)	Theophanous, Mr
Jennings, Mr	Thomson, Ms
Lenders, Mr	Viney, Mr

Noes, 16

Atkinson, Mr	Hadden, Ms
Bowden, Mr (<i>Teller</i>)	Koch, Mr
Brideson, Mr (<i>Teller</i>)	Lovell, Ms
Coote, Mrs	Olexander, Mr
Dalla-Riva, Mr	Rich-Phillips, Mr
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Forwood, Mr	Vogels, Mr

Question agreed to.

Read third time.

Remaining stages

Passed remaining stages.

CHARITIES (AMENDMENT) BILL

Second reading

Debate resumed from 24 March; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — The opposition will not be opposing this relatively simple and straightforward bill. It is a small bill that makes changes to the way various issues around charitable trusts are managed. Some of those changes are not insignificant but they are not major changes. I will quickly run through the key changes.

Perhaps the most significant of the changes relates to the situation where the particular purpose for which a trust was set up is no longer appropriate, and the extent to which that can be changed. It allows for some other method that will improve the efficiency of investment in trusts and gives the Attorney-General certain powers which were formerly the preserve of the court in modifying certain issues with trusts, and allows some powers to appoint inspectors.

Before I deal with the detail of some of those issues it is worth reflecting a little on how important and significant charitable trusts are and have been to Victoria and Australia. Australia does not have quite the same history of major benefactors who have put millions of dollars into trusts to support good works as has occurred in the United States where major trusts set in place by billionaires of the past have endowed many great American institutions for generations. There is nevertheless a rich and important history of charitable trusts in Australia and Victoria. One that often springs to mind is the Felton Bequest which is a major trust that was set up many years ago and which has allowed the National Gallery of Victoria to gain pre-eminence in Victoria. These trusts are extremely important and significant, and although that trust is at the extreme end of the continuum, as it were, there are many others set up over many years that do a lot of good work and provide a great deal of money and support to charities and good works across the nation and, of course, Victoria, with which this bill specifically deals.

When trusts are set up they are set up for a particular purpose, and in many cases with the effluxion of time the purpose for which they are set up can change. The Felton Bequest was a trust that was set up to provide money for the gallery, and it continues, but many other trusts are set up for a purpose which in time is no longer relevant. I have no particular examples but members could imagine a trust for the benefit of people who operate steam-generating pumps on the Bendigo goldfields. There are no longer any Bendigo goldfields operating steam-generating pumps so the purpose of that charitable trust, to support people who work in that area, would no longer be relevant. Therefore, what happens to the money in those trusts? Where should those funds go when the purpose for which the trust was established is no longer relevant with the passing of time, or perhaps with the completion of the purpose of the trust in itself, leaving funds still available?

There clearly has to be some mechanism by which the money that is in those trusts can be devoted to some other good work or good purpose which is as closely as possible aligned with the original intent of the trust. That system exists, and the most important thing this

bill does is deal with that issue by amending section 4 of the principal act to increase the limits for cy pres applications to the Attorney-General.

One of the members of this house with a legal background kindly provided me with an extract from *Butterworth's Australian Legal Dictionary*. It gives a definition of cy pres and goes on to say:

For example, the doctrine may be applied if the precise purpose of the trust is uncertain, has never existed, or ceased to exist before the testator's death ...

It is exactly the condition I was describing in regard to the purpose of the trust. That is the main purpose.

Under the current act there is a tiered situation whereby the Attorney-General is able to redefine where the funds of a particular trust will go up to a monetary limit, but over that limit there has to be an application to the court. The main thing this bill does is change that limit. The current limits are \$50 000 for a continuing trust and \$1000 for a failed trust. The bill extends those limits very significantly — to \$500 000 for continuing trusts and \$50 000 for failed trusts. Up to that level the Attorney-General will be able to say where the funds of such a trust will go if the purpose is no longer appropriate; above that the court is called upon to make the decision.

The bill also allows the Governor in Council to change those limits on the advice of the Attorney-General. If on the day after the bill was proclaimed the Attorney-General believes the \$500 000 limit should be extended to \$1 million, he can give that advice to the Governor in Council, who can make that change. Cy pres limits will no longer be determined by this house; in future they will be determined by the Governor in Council on the advice of the Attorney-General. That is the major change.

Another significant change deals with the way a trust is able to invest funds. At the moment a trust can only invest funds in its own right where the trustees are responsible and accountable for the investment. In many cases, such as when it is a large trust, that may not be a problem, but for smaller trusts of \$20 000 or \$30 000, or less, it is often quite suboptimal for the trustees to do the investing in terms of the amount of activity that is required and the extent to which they can use the financial market to maximise the returns of the trust.

The bill allows for the pooling of funds. In other words, a trustee will now be able to invest the funds of the trust into some financial vehicle, along with other trusts and other financiers, not only to benefit from the economies

of scale but also to minimise the amount of work a trustee may have to do. There are amendments in the bill to allow that.

Further, the bill clearly allows the Attorney-General to investigate a particular trust if there is any concern about maladministration or if somebody were to write to the Attorney-General saying that the trust's investments were not being managed properly, about how bequests from the trust are made and so on. As you can imagine, it is not unusual — it is often the case — for beneficiaries to be in some conflict with each other, that there may be some friction between them, or that they are making assertions about some maladministration in the trust. It is the Attorney-General's job to investigate that to establish the correctness or otherwise of any maladministration.

The bill allows the Attorney-General to appoint an investigator to, as it were, carry out preliminary investigations to establish whether there is any maladministration so that he can act under the legislation. This streamlines the responsibilities of the Attorney-General by enabling him to undertake investigations and to have those results or information before him before he decides whether to conduct a proper inquiry as provided for in the act.

That summarises the major elements of what is a simple bill which streamlines the process by which important charitable trusts are managed, are able to continue their good work for the state and for the individuals who benefit from those trusts. With those few words, I commend the bill to the house.

Hon. W. R. BAXTER (North Eastern) — The Honourable Chris Strong has given the house a good run through of the provisions of the bill, and I do not intend to recanvass them. This is a worthy piece of legislation. In some respects it is even housekeeping legislation in the sense that it is increasing limits which have been in force for some time; they have now been deemed to be too low in terms of current monetary values. As Mr Strong explained, the bill provides a mechanism for those benchmarks to be increased by the Governor in Council with provision for parliamentary disallowance in the future, so presumably the Parliament will not need to turn its mind again in the future to what those limits should be.

I want to encourage philanthropy. There is great scope for people in this day and age, when we have an increasing number of people accumulating quite large asset bases in their lifetime, to perhaps leave generous inheritances to their offspring. Firstly, we must bear in mind that there are less offspring than there used to be;

and secondly, most parents now give their children tremendous opportunities to receive a sound and extensive education. Those children, as adults, are later able to make their own way successfully in society, and perhaps there is greater opportunity for people to make some charitable contributions to take effect after their deaths.

Certainly in the past we have been very fortunate in this state in that some of the wealthier families in our community have indeed been very generous in the provision they have made. Mr Strong mentioned the Felton bequest as an example, and there are numerous others. I suppose this legislation is not really directed towards such bequests because one of that magnitude usually has a board of trustees that has been given extensive powers to manage that corpus in an ongoing sense. The provisions of this bill would never apply in the sense that the limits are not an impediment, it is more directed to the myriad of small trusts that are often set up and which can cause difficulty.

I would not want to discourage people from endeavouring to rule beyond the grave by establishing trusts which were either too restrictive or too small to be administered in an efficient and ongoing fashion. I was reminded, as I was listening to Mr Strong, that my late great-grandmother, who died in 1928, left £100 per year to the local Presbyterian minister, which in those days probably doubled his stipend. Now there is no longer a local Presbyterian minister. I am not involved in the administration of that trust, and it may well have been wound up under this act for all I know, but it strikes me that it is the sort of trust that has outlived its usefulness in the intervening 80 or 90 years, and clearly there needs to be some sort of mechanism for disposing of those sort of trusts, as generous and as well intentioned she might have been when she drew her will prior to 1928.

I also have had concerns over the years with the administration of trusts or of funds left by the deceased, particularly where the surviving spouse has had a life interest. I know the bill does not exactly go to that issue, but I make the observation that too often the management of those sorts of sums of money in the past has been utterly too conservative. I am aware of the restrictions imposed upon trustees and those who have a responsibility to husband funds that have been left in an estate. I am aware that risks can be taken and money can be lost, but there has to be a balance.

It was not many years ago that when, on behalf of a deceased relative, I was presenting a cheque for \$250 000 to a building appeal for a new hospital in a country town I could not help making the observation

that the money from which that donation was derived came from the husband's estate. He had died in 1974 and in the intervening 28 years that money had simply been invested in a term deposit. That seemed to me to be a disgrace, bearing in mind the inflation that occurred particularly during the 1970s, but in every year the consumer price index increases. I made the observation that if it had been husbanded a little more competently and a little more boldly, I probably could have been presenting a cheque for \$500 000 or even \$1 million.

There is a responsibility on persons who are given that duty. Sometimes people are given the duty when they do not expect it and it becomes a burden on them, which I appreciate, but one has to exercise one's responsibilities with some diligence, and that is not always the case. It is not always simply the fault of the trustee, who may not feel competent to be doing better; often they are advised by professional advisers, who get their fee out of it, but do not do the job as well as they might.

I notice this bill provides for a maximum administration fee to be taken each year equivalent to 5 per cent of the income that the trust earns. That is fair enough. Five per cent is not a lot, but if it is a significant amount of money generating a fair amount of income it can add up to a lot even if not a lot of administration is needed to administer the fund. If it is simply in a long-term investment it does not need much day-to-day oversight, and I would hope therefore that the 5 per cent will not come to be accepted to be the going rate, because it might in itself be a very, very generous rate if a large fund is returning a significant income without very much day-to-day administration needing to be exercised.

This is one of those pieces of legislation that society needs, but which itself needs to be overviewed from time to time. Whilst I appreciate the provisions of this bill and the fact that it will not need to come back to the Parliament for the limits to be increased, that will not in any way take away from the responsibility that attorneys-general in the future will have — and I am not suggesting that that is its intention — to keep an eye on how this legislation is working to make sure that trusts are being correctly administered, that the best value is being gained for the community and that the intentions of the donor are being met so far as possible taking into account the conditions that prevail at the time.

As I say, I am not one for advocating to people that they try to rule beyond the grave. I have discouraged a number of people I have had some contact with over

the years from setting up their affairs in such a way that they would appear to be doing that. This is another example of how, if someone makes a decision that does not prove to be workable, the situation can be rectified for the benefit of everyone. I support the bill.

Ms MIKAKOS (Jika Jika) — It is with great pleasure that I rise to make a contribution today in support of the Charities (Amendment) Bill, which seeks to make a number of amendments to the Charities Act 1978 to assist in the administration of charitable trusts. I want briefly to outline what those changes will be, but I want to then focus the bulk of my contribution on paying tribute to the work that charities and members of our community who are involved with charities actually do.

The bill will enable charitable organisations to administer charitable trusts more effectively and efficiently. It will do that in particular by addressing two significant problems that charities face in administering trusts at the moment. Firstly, charities administering smaller trusts will no longer have to make costly applications to the Supreme Court to vary the purpose of an outdated trust. A cy pres scheme can be approved for the variation of a trust that has become difficult to carry out or has failed. I understand the literal translation of the Latin term 'cy pres' is 'as close as possible'.

Hon. C. A. Strong interjected.

Ms MIKAKOS — I am certainly no Latin scholar, Mr Strong, but I understand that when a gift is made by a will or trust and the named recipient of the gift no longer exists, has dissolved or no longer conducts the activity for which the gift is made, the estate or trustee must make the gift to an organisation which comes closest to fulfilling the purpose of the gift. So a cy pres scheme is an application to court to vary the trust to enable the trust funds to be applied to a charitable purpose that closely compares to the original intent of the donor.

The application limit of a cy pres scheme will be increased to more accurately meet the modern-day requirements of charitable trusts. These limits were last increased in 1986, and it is now appropriate that the Attorney-General have the power to review applications for variation of outdated trusts from the current limit of \$50 000 to the new limit of \$500 000. In the case of failed trusts the new limit will be \$50 000, up from the present \$1000, which is a very small amount. These figures represent the value of the corpus of the charitable trust — that is, the principal amount rather than the total value of the trust, which

would include interest. It is entirely appropriate for the Attorney-General to review these applications given that the Attorney-General is not only the chief law officer in this state but also the protector of charities.

The other area the bill seeks to amend relates to the ability of charities to combine the funds of smaller trusts for investment purposes so long as they obtain the required approvals. At present trustees who administer many small funds are not permitted to mix the funds of two or more trusts into a common fund. Trustees have been able to combine funds only where there has been a statutory provision permitting such investment. This has been granted to some trustee companies and some universities and other bodies. This bill makes provision for the approval of schemes for the investment of charitable funds in common funds. The procedure for doing this will be similar to that which applies for the variation of charitable trusts. Once again this demonstrates the Bracks government's commitment to modernise the law and, in this case, to enable charitable trusts to grow and continue to perform their valuable work.

The final area of the bill I want to touch on relates to the amendments to the provisions for supervision of charities by allowing the Attorney-General to ask for information from charitable trustees prior to the appointment of an inspector who would inquire into the management of the trust.

I now want to turn to the important role that charities play in our community, in particular in providing services to the disadvantaged and those people in need. Australians have a long history of giving to charitable organisations. They give their time and they give their money. This history stretches back to the governorship of Lachlan Macquarie, when the first Australian non-profit organisations were formed between 1810 and 1821. The first charitable trusts were established in the late 1800s. As the nation became wealthier its residents opened their hearts and their pockets to those less well off than themselves. Today it is estimated that there are several thousand such charitable trusts and foundations. It is further estimated that the philanthropic sector totals about \$5.4 billion per annum. Of this amount individual donations account for \$3 billion. Donations to church organisations account for approximately 38 per cent; donations to community and welfare, 18 per cent; donations to international aid, 11 per cent; donations to schools, 10 per cent; and donations to sporting clubs, 9 per cent.

I particularly draw members' attention to a very interesting web site — they might want to go off and have a look at this — www.philanthropy.org.au, which

contains a lot of important facts and figures about the extent of the philanthropic sector in our country. We are privileged to have so many registered philanthropic trusts in Australia. Many are very well known to the community, such as the Myer Foundation and the Pratt Foundation. According to the web site I just mentioned the Pratt Foundation is our largest charitable foundation in Australia, and the Myer Foundation ranks as the third. The second is the Colonial Foundation Trust, which is perhaps a little bit less well known. I am very grateful to the Pratt Foundation for its support in the construction of the Visy Cares student centre at Lakeside Secondary College in Reservoir in my electorate. The student centre will provide the school's Victorian certificate of education students with a modern, comfortable facility for many years to come.

There are many small foundations aiming to serve very specific needs in our community. I note the work in particular of the John and Anna Woods memorial fund which was established to apply funds towards the welfare of indigenous children. There is also the Alfred Felton Bequest which not only has provided the National Gallery of Victoria with funds to build one of the greatest art collections in the world, but also provides funds for projects which focus on the physical health of women and children in rural and urban areas of disadvantage.

We have recently witnessed exactly how generous Australians can be in their response to the Asian earthquake and tsunami appeal coordinated by the Red Cross which saw \$103 million raised as of 5 April 2005. I understand that both the Red Cross and the Red Crescent agencies have assisted nearly 800 000 affected people in Indonesia's Aceh province and Sri Lanka, providing them with vital aid and support including food, water shelter, hygiene kits and clothing. Assistance to them in the longer term is estimated to be required for at least the next decade. Of course there are many other international aid agencies such as Oxfam Community Aid Abroad, World Vision Australia, CARE International and Medecins Sans Frontieres which have also contributed enormously to this unprecedented rebuilding effort. Every Australian was shocked by the scale of the devastation and the loss. It touched us all and motivated many ordinary Australians to think of ways that they could support the millions of people affected by this catastrophe. From sausage sizzles at the local netball ground to nights of comic relief; from office casual dress days, to scenic flights around Port Phillip Bay — anything and everything that could help, did help.

At a more local level I note that the city of Whittlesea's Lifting Spirits concert was held on Friday, 18 February

2005 and involved young people in the Whittlesea area. They conducted a concert which was a great success and raised much-needed funds for the victims of the tsunami. I also wish to note the excellent united Pacific island tsunami concert held on Saturday, 12 March 2005. This was an initiative between a number of Pacific island communities and the Department of Justice. It gives me great pleasure to announce that the concert raised over \$11 000 for the Red Cross appeal. The working group involved volunteers from the Tongan, Samoan, Fijian, Cook Islander, Maori and Niuan communities and I take this opportunity to thank those tireless volunteers for their terrific work. It is this grassroots approach to giving which defines philanthropy and charity.

However, not just catastrophes of the tsunami magnitude bring out our spirit of giving. Each year Victorians dig deep and donate vast sums of money to the Royal Children's Hospital Good Friday appeal. To many of us the appeal has become synonymous with Easter. This appeal was established in 1931 by the then *Herald and Weekly Times* and has raised over \$138 million for the hospital. This year a record total of over \$10 million was raised. The money raised is used to buy medical equipment and fund research programs, and the funds are not used for the general administration of the hospital. The appeal has become synonymous with tin shaking and this year more than 15 000 tins were also rattled across Victoria to raise funds and collectors were at most major intersections across Melbourne and Victoria. Major appeals such as this demonstrate not only that Victorians are donating money but that they are donating their time as well.

Recently I made a contribution in this place commemorating the centenary of Rotary International which was established in Chicago and I noted that the first Rotary club was established in Melbourne in 1921. I also mentioned in my contribution that Rotary has a long history of fundraising and providing services for our local community, but I want to give some examples now of the excellent work that organisations such as Rotary are doing in my electorate on behalf of my local community.

I note for example that the Rotary Club of Preston has helped isolated senior citizens by holding a Christmas lunch for seniors; the Rotary Club of Reservoir has helped local secondary schools find sister schools across the world and has hosted family exchanges; the Rotary Club of Northcote has tackled the issue of salinity by involving local students in planting trees; the Rotary Club of Rosanna has raised funds for leukaemia and polio; the Rotary Club of Bundoora has supported the establishment of a new State Emergency Service

unit in South Morang; and the Rotary Club of Greensborough has supported the Austin Hospital and provided free hearing and sight testing for many young children. You cannot place a monetary value on initiatives such as these. However, I know that without them the community would be a much poorer place.

These are only several of the many thousands of stories that could be told in relation to charities and philanthropic trusts and the important work they do. I want to take this opportunity to thank those Victorians who part with their money and time to support those in our community who need it.

I conclude by saying that the bill before us is about modernising the law and allowing our charitable trusts to continue their excellent work without being hamstrung by unnecessary obstacles. I commend the bill to the house, and I put on record my thanks to both The Nationals and the opposition for their support.

Hon. ANDREA COOTE (Monash) — I have a great deal of pleasure in speaking on this bill because I too would like to put on record the extraordinary charitable work that Victorians have done, and to remind this chamber that Victoria has been the jewel in the crown as far as charities are concerned. It is where the largest number of philanthropic trusts have come. We have had small trusts and large trusts. We have been at the forefront of philanthropy in Australia and it has been established by some very fine contributors here in Victoria. I will come back to those trusts later on in my contribution but would add that the Liberal Party is not opposing this particular bill.

For the record the bill amends the Charities Act 1978 to increase the threshold for the Attorney-General to make variations to a charitable trust. The bill allows multiple charitable trusts to invest in common funds and gives the power to the Attorney-General to appoint an inspector to carry out an inquiry if he is concerned about a trust.

Previous speakers have spoken about cy pres and what it means. At the moment the Attorney-General has the power to approve cy pres applications in relation to small charitable trusts when the value of the corpus of the trust is less than \$50 000, or if the value of the corpus of a trust that has wholly failed is \$1000. The bill will give the Attorney-General power to approve cy pres applications for trusts with a corpus of \$500 000; or, if wholly failed, \$50 000.

Various colleagues have talked about cy pres. The publication 'Kevin's collaborative English law

glossary' says the term *cy pres* is old French for 'as near as possible'. It says it:

... denotes the practice of finding the nearest possible equivalent to give effect to a donor's charitable intentions. It may be necessary if, for example, the donor's specific charity has ceased operating or changed its purpose, or if the charity refuses the gift.

It is interesting to note that we are going back to some quite old terminology in this bill. In my electorate are a number of extremely successful charities and trusts that carry out extraordinary work, and I would like to mention some of those tonight.

The Sacred Heart Mission in Grey Street, St Kilda, does the most extraordinary work. It serves lunch to over 450 people every day and carries out an extraordinary range of other services throughout St Kilda and across metropolitan Melbourne. I give it high praise indeed, because it carries out work with people who are in great need. It has client services, the resource room, the PSP — that is, the personal support program — and it supplies material aid. It provides lifestyle programs; it has a women's clinic and it helps with a community visitors scheme as well. It is certainly a charity to be commended — as indeed is the Prahran City Mission.

Prahran City Mission has an extraordinary group of volunteers and professionals who carry out an amazing amount of work at the grass roots of Prahran. It runs a winter breakfast program, and every winter I help with that program. We prepare breakfast for a significant number of people. For \$1 people can get a three-course breakfast; in fact it is a much better breakfast than I serve at home. We also help to get ready for the lunches that are served and provided for people who are in need. Often many people who live by themselves come in and have a nourishing lunch.

Last year I won the potato peeler of the year award. I was quite honoured because it was at a function for all volunteers for the Prahran City Mission and it was a great honour to be amongst the others who had given their time to volunteer. It was quite extraordinary. Nevertheless I had a lot of practice with those potatoes!

The mission does excellent work and I encourage the government to see fit to increase funding to it, because it carries out an excellent service.

This bill talks about protecting trusts. It is interesting to see, if something goes wrong, how badly it can go wrong. I quote from an article in the *Herald Sun* of 20 October 2004 about a raffle and a swindler who was jailed:

A children's charity operator who ran bogus fundraising raffles in a \$7 million swindle was yesterday jailed for at least five years.

Kids at Sea director Lawrence Shannon ...

was ordered to pay \$740 000 —

to the state as a pecuniary penalty for defrauding thousands of ticket holders in a six-year scam.

It is absolutely vital that we have controls and that people in this state feel confident that they can give donations to charities knowing that the charities will use the money wisely and that the donations will get to the very heart of where they are intended to go.

Some of the large organisations in Australia and throughout the world include the Red Cross which carries out an extraordinary diversity and range of charitable functions. The administrative costs are quite high. It is important that all charities manage to make certain that their administration costs do not eat into their donation dollars.

Another organisation within my electorate is the Salvation Army. I would like to make particular note of the excellent work that Jenny Plant does for the Salvation Army in St Kilda. It provides an extraordinary service and deals at the coalface of some major concerns in St Kilda. The team does particularly good work with the women of St Kilda who need additional support because of the violence, drugs and all sorts of abuse on the street. I commend the Salvation Army for its work.

I would like to speak about the larger philanthropic trusts and the role of the Jewish community in philanthropy in Victoria. The Jewish community has been a huge supporter of the community through the Meyer Foundation, the Pratt Foundation and a number of the large philanthropic organisations. Victorians should feel extremely privileged that this community has put in so much.

Dick Pratt, the great philanthropist not only to Victoria but to this entire country, has a saying, that if you give one dollar, you get two back. He has been a terrific supporter of so many charities, and certainly the arts, in this state. He is to be commended for establishing the Arts Angels and a number of trusts that support the arts. In more recent times they have established the Pratt Foundation which is now administered by Dick Pratt's daughter, Eloise. It does an excellent job in the community and welfare agencies across the state.

Jeanne Pratt has been keen and given a lot of her time and effort to the arts. She has been supporting a

production company to give young Victorian artists, stage producers and technicians opportunities to learn and practise their skills; she has been an enormous advocate for it. Victoria and Victorian arts owe an enormous debt to the Pratts in the work that they have done and continue to do through excellent donations within this state and through their encouragement of others to become donors.

Many people can give their own money, but they find it very difficult to ask other people. The Pratts are both very good at making certain that other people also contribute to charities within Victoria.

The Myer Foundation is another excellent foundation. Sidney Myer established from his will the original Myer Foundation, and we have the Sidney Myer Fund as well. It is interesting to see the excellent work the young members of the family are encouraged to do under the auspice of Lady Marigold Southey. They are encouraged to go out and be actively involved in the community, establishing charities and funds and working in a hands-on capacity. An example is an organisation within my electorate called the First Step, which is a drug rehabilitation centre. The members of the Myer younger generation are encouraged to understand what it is about and to be actively involved in its every aspect. The Myer Foundation has also looked into some excellent papers on ageing and at the direction we should be travelling in together as a community. The foundation is not just giving money where money is needed but is looking to long-term project development and sponsorship.

I also put on the record the work of the State Library of Victoria Foundation. I had the privilege of establishing the foundation with Mary Baillieu. She had the foresight to realise that if a large corpus was collected, the people of Victoria could enjoy the benefits of this foundation putting money back into the state library and into the collections in particular. She established the foundation at a very unpopular time in the life of the state library, when it was a much unloved organisation. She recognised that it had a need, and with the encouragement of Jeff Kennett, who was an excellent Minister for the Arts, the State Library of Victoria Foundation was established. Initially we raised \$3 million for the foundation, and the people of Victoria were extremely generous in giving their time and in supporting the library. The foundation helped considerably in putting the library on the map.

The foundation has gone from strength to strength. Under the present chairman, Stephen Kerr, it now has in the vicinity of \$8 million, which is a huge credit to both the people who have administered the foundation

and continue to support it and the Victorians who realise how important our state library is. It is absolutely vital that this foundation stay intact and the corpus be used to add benefit to the library. It would be a great tragedy if the state government looked at this corpus and decided it was going to look into using the foundation money in any way other than for increasing the corpus and making certain that Victorians into the future can benefit from the foundation.

Victoria has a proud tradition of charities and charitable organisations and of being the benchmark in this country for philanthropic donations and encouragement within a state. I hope that tradition goes from strength to strength. It is important that the integrity of charities be upheld. This bill goes a long way to doing that, and I am pleased to see it introduced into the chamber.

Hon. H. E. BUCKINGHAM (Koonung) — I rise to support the Charities (Amendment) Bill. Charities play an enormously important role in our community. I have great admiration for the work they do here in Victoria and Australia, and indeed overseas, as we saw with the recent tsunami appeal. Governments must ensure that legislation governing charities is relevant and viable, and that it aids and protects the valuable work charities do.

This bill addresses two significant problems that charities face in administering charitable trusts. Many charities in Victoria administer charitable trusts. Often a charitable organisation will be responsible for a large number of trusts, including trusts that are small in size. Circumstances change or funds diminish, and it becomes difficult to fulfil the original purposes of the trust. The bill provides a procedure for the review of outdated trusts by the Supreme Court or, in the case of smaller trusts, by way of a cy pres application to the Attorney-General. I thank the previous two speakers — both Mrs Coote and Ms Mikakos — for their explanations of cy pres.

Currently the Attorney-General's power is restricted to small trusts of less than \$50 000, or \$1000 if the trust has failed. These limits were set by the original act and are now far too low. This new bill raises the figure to \$500 000 and \$50 000 respectively, thereby ensuring that small trusts will have access to cost-effective cy pres procedures through the Attorney-General. A further aspect of this is that in future these limits will be able to be increased by an order in council, subject to disallowance by the Parliament. That is a practical way to deal with this in the future.

The bill also addresses the difficulty faced by trustees who administer a number of charitable trusts and who

must adhere to the common-law rule which prevents the mixing of funds of two or more of those trusts. This rule effectively prevents them investing in a common fund. The bill will allow for the approval of schemes for the investment of charitable funds in common funds by setting aside the common-law rule.

I have spoken before in this house on private bills that set out to achieve what this legislation does. Before the introduction of this legislation, charitable trustees had no other option but to seek a private bill to overcome difficulties they had in administering charitable trusts because there was no alternative procedure available. Now charities will be better equipped to manage bequests and donations, to administer trusts and for the first time pool trust moneys for investment.

The bill also makes an amendment to the provisions of the Charities Act for the supervision of charities by the Attorney-General. The Attorney-General will be able to request information from the trustees of a charity before deciding whether or not to appoint an inspector. This is a sensible provision which allows the Attorney-General to make an assessment before an intrusive procedure is carried out, thereby guaranteeing public accountability. The bill makes available to all charities, without distinction, the simpler procedures under the Charities Act for addressing problems about outdated trusts and the investment of common funds where the value of the corpus falls within the increased limits under the bill.

I acknowledge and admire the outstanding work of charitable organisations in Victoria. This legislation supports their work and modernises the law in this area. I commend the bill to the house.

Hon. A. P. OLEXANDER (Silvan) — I too have great pleasure in joining this debate and in supporting this bill. In doing so I congratulate previous speakers from both sides of the house on the excellent exposition they have given of the technical purposes of the bill. Suffice to say this bill assists the excellent work of charitable trusts and foundations in Victoria by making some very practical arrangements by which trust or foundation funds may be applied where the purposes of the trust have to some extent become obsolete or redundant, or perhaps have failed altogether because of the effluxion of time or the change in circumstances since the trust was originally established. The bill also makes arrangements by which trusts might pool their financial resources to invest and to earn greater income for their very good charitable works rather than having to invest in a commercial vehicle or independently.

The Honourable Helen Buckingham made an excellent point when she said that so many trusts and foundations

operating in Victoria and around Australia are quite small. That is why arrangements regarding cy pres variations are appropriate whereby the Attorney-General can vary the purpose or approve the variance of the purpose of the trust where it has wholly failed or become obsolete or redundant. The amounts of money or funds under the control of the trusts have been varied upwards to more accurately reflect the circumstances of today. It is a happy circumstance that more of the trusts operating today have more funds at their disposal. It is really a machinery provision that allows them not to rely on an application to the Supreme Court which can be time consuming and costly and a drain on the resources of the foundation or the trust, but they can apply to the Attorney-General for a variation. That is a sensible thing to do.

It is probably worthy of consideration on the part of the government that perhaps the Attorney-General may not be the most appropriate individual to whom these applications can be made. In the future it may be considered that a more independent officer of government or of the courts might be appointed to do this, given that the nature of some of the trusts that operate can be quite political. The Attorney-General's position is a political position so it may be appropriate for an independent officer to be found to whom those cy pres applications can be made. Notwithstanding that, the opposition does not see any problems in the provisions or the variations to the act that have been made in this bill.

The opposition acknowledges and greatly values the huge contributions made to our community and our society by charities, trusts and foundations. In the late 1980s I had the privilege of becoming involved with the Chernobyl Children's Relief Foundation. Honourable members will recall that in the mid to late 1980s there was a terrible nuclear accident at a power station in Chernobyl in the Ukraine quite close to its capital city Kiev, which created a huge fire and an enormous amount of radioactive fallout not just in the Ukraine but throughout northern Europe. As a consequence a number of Australians of Ukrainian descent got together, I amongst them, and created the Australian Chernobyl Children's Relief Foundation. I became the honorary inaugural secretary of that foundation which was spearheaded by a woman of enormous courage and charitable involvement, Mrs Zina Botte, who was a very prominent Australian of Ukrainian origin, who later became the honorary consul in Australia of the Ukrainian Republic when it declared independence in 1992. The charitable trust predated that.

At its inception the trust was engaged in emergency relief, and that emergency relief took the form of food

products, clothing and other supplies that were being sent to the Ukraine in direct response to that nuclear accident. Of course, as the years passed, the objectives of the trust changed because the circumstances of the people on the ground changed. It soon became obvious that there were not sufficient medical resources in the Ukraine to deal with the problems that were occurring, not just with the people affected directly by the nuclear accident, but also those children born subsequently with significant medical issues and problems postnatally. They needed emergency medical intervention, so the trust varied its charter and started to bring groups of Ukrainian children to Australia. Those children received treatment in Australian medical institutions and had long breaks in Australia where they could receive clean water, clean food and live in a clean environment to have a break from the highly radiated environments where they were forced to live. There was no alternative for them.

The trust then varied its objectives again to allow for the building of clinics and financial support of the building of clinics locally in the Ukraine. Of course that was probably one of the most costly objectives the trust engaged in. The changing needs of the trust became obvious as time went on. This is not an uncommon situation for charitable institutions because obviously it was unpredictable at the inception of the trust, close to the date of the accident, for it to know what the requirements and needs would be. Over the years it became more and more obvious that we had to change the way we operated in order to best assist those children in need.

This legislation addresses that issue. It is an important issue because the many thousands of Australians who donated not just products but medicines and money to the trust needed to be confident that even if the original objectives of the trust changed their moneys would still be applied in a relevant way to assist the children who suffered horribly and still continue to this day to suffer as a result of that terrible nuclear accident.

We on this side of the chamber say that this legislation is welcome and appropriate and we support it wholeheartedly. We support and congratulate the thousands of Australians who are involved in foundations and trusts for a variety of purposes. I wish the bill a speedy passage.

Ms ROMANES (Melbourne) — I rise to support the Charities (Amendment) Bill, which addresses a number of problems that have been raised by trustees of various charities and aims to help them more effectively fulfil the important work that they undertake on behalf of citizens of Victoria.

Two of the most pressing difficulties faced by trustees in the administration of charitable trusts are, firstly, inefficiencies caused by the rule that prevents the mingling of funds for two or more smaller trusts into a common investment fund. The other is when there is a change of circumstances which makes it difficult or even impossible to carry out the purposes of a trust.

My own experience in fundraising in the overseas aid arena while working for many years for Community Aid Abroad, now Oxfam Community Aid Abroad, helped me to relate to difficulties in this second area — the area of change in circumstances. Oxfam Community Aid Abroad is part of an international Oxfam family, and I am aware of a \$10 million trust to a sister organisation, Oxfam Hong Kong, which had as its purpose ‘the alleviation of poverty in Ethiopia’. Whereas we might all hope for a change in circumstances that would lead to the fulfilment of the very purpose of that trust and a subsequent need to vary the trust due to a change of circumstances in the future, I think realistically, however, we would all realise that the dimensions of the problem mean the realisation of such a purpose would be unlikely in the case of one of the poorest countries in the world and a country the size of now 70 million people.

In that circumstance, Oxfam Hong Kong early into the administration of that trust had to go to the expense of a Supreme Court application to seek clarification of the purpose of the trust and to allow funds from the trust to be applied to the shallow wells water program, which had been developed by Oxfam Community Aid Abroad in conjunction with the relief society of Tigré and northern Ethiopia. That program is about delivering basic needs, including safe potable water, to villages and goes to the very heart of survival and wellbeing and the livelihood of very poor people in that country. Fortunately in those circumstances the application for that variation and for the application of funds in that way for water programs was granted.

I do not know the details of the range of programs faced by the many overseas aid organisations in Victoria over the years that are similar to this, and the difficulties they may face in trying to marry the intent of a donor or donors with the real and practical needs of people in the country the donor most wanted to help, but there are many other charities which have a focus closer to home which have indeed been caught up in these issues and have faced a range of problems relating to changes of circumstances which have made the administration of a trust difficult.

The purpose of the bill before the house has been covered by previous speakers. It endeavours to raise the

size limits of trusts which can take an application to the Attorney-General for a variation of the purpose of the trust, and thereby make that process more accessible and obviate the need for organisations caught in this bind to go through a Supreme Court process. This means that as a result of this bill many more organisations could in the future go directly to the Attorney-General. The bill also provides for regular reviews of the limits for access to the Supreme Court or to the Attorney-General to be reviewed and amended by an order in council, subject to disallowance by Parliament. Furthermore, the bill provides that similar procedures can be used whereby charitable organisations and trusts can apply for investment to use smaller trust funds as part of an investment in common funds and thereby take advantage of a larger pool of funds for investment purposes.

A further provision in the bill relates to supervision of the administration and management of charitable trusts by the Attorney-General. The bill amends part 2 of the act to provide for the Attorney-General to request information from trustees before deciding whether to appoint an inspector and to inquire into the way any particular trust is administered and managed.

The Honourable Andrew Olexander made the point about an alternative of using an independent officer rather than a political position — the Attorney-General — to oversight some of the functions that are described by the bill before us, but I remind Mr Olexander and members that the Attorney-General is the chief law officer of this state and has a very clear and strong role to play as the protector of charities.

The Bracks government wants to assist charities to undertake the valuable, vital and excellent work that is done on behalf of those who are needy and disadvantaged. It wants to make the administration and the work of trusts more efficient and effective and to modernise the way the processes are undertaken and brought to a position where there is more clarity and accessibility for changes, should changes be needed in this area. I commend the bill to the house.

Hon. B. N. ATKINSON (Koonung) — Members will perhaps be a little surprised to know that the Australian philanthropic sector is worth over \$5.4 billion a year, and in fact individual donations to philanthropic trusts are around \$3 billion and donations from businesses approximate \$1.5 billion. I say it is over \$5.4 billion because it is interesting to observe that a recent article in *Business Review Weekly* looked at charitable trusts and discussed their disbursements and their incomes with a number of the major organisations who are involved in charity work, including the

churches. Interestingly, there were submissions from a number of people who were interviewed stating that they had no idea about the value of their assets and the amount of income they received and disbursed. Indeed the Australian Taxation Office, on being consulted about that story, indicated that it also was not quite sure of how big this sector is.

Nevertheless, it is a very important sector and there are a great many things that happen in our community only because of the generosity of Australians, the functioning of charitable trusts and the establishment of a range of trusts, both old and new, which have played a very significant part in our cultural and social development here in Victoria. There is a diverse range of trusts involved in funding education, the environment and disability projects, youth and aged care services, arts, health, and sport and recreation. According to the Australian philanthropic organisation, religious and charitable organisations hold around 37 per cent of the funds that are available to charitable trusts. They use them for religious purposes, which include charity work by such organisations as St Vincent de Paul Society and the Salvation Army in Australia. The amount of money involved is \$1.25 billion.

In 1997, according to the association, community welfare comprised 17.2 per cent or \$478 million of donations; education and research 16.4 per cent or \$457 million of the allocations; overseas aid \$312 million or 11.2 per cent; sport and recreation \$246 million or 8.9 per cent, and health projects were around \$121 million or 4.4 per cent. It is interesting to note that in 1997, which is the year for which the association has published figures, 71 per cent of Australians over the age of 15 years gave to non-profit organisations. In 2000, only three years later, 4.4 million Australians volunteered a total of 704.1 million hours to non-profit organisations.

As members of Parliament one of our great privileges is meeting many people in our communities who are champions. The Minister for Sport and Recreation, who is in the house at the moment, and I, through our portfolio and shadow portfolio responsibilities, have opportunities to meet many sporting champions, as other members do in the context of their electoral work. But the champions I talk about are not those people who have achieved great feats in sport but people who contribute famously in their communities. They give selflessly and volunteer their time and skills to ensure other people who are disadvantaged in the community or who perhaps need a hand to take up the opportunities that are available are resourced and supported.

Often governments can give money to a range of enterprises and activities and to needy organisations that deal with people who are disadvantaged, but one of the interesting things about the volunteer component of the work that is funded by charitable trusts is that very often it is a matter of touch — the fact that those people reach out and touch somebody. It is not simply a matter of trying to get a result by spending money but trying to get a result because of social and human contact. I believe the people who understand, empathise and bring a shoulder to cry on or a hand for support are the real champions.

None of us would have been surprised — although the level of support and generosity perhaps did reach proportions we might not have expected — at the way Victorians and Australians dug deep during the tsunami disaster relief effort. None of us is surprised when Victorians dig deep during bushfires or when there are calamities or disasters, particularly overseas; Victorians always show tremendous generosity. There are so many organisations that do fabulous work. I happen to be a member of Rotary in Australia. Other organisations like Lions Australia and Jaycees do terrific work in the community.

One of the things that impresses me about the current Rotary program is the fact that through the work of the Rotary Foundation, a charitable trust which has worked with the World Health Organisation, the eradication of polio is getting closer. Its incidence is now limited to a remarkably few areas and to a limited number of people by comparison with what that disease was doing, say, 40 years ago as it rampaged around the world. The effort of Rotary in almost obliterating polio has been fabulous.

I note with some pride that Rotary is now about to turn its attention to tackling the AIDS. AIDS is of great concern to me in a continent like Africa. Some members of this place have no doubt travelled in some African countries. It is frightening that more than 70 per cent of the adult male population in some of those countries is infected with AIDS. The ramifications for their economies and societies are devastating. It is good that Rotary is to tackle that disease.

I am also pleased to note that the Rotary Health Research Fund has done so much in Victoria to support the awareness of and to destigmatise mental illness. This is almost as important as support through funding; I see that as one area of the work of charitable trusts — that they do not just allocate funds but provide another dimension. There has been a real move to destigmatise mental illness and to fund some very valuable research

into it. That fund is also involved in supporting indigenous health scholarships.

In my electorate quite a number of organisations are involved in a range of work in the community. They include Nadrasca Adult Training and Support Service, Scope and the Knoxbrook Training Centre, which are all involved in activities with disability groups. Right across the community there are people who do tremendous work, and many of them are funded either directly or indirectly by charitable trusts.

Last night I was at the National Gallery of Victoria with many of my colleagues from the Liberal Party. When you sit in that building you recognise the tremendous contribution that has been made by a number of bequests and charitable foundations to the development of arts in Victoria. I certainly note that organisations like the Lord Mayor's Charitable Fund, the Myer Foundation and the Jack Brockhoff Foundation have been around for many years and have made tremendous contributions to Victorian social and cultural life.

Increasingly today we see new organisations like the Beeson family, the Gandel family, the Pratt family and Ian Potter establishing foundations which will continue a rich tradition that, as I said, started back in the 1890s in Australia with the establishment of the first charitable trusts.

I think one of the crucial things about charitable trusts and charities in general is that we as a Parliament need to ensure there is integrity in those charities and a process by which we make sure the promises and commitments that are made, particularly by those who are receiving the funds as distinct from those who are forwarding or donating them, are kept, and that they deliver the services they promise. The Honourable Andrea Coote mentioned a chap who was involved in a scam in which he suggested he was raising funds for disadvantaged children when in fact he was driving around in fast cars, living a fast life and residing in a number of houses that were supposed to be for the support of disadvantaged young people. Fortunately he was brought to book. We need to ensure that the integrity of trusts and charities generally is maintained through our vigilance as a Parliament and through the laws we make so that the generosity of Victorians is not taken for granted and they can have confidence that when they are generous in contributing to charities the money is used for its intended purposes.

It is appropriate that this legislation allows some of the smaller trusts to consolidate their funds in common funding pools because some of them are old and fairly narrow in their focus, having a very specific purpose. In

some cases that has not enabled them to manage their funds as well as they might have to gain the maximum amount of interest and so forth and to preserve the capital of their funds. This legislation will be of great benefit to a number of smaller trusts, and I think from that point of view the legislation is certainly warranted and appropriate. Hopefully it will ensure that many of these charitable trusts continue the good works they have established over such a long period for a good many years to come.

As I said, as a member of Parliament I am very pleased when I move around the community to see the tremendous work that people do. I hope that this legislation will support many of those volunteers and organisations in the work they do, either through direct or indirect support from charitable trusts which are the subject of this legislation. I am happy to take the position of not opposing the legislation on this occasion. I look forward to its implementation by the government.

Sitting suspended 6.29 p.m. until 8.03 p.m.

Hon. G. K. RICH-PHILLIPS (Eumemmerring) — I will make a brief contribution to the debate on the Charities (Amendment) Bill. I place on record that the Liberal Party does not oppose this legislation.

The bill has two primary purposes. The first is to increase the threshold below which the Attorney-General has the power to approve a cy pres scheme with respect to a charitable trust. The second is to allow charitable trusts to invest in common funds with the approval of the Attorney-General.

A cy pres scheme is one that allows trustees to alter the original purpose of a trust. This may arise when a trust has existed for a long time and as a consequence its original purpose as outlined in the trust deed has become redundant and it is appropriate to apply the trust funds to a more contemporary purpose. An example I discussed with Mr Olexander earlier today was that of a trust set up to provide quills and inkwells for students. The trust may have been set up for that purpose in the 19th century, but that purpose is no longer appropriate in the 21st century. Under a cy pres scheme it is possible to amend the purpose of that trust and choose one contemporary purpose, such as the provision of pens or even computers for students. It allows the purpose of a trust to be altered to a similar but in effect more contemporary purpose than may originally have been outlined in the trust deed.

The legislation alters the existing Charities Act to increase the level at which the Attorney-General can make such a decision. Currently if a continuing trust

has assets of \$50 000 or more or a trust that is being wound up has assets of \$1000 or more, the Attorney-General does not have the power to authorise a cy pres scheme, and the trust is required to go to the Supreme Court to seek a court order. The legislation increases the threshold at which the Attorney-General has the power to make a decision to \$500 000 and \$50 000 respectively, so it greatly increases the scope of the Attorney-General for making a determination and therefore avoids the need for trustees of a trust to seek a court order allowing them to enter into a cy pres scheme.

The second purpose of the bill is to allow the Attorney-General to authorise a trust to invest in a common fund. To date trusts do not have that power unless, obviously, it is specifically done under the trust deeds, and this will allow the Attorney-General to authorise that without the need for the trustees of the trust to seek a court declaration.

I have no concerns with either of those provisions. The level set below which the Attorney-General can intervene — that is, \$500 000 for a continuing trust — is a substantial amount of money. The Attorney-General will now be able to intervene to authorise a cy pres scheme and therefore provides significantly greater scope than the existing law.

One area where I have some concern is the mechanism by which future changes will be made possible. Should the government wish to increase the thresholds at which the Attorney-General can authorise either of these schemes, the legislation will allow for that to be set by the Governor in Council subject to disallowance by the Parliament. The reason I raise this as an area of concern is simply because it is again encroaching on the separation of powers between the executive and the legislature. That is an area to which governments of either colour do not necessarily pay great regard, and it comes down to the opposition party and opposition members of the day ensuring that that separation is not encroached on.

I have some concerns that a future government, any government, will be able to unilaterally increase these levels through the Governor in Council process without further reference to the Parliament. While any increase would come to the Parliament for disallowance, it is the type of thing that could be easily slipped through the Parliament without coming to note and without any level of parliamentary scrutiny. I place on the record that I do not support the inclusion of the provisions which allow the Governor in Council to make these decisions rather than their having to be referred back to the Parliament for future increases. With those few

words, the provisions are sensible, and I do not oppose the legislation.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

HEALTH (COMPULSORY TESTING) BILL

Second reading

Debate resumed from 24 March; motion of Mr GAVIN JENNINGS (Minister for Aged Care).

Hon. D. McL. DAVIS (East Yarra) — I am pleased to rise to make some comments on the bill. The opposition supports the modest Health (Compulsory Testing) Bill, which amends the Health Act 1958 to provide for compulsory testing in situations where a custodian or carer may have been exposed to specified infectious diseases. The circumstances in which these provisions can apply are very tightly defined. The current law in all states allows the ordering of compulsory testing by the chief health officer where there is a reasonable belief that a person has or is suspected of having a specified infectious disease. The key purpose of the bill is to deal with an anomaly where, while the secretary of the department can under certain circumstances grant an order to test if a person refuses to consent to a test, the secretary has no such power if a person is unconscious or unable to give or refuse consent.

This is a very narrow bill. There is a debate about whether compulsory testing ought to occur in a series of other cases. That is a debate for a different time and not one I wish to comment on today. The circumstances addressed by this bill are those where the persons in question are not refusing to consent to a test. A guardian may consent to allow testing if it is in the interests of the person for whom they have responsibility, but since it does not directly involve the health of the incapable person, it is hard to see how that could be the case.

The main provision in the bill amends the Health Act 1958 and expands the circumstances where the secretary may order persons who lack the capacity to consent to be tested for specified infectious diseases. The bill in no way obviates or removes the need for universal precautions and safety practices. Indeed, there are national and international protocols on how those

universal precautions and safe practices are conducted and implemented, and there is every need for those universal precautions to be supported and reinforced wherever there is such an opportunity.

In my discussions on this bill I consulted widely with a number of people, and there was near universal support for it. I know a number of health care providers in both the public and private sectors support the bill. Key larger networks indicated to me their level of support. The bill will set up a regime where authorised officers of particular health services will be able to order, as it were, the sets of tests that are discussed. That seems to me to be an eminently sensible way to go around things.

As I have said, the bill will not solve all the issues around these matters, but it will make a significant contribution. I am pleased to place on record the opposition's clear support for the bill and to commend it to the house.

Hon. D. K. DRUM (North Western) — We in The Nationals share the government's astonishment at the brevity of Mr Davis's contribution. However, we also understand that whilst Mr Davis's contribution has been short, he has effectively outlined the bill before us. I would like to compliment Hugh Delahunty, the member for Lowan in the other place, who conducted a lot of research on behalf of The Nationals and found full support for the bill within the industry.

This is what we would label a commonsense bill, which is simply putting in place some support and some mechanisms to give people who work in the high-risk area of hospitals an opportunity to avoid contracting or getting stuck with some hideous illnesses and blood-borne viruses, and also to avoid a needless series of medication that could be instigated because of the fear of picking up such illnesses.

We must face facts. This bill effectively amends the Health Act 1958 and makes further provision for the compulsory testing of patients for specified infectious diseases. This bill covers situations where accidents or incidents may have led to the infection of a harmless worker or passer-by. The people involved in such incidents are asked if they would like to submit to a blood test. If they renege on that responsibility they can be made to undergo a blood test. However, accidents can happen. In fact accidents have happened — and the industry has noted that they have — involving people operating on patients who were unconscious or assisting people who were brought into a hospital in an unconscious state, and that has led to a great deal of anxiety and stress.

We see this legislation as supporting the people who work in hospitals — namely, the doctors and nurses, those nursing practitioners, and even cleaners, medical students and such who work in these sorts of environments. We also understand the opportunity for sustaining needle-stick injuries is a constant threat.

The current provisions spell out that in a case where a nurse receives a needle-stick injury involving an unconscious patient, where that patient is unable to consider whether to consent to testing, in law that is not a case of refusing to provide consent. An order cannot be given under section 120A, as it currently stands, and the nurse can, after counselling, decide to commence anti-retroviral medication. This is where the law sits at the minute: if an innocent victim believes they have been accidentally infected, they have the opportunity and option to commence anti-retroviral medication. That also has its own medical risks associated with it, with a whole series of quite severe side effects. But whilst it has severe side effects, we need to be aware that this treatment also has quite a significant success rate — some 75 per cent in cases where the treatment has been started some 4 to 72 hours after the infection contact. So we have quite a high success rate where the spread of some of these blood-borne viruses has been stopped.

Where somebody refuses to have their blood tested to see if it contains some of these viruses, they can in fact be ordered to have those tests done. This legislation will enable the testing of people who are unconscious and therefore not in a position to decline the request for a blood test, and thus the bill will overcome the current loophole in the law. It is a commonsense piece of legislation. It has the ability to save lives and also remove an awful amount of stress and anxiety. If it can be used to save people from having to undergo a series of harmful and severe treatments that may not be necessary, then we believe it is a good bill and we should support it.

One of our concerns with the legislation is that it may not go far enough. Maybe the people summing up on behalf of the government will be able to tell the chamber why this bill has not been rolled out more broadly. The summary of the *Review of the Health Act 1958 — A new legislative framework for public health in Victoria — A discussion paper*, and this was the precursor to the bill now before the house, states:

A new public health act would clearly set out the roles and responsibilities of those who seek to protect and promote the health of all Victorians and strengthen the performance of the health system. Adequate powers would need to be provided in the legislation to enable flexible and effective responses to threats to public health, including threats to the public's health

that may emerge in years to come. Public health legislation would recognise the importance of promoting public health in a positive sense.

That is in the foreword on the first page of the discussion paper which was written by Dr Robert Hall, director of public health and chief health officer.

The reason I wanted to read that paragraph out is simply that it talks about the health risks as they affect all Victorians. As I understand it, this legislation is predominantly about those people at work in the health system. It covers ambulance officers, which we understand is an appropriate action, but it does not cater for members of the general public.

Just as we can come up with numerous scenarios where this type of legislation will be meaningful and acknowledge situations where this type of incident may occur, I am sure we will be able to cite just as many situations involving members of the general public. I am sure there will be many cases where, when they sit back and realise they may have been infected or may have come into contact with free-flowing blood, those people will have questions going through their own minds about possible infection. And if we are looking to surely protect all Victorians, maybe there is an opportunity to roll out the provisions of this bill more widely. I will be interested to hear government members explain why the bill is not being rolled out on a broader basis.

I would just like to share with the chamber an experience I had approximately three months ago on my way to work, when I came across the scene of a severe accident. I suppose I was about a minute behind the accident occurring, where a truck had rammed into a sedan carrying three people. By the time the ambulance and police arrived some 10 to 12 minutes later I was covered in blood after trying to help the three occupants out of the car. The girl in the back seat was certainly unconscious and I spent most of the time thinking maybe she was dead. The driver was covered in blood, and I had no idea whose blood the driver was covered in. The young boy in the front seat was trapped and was hysterical.

When you think about it, at the end of the exercise, apart from the shock of the people involved in the accident, there is the effect on the people trying to help. You have no idea whose blood you actually have all over you, and you have no idea whose blood is on the victims of the car accident. It is not until you actually sit back and think about it in a quieter moment or when you read through this sort of legislation that you realise that maybe even the most innocent of passers-by, who are just trying to help people who are unconscious, are

quite often putting themselves at risk without even thinking about it.

This first-hand example is an experience which could lead to a reasonable amount of anxiety and stress. Perhaps if that young girl had not come to in the following 48 hours she would certainly have been a candidate for this type of legislation. As I say, The Nationals support this legislation because it is commonsense. We would like an explanation as to why it possibly should not be rolled out to the broader community.

Mr SCHEFFER (Monash) — The Health (Compulsory Testing) Bill is intended to remedy a difficulty in the Health Act where a person who could have transmitted an infection to another person is unwilling or unable to consent to being tested for the infectious disease. The Health Act as it presently stands provides for compulsory testing in cases where an individual refuses to be tested. The difficulty with the act is that there is no provision for cases where a person lacks the capacity to be able to decide whether or not they should give permission to be tested. We are talking about people who lack capacity due to having dementia, being intellectually disabled, or sustaining a brain injury or a mental disorder.

The minister gives the example in her second-reading speech of a nurse receiving a needle-stick injury from a patient who is unconscious and therefore unable to even think about the situation. The patient is not refusing, but the nurse, because the patient is not being tested, is placed in a serious predicament of not knowing what to do. Should he or she administer medication to prevent the possibility of infection where this itself involves a medical risk or not take the medication, which also poses serious risk? It is critical that the necessary information is obtained by testing the patient whose infection status is unknown. One expects that this situation would apply in most instances to caregivers who are exposed to the transfer of infectious diseases. The proposed amendment would give considerable support to carers.

These provisions are limited to specified infectious diseases and they are set out in the Health Act as HIV and any form of hepatitis which may be transmitted by blood or body fluid, and that would encompass hepatitis B, C and D. The minister has decided to introduce the amendments now ahead of any future changes that may be made to the act as a result of the review that is under way because of the evident urgency of the potential situations they are intended to deal with. The compulsory testing provisions are restricted to situations that relate to caregivers such as dentists,

nurses, doctors and ambulance workers or custodians such as police officers or someone who has legal control over another person.

The present amendments could have been expanded to include widening the meaning of ‘caregivers’ or ‘custodians’. This can be given fuller consideration as part of the current review of the Health Act. The discussion paper for the review of the Health Act opened up this matter of broadening the definition of caregiver or custodian, so I understand that the review will give this matter consideration.

To expedite matters the bill permits senior officers working in a hospital to be authorised to test people who do not have the capacity to consent to a test. The process will need to be expedited quickly. The advice is that the effectiveness of antivirals depends upon their being taken within 4 hours. This authorisation under the provisions of the bill will only occur in hospitals because the organisational structure of the hospital and its staff enables the hospital to exercise the authority in an appropriate way. The authorisation must be based on a clinical assessment of whether the incident could have resulted in the infection of the other person. Places other than hospitals probably will not have these structures or clinical experience in these places, and it is preferable that the secretary authorises the tests there. Denominational and public hospitals, public health services and multipurpose services may, under the bill, appoint a senior medical officer. As well, private hospitals that are approved by the secretary as appropriate may appoint a senior medical officer.

What happens if an incident occurs in a non-hospital setting such as a dental clinic? In such cases the clinic would need to liaise with the Secretary of the Department of Human Services so that the secretary could make a determination on whether or not to authorise the test. The bill also specifies who must be counselled after a compulsory test has been administered. The person who has been compulsorily tested regains capacity, a registered medical practitioner must counsel the tested person. If the person who has been compulsorily tested is an adult who does not regain capacity a registered medical practitioner must counsel a family member of the tested person or their guardian.

Where the tested person is a child, the medical practitioner must counsel the parent or a person with parental responsibilities. The counselling should include the details of the test, the reason why the test was conducted, the results and the implications of the result. This is sensible legislation. I believe it is widely supported by medical practitioners, legal organisations

and public advocacy bodies, and I commend it to the house.

Hon. ANDREA COOTE (Monash) — The Liberal Party, as my colleague the Honourable David Davis said, is going to be supporting this bill. To reiterate, this is a bill to amend the Health Act of 1958 to provide for compulsory testing in situations where a custodian or a carer may have been exposed to a specified infectious disease. As I said, we are going to support this bill, but as the shadow minister for ageing and carers I would like to put on the record my concern for carers and say that this bill could perhaps have gone further and made provision to ensure that people have a much better awareness of what these diseases are, how they can be transmitted and how to deal with them. I think there is a lost opportunity here, which is a great pity. It would have been an opportune time to have alerted people to some of these issues.

Carers do an extraordinary job within our community, and it is imperative for us as a community to make certain that the carers actually understand, particularly with infectious diseases, what they are dealing with. I was a carer of someone who died of HIV/AIDS. It was in the early 1980s, when very little was known about HIV/AIDS. When he was released from the Fairfield infectious diseases centre we were given very little knowledge about how to deal with him and how to cope with the disease. Admittedly it was early days, and we have come a long way since that time in the treatment of HIV/AIDS. Sadly that person died. When he was living with us it was a very poignant and sad time, but in many ways it was a very uplifting time as well.

I had small children in the house at the time. It would have been nice then to have known a lot more about the disease and how we as carers could have done more to understand it and make his life a little easier. As I said, we have come a long way with the treatment of HIV/AIDS since that time. I would have to say that being a carer of someone with an infectious disease places a whole range of other stresses on relationships within the community. People are concerned, and they do not understand how these diseases manifest themselves. In fact they do not know what the results are going to be or how contagious the disease is likely to be. I laugh now because for the first week after he came out of Fairfield I ran around with the bottle of White King, not letting anything come into contact with anybody. But I got over that as I learned and was able to understand more. That man went on to live with us for another two years and was a great contributor to our household. His stay with us worked extremely well, but

I later wished I had had a better understanding of what was going on with his disease.

It has been very difficult for people with hepatitis, and many people are still suspicious of the number of HIV/AIDS sufferers living in Monash Province. It is a pity more people do not understand that HIV/AIDS lasts outside the body for only a very short time. It is passed on through body fluids. Hepatitis is a totally different disease and is far more contagious. I think in many instances carers operate in isolation, and it is not always easy to get information that is up to date. I think it is very important that carers have access to this type of information.

I commend the bill to the house although it is a pity it has not gone far enough. I would like to see a very extensive education program not only of carers but also of the community, and a recognition by the community of what carers must face particularly when dealing with someone with a terminal illness. The community can learn to support, help and assist to make the last days for sufferers of these diseases more pleasurable.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to have the opportunity to rise and make a contribution to the debate. It is a good bill about looking after the welfare and wellbeing of people who are caregivers, whether they are caregivers for someone who has some form of dementia, an intellectual disability, a mental disorder or of someone in a state of unconsciousness with some sort of physical illness.

This bill ensures that any health professionals — nurses, doctors, caregivers or other people who are in a responsible position of care — have the opportunity to have a person tested if they should incur an injury that may result in contracting a disease such as HIV or hepatitis. This still does happen in our hospitals and other health settings. Hopefully it does not occur as often as it used to because of the changes that have been made to hypodermic syringes, particularly the new way of administering some drugs, taking blood, putting in lines and that sort of activity. But if the nurse, doctor or another caregiver has had an injury this bill will ensure that lawful procedures to see that the patient or client being cared for can have tests done to determine whether or not they carry a contagious disease such as HIV or a form of hepatitis.

I worked as a nurse before I became involved in politics. I suffered a needle-stick injury but there was no way we were able to test to see whether the patient had any disease that might have been transferred to me from the needle-stick. It was a pretty hairy three months — it might even have been a little over three

months — that I had to wait. I had to be tested a number of times to be sure that I did not contract any disease. That was not a pleasant position to be in, and it was quite a frightening time. This bill will ensure that those circumstances do not arise in the future because the opportunity will be provided to have the patient or client tested. Then, if necessary, the doctor, nurse or other caregiver can take necessary medical precautions. In the case of HIV it might involve commencing a course of anti-retroviral drugs, which we know if started early in the piece can have a dramatic effect on the likelihood of curtailing the disease if it has been contracted.

This is a very good bill. It looks after the welfare and wellbeing of those many, many nurses and doctors who do such a terrific job out there in our hospitals, health centres and the community. It will ensure that when they are looking after some of our most vulnerable and needy patients — those having a psychiatric illness, an intellectual disability, some form of brain damage or dementia — they are being cared for. This legislation will see that their health and wellbeing is better cared for in the future. It is a good bill that deserves the support of all members of the chamber. I commend the bill to the house.

Hon. S. M. NGUYEN (Melbourne West) — I rise to support the Health (Compulsory Testing) Bill. This bill deals with many issues and supports the caregivers of the many people in our community who lack the ability to look after themselves and need support and someone who can care for them. In our community many people cannot make their own decisions, are sometimes confused and need someone who is understanding, such as a nurse or other carer who can make decisions on their behalf.

The second-reading speech contains very important information. For example, it states that an occupational risk for health care, custodial and emergency service workers is the risk of transmission of blood-borne viruses such as the HIV and certain forms of hepatitis. The bill deals with needle transfers. For example, if an incident occurs where there may have been the transfer of HIV or certain forms of hepatitis, it is important to assess the risk of transmission. In 1991 the Health Act 1958 was amended to provide for the Secretary of the Department of Human Services to grant an order for a person to undergo a test for specified infectious diseases. The order may be granted where an incident has occurred which involved a caregiver or custodian and which could have resulted in the transfer of a specified infectious disease where the person who is the potential source has been offered counselling and has refused to consent to a test. The bill will help when

there is a problem because a person cannot make a decision to help themselves and there are workers in the health service who can assist them.

I have to highlight the fact that currently if a nurse received a needle-stick injury involving an unconscious patient, the patient would be unable to consider whether to consent to testing and would therefore not be refusing to provide consent. An order could not be given under the Health Act by the secretary of the department in those circumstances, and the nurse would either have to take anti-retroviral medication to prevent infection — which would involve medical risks for the nurse — even though the patient may not have HIV, or refrain from taking anti-retroviral medication and increase the risk of contracting HIV if the unconscious patient were infected with HIV.

These are the important points covered in clauses 1 to 5 of the bill. I support the bill before the house.

Motion agreed to.

Read second time.

Third reading

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — By leave, I move:

That the bill be now read a third time.

Hon. Bill Forwood interjected.

Hon. T. C. THEOPHANOUS — In so doing, I would like to thank all of the members who made a contribution to the debate on this important bill. I am grateful to them for their contributions, but I am not so grateful for the comments of the member during my little contribution now.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

Hon. T. C. THEOPHANOUS (Minister for Energy Industries and Resources) — I move:

That the house do now adjourn.

Planning: Beacon Cove development

Hon. ANDREA COOTE (Monash) — I direct my question to the new Minister for Planning in the other place, Mr Hulls. Beacon Cove is a wonderful waterfront development. It is a gateway to waterfront Melbourne and a wonderful place to visit. It is steeped in history and is the first place of arrival for thousands of migrants and others to Victoria. Cruise ships now arrive at the pier, and a huge number of passenger ships and liners are now coming to Victoria. It is the gateway for people coming to Victoria.

There are some concerns with the development of Beacon Cove. I have had many deputations from the Beacon Cove residents association, which has major concerns about the development and what will happen. It made many deputations to the former Minister for Planning in the other place, Ms Delahunty, but nothing happened. Minister Delahunty commissioned the community consultation process in November 2004 and the Beacon Cove precinct committee was formed to consider and recommend improvements for the Port Melbourne foreshore and Princes Pier. I remind members that Princes Pier is almost derelict and looks as if it will need in the vicinity of \$20 million to either pull it down or fix it up, but nothing has happened to it at the moment. It is an eyesore and is causing huge concerns.

The Beacon Cove precinct committee was appointed by Minister Delahunty and included members of the council, the community and state government representatives. It went to an enormous amount of trouble to get community consultation and came up with a number of recommendations, particularly about Princes Pier. Some of the recommendations were:

the pier does have a recognised (albeit reduced) heritage significance which should be retained for posterity ...

the pier should remain a public place without commercial development ...

there should be no marina or small boat harbour due to access problems ...; and

access to the pier should principally be of a pedestrian or non-vehicular nature save for bay-based access and usage by say water taxis or ferries.

The process started in November 2004 and there was an expectation a decision would be made in early 2005 — and we are now in 2005. When will the new Minister for Planning release the government's master plan for the development/demolition of Princes Pier and the issues relating to the Beacon Cove precinct?

Lake Colac: restoration

Ms CARBINES (Geelong) — I wish to raise a matter with the Minister for State and Regional Development in the other place, the Honourable John Brumby, concerning an important issue raised with me by the Colac Otway Shire Council. The chief executive officer of the shire, Ms Tracey Slatter, has written to me regarding the council's desire to restore Lake Colac as a major cultural, tourist, economic and environmental asset in the region. Ms Slatter says in her letter to me:

Lake Colac is Victoria's largest natural freshwater lake, but like many water resources it has been badly impacted by agricultural activities, wastewater disposal and stormwater run-off.

The Colac Otway shire has already completed much of the planning needed to meet its goal of restoring Lake Colac to its former glory by the preparation of the Lake Colac management plan, the foreshore master plan and a socioeconomic assessment profile. As Ms Slatter says in her letter to me:

... we are well prepared to tackle the restoration, but we need significant funding support to do so.

Colac Otway shire is therefore seeking funding from the state government to complete stage 1 of the project, which includes the installation of the footbridge over Barongarook Creek, construction of a boardwalk, the upgrade of car parking areas, development of a multipurpose walking trail, landscaping and picnic barbecue facilities, and the installation of a community artworks gateway to the foreshore area.

The restoration of Lake Colac will have many benefits for the south-west region, including jobs and increased tourism. I call on Minister Brumby to support this most worthy funding application by the Colac Otway shire for stage 1 works for the restoration of the Lake Colac foreshore.

Community residential units: mobility allowance

Hon. RICHARD DALLA-RIVA (East Yarra) — I raise an issue for the Minister for Community Services in the other place relating to the use of Department of Human Services buses by community residential units (CRUs) and the process of the collection of Centrelink's mobility allowance. I may be a bit long-winded but I need to explain the issue in some detail. Currently, adults with an intellectual disability residing with their carers or parents at home or in a CRU attend adult day care facilities. Most people would agree that these facilities undertake excellent programs for assisting adults with a disability and

providing a better quality of life. These day care centres, funded by the Department of Human Services, have a fleet of buses that collect clients from their homes or CRUs and deliver them back again. The mobility allowance provided by Centrelink and collected by the Department of Human Services-funded adult day care centres directly assists the centres in directing important state funds to the centres, because the funds for the mobility allowance are then offset for the buses against those used by day care centres.

The issue I raise tonight concerns those clients who fall outside what they call the 'capture' area for the centre. That means if they are in a CRU, clients outside the capture area often will have the home CRU bus take them to the day care centre and return them at the end of the day. This is a fantastic service provided by the CRU and the Department of Human Services in delivering and ensuring clients get access to the day care centres. However, as most members would appreciate, every dollar counts in terms of service delivery for these areas. I am advised that presently the CRUs do not have a process like the adult day care centres, as I indicated, to collect the federal government's mobility allowance. This means it is difficult for those centres outside the capture area to have additional funds. I therefore request the minister to take action to ensure that people with a disability who live outside the capture area and attend day care centres have their mobility allowance allocated to the relevant CRU to fund the buses used out of those CRUs.

World federation of Chinese organisations conference: government assistance

Hon. S. M. NGUYEN (Melbourne West) — I raise a matter for the Minister assisting the Premier on Multicultural Affairs in the other place, John Pandazopoulos. I have been approached by the World Federation of Chinese Organisations of Vietnam, Kampuchea and Laos for Promotion Peaceful Reunification of China. The organisation was established in 1983 in Taipei and has 22 years history. Every two years a global members conference is held in different cities around the world.

The cities that have held the conferences are Taipei, Paris, Sydney, San Francisco, Los Angeles, New York, Toronto and Guangzhou. At the conference we would discuss future development issues, promote friendship and improve communication and understanding. There are five branches of the organisation: members congresses, head secretariat, five branch secretariats in each continent, commission of information and the World Federation of Chinese Organisations of

Vietnam, Kampuchea and Laos for Peaceful Reunification of China.

More than 2 million Chinese from Vietnam, Kampuchea and Laos who escaped from the Vietnam War in 1975 went to 17 different countries all over the world and became residents there. They have taken part in the economic, technical and business sectors of those countries as well as cultural and political activities.

The congress is a significant event in the developing history of the World Federation of Chinese Organisations of Vietnam, Kampuchea and Laos for Peaceful Reunification of China. At the conference in San Francisco it was decided that the world federation would organise the November 2005 conference in Melbourne. A lot of Chinese from around the world will visit Melbourne if a conference is organised here in Victoria. A lot of businesspeople will come here from different parts of the world and get involved. The organisation has told me there will be a list of about 1000 guests on the day, and it would like to get some assistance from government.

I ask the minister to assist the organisation to ensure that the conference will be held in Melbourne from 14 to 17 November 2005 at the Melbourne town hall. The organisation would like to meet the minister and his staff to work out how the government can assist.

Harness racing: country meetings

Hon. D. K. DRUM (North Western) — I direct my question to the Minister for Racing in the other place, the Honourable John Pandazopoulos. As most Victorians would be aware, Harness Racing Victoria (HRV) has been trying to instigate its V3 strategy in the harness racing industry. That strategy would effectively take away TAB harness racing meetings from seven of our country tracks — Boort, Gunbower, Wedderburn, Ouyen, Wangaratta, St Arnaud and Hamilton. When this strategy was announced we were concerned about the lack of consultation that had taken place within the harness racing industry considering that less than 12 months ago we debated a piece of legislation in this house which made it a legal requirement for the harness racing industry to consult with every participant within that industry. When talking about every participant, we are talking about trainers, breeders and drivers at each of the respective clubs. When this V3 proposal was put forward not one of those clubs heard anything about it from the harness racing board. We were quite concerned about the fact that Harness Racing Victoria had been operating outside the law but that did not seem to matter to HRV because it ploughed ahead to instigate the V3 package.

It needs to be noted that the backdrop to HRV cutting away the lifeblood of these seven clubs has been one of record profits. It had a projected profit of \$200 000 last year, and it made \$900 000 due to increased wagering. Prize money increased — up 7 per cent for the last few years — and it is still increasing. Off-course and on-course wagering increased, the number of starters increased and attendances were up. Through the entire process harness racing industry experts have been questioning the validity and viability of this V3 strategy.

In the last few days we received a document from HRV. We do not know how we received it; it came obviously from a couple of unhappy board members. This document shows the assessment data Harness Racing Victoria used to make these decisions. This is the actual information HRV got, and the inaccuracies in it are enormous. The figures for local population has Shepparton rated as 6 whereas Geelong is rated as 5, so whilst Geelong has eight times as many residents as Shepparton, Harness Racing Victoria thinks more people live in Shepparton. St Arnaud is double the size of Charlton yet St Arnaud is rated lower than Charlton in population, and so it goes on. It is a flawed document, and now that once and for all it has been proved that the data behind this process is flawed and incorrect, will the minister direct HRV to put V3 on hold for 12 months to enable clubs to work with their communities to upgrade their tracks to an assessment level that will satisfy Harness Racing Victoria?

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

Fire ants: control

Hon. KAYE DARVENIZA (Melbourne West) — I raise a matter for the attention of the Minister for Agriculture in the other place. It relates to the spread of fire ants, and the action the minister and his department are taking to ensure that the ants do not spread throughout Victoria. Fire ants are a very insidious pest, and although colonies have been confined to Queensland, Victoria has to be very diligent if we are to ensure that they do not spread here. The quickest way fire ants are able to spread is through activities such as human movement or the movement of machinery, so we have to be aware that they may spread to Victoria from Queensland by one of these means.

The fire ant originated in South America and is considered to be the greatest ecological threat to Australia since the introduction of the rabbit. It is also potentially — —

Hon. Bill Forwood — The rabbit?

Hon. KAYE DARVENIZA — The rabbit.

Hon. Bill Forwood — What about the cane toad?

Hon. KAYE DARVENIZA — It is also potentially worse than the cane toad. They are aggressive ants and can cause catastrophic damage to the environment. They could destroy our outdoor lifestyle and agricultural production, but more importantly they can inflict extremely painful stings on children and animals. They are reddish-brown in colour and approximately 2 to 6 millimetres long. They tend to attack en masse if they are disturbed in the dome-like mounds that make up their nests. Specifically I would like to know what action or programs the minister is putting in place to ensure — particularly in high-risk areas such as around major seaports, airports, rail yards, transport depots, caravan parks, and nurseries that import material from Queensland — that fire ants do not spread and do not colonise in Victoria.

WorkCover: local government insurance

Hon. J. A. VOGELS (Western) — I raise an issue for the Minister for WorkCover and the TAC, and I am pleased to see him sitting in the chamber. The issue concerns a local government WorkCover self-insurance scheme, so I am also pleased to see that the Minister for Local Government is here as well.

The local government sector, through the Municipal Association of Victoria, has been seeking the establishment of a local government WorkCover self-insurance scheme for some years to bring it into line with all local government sectors throughout Australia. The MAV has submitted to the Victorian WorkCover Authority the necessary financial information and analysis, which clearly indicate that the creation of a local government self-insurance scheme similar to that which exists in every other state in Australia would derive significant financial benefits for the local government sector. It seems that the savings in premiums alone would be in the vicinity of 20 per cent per annum which, if derived, would clearly be diverted to much-needed local government infrastructure and service delivery programs. The action I seek from the minister is for him to progress this project so that local government can get on with the job of essentially establishing its own insurance scheme.

Austin Hospital: redevelopment

Ms ARGONDIZZO (Templestowe) — I have an adjournment matter for the Minister for Major Projects, and I thank him for coming into the chamber tonight to

respond to this very important issue for my community. It concerns the noise emanating from the airconditioners at the new Austin Hospital which is to be opened on Saturday.

I have had quite a number of complaints from residents. Last night I met with a number of them who attended the Banyule council meeting and raised the issue with the council. But the issue is a government one, not one for the council. I should explain that the government has already responded to the council and said the issue will be rectified before the end of May. Silencers will be placed on the airconditioners. The residents were not at all happy at having to suffer the noise for another month. They claim that the noise is quite loud and they are having sleepless nights. I raise the matter with the minister and request that work on the airconditioners be undertaken as soon as practically possible, preferably prior to the end of May.

Austin Hospital: redevelopment

Hon. BILL FORWOOD (Templestowe) — I raise the same issue as that raised by Ms Argondizzo with the Minister for Major Projects. Like the Government Whip, I also am very grateful to the minister for coming into the chamber tonight to address this issue.

Ms Carbines interjected.

Hon. BILL FORWOOD — I have been sent a lengthy email by Marcus Wigan, in which he outlines his concerns, and by Dennis Ward. Dennis is an architect with Archicentre and knows a bit about airconditioning and buildings. Miss Marshall has also contacted me. I pick up the earlier interjection from Ms Carbines — we are delighted to have the new hospital. We accept that it has been built on the wrong site but we would be churlish not to accept that on Saturday a new hospital will be opened, and we are looking forward to attending the ceremony.

But let me continue. One of the problems was that the government was always a little tight with its money. Not only was there incompetence in that the airconditioners on the top of the buildings were built facing out rather than up so that the noise will go out through Eaglemont and destroy the amenity of the area but this government decided it could do without fitting silencers to the airconditioners. Now there is in Heidelberg the extraordinary situation of appalling noise from the units. I read what Mr Wigan said:

This is totally unacceptable and they need to be instructed to stop doing this until the silencers are in place. Why should we in the community hosting this building, which has been built with exemption from all planning rules under the minister's

discretion, have to suffer this clear failure in government design oversight and implementation failure simply because the government will not act to manage the negative impacts on the community so poorly professionally and politically served?

I am delighted the minister has come in here tonight. I hope he will have a solution to this problem. Nobody in the area wishes in any way to disrupt the opening on Saturday but they are very keen to get back to sleep because they have suffered the appalling noise coming from the hospital.

It is interesting to speculate whether the tightness of funds that has caused this problem is also the reason why the major projects department decided to cut the number of power points in the hospital and instructed that they go and buy power boards — plug it in one hole and have four on the platform just — —

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

Rail: Epping–South Morang line

Hon. A. P. OLEXANDER (Silvan) — Tonight the matter I draw to the attention of the Minister for Transport in the other place concerns the real sense of anger and betrayal of local people in the Epping and South Morang area because today's state budget fails to deliver on the extension of the Epping–South Morang line. This is bad news for the people of Epping and South Morang. Although members of the government do not like to hear about it, they promised in 1999 and again in 2002 that they would build and extend the rail line from Epping to South Morang. Many local people voted for Labor on the strength of that promise.

We have just seen the sixth Bracks government budget delivered, and there is still no funding for that rail line. We have only seen the delivery of an inadequate bus service, one which cannot be used adequately by disabled people and which does not run at night or on weekends anywhere frequently enough. The government stands condemned by the local council at Whittlesea, the Friends of South Morang and the community rail extension alliance. Only last month on the steps of this Parliament 5500 signatures were delivered to the Minister for Transport asking him to ensure that money was made available in this state budget for the extension of that rail line. But that promise has again been broken.

The local Labor members — the members for Mill Park and Yan Yean in the other place — have again failed to deliver on their promise to their electorates. They have failed to convince their government that this

is a worthy project and that this promise should be kept. They only have another 12 months to go before the last Bracks government budget in which to keep the promise is delivered. I ask the minister to live up to his promise and make sure that the seventh and last Bracks government budget that Victoria will see actually delivers on his promise to the people of Epping and South Morang.

Disability services: Taskmasters

Hon. P. R. HALL (Gippsland) — Tonight I wish to raise a very urgent matter with the Minister for Community Services in the other place regarding an organisation based in the Latrobe Valley called Taskmasters Incorporated. This organisation provides services for adults with disabilities. It is funded by the federal government to the tune of almost \$300 000 to provide supported employment for 36 workers with disabilities. They provide a range of employment opportunities such as lawn mowing, gardening, cleaning and trellis making. I might add that it is an absolute delight to see this team of people with disabilities go out and actually enjoy working hard on the tasks assigned to them. Under the Futures for Young Adults program Taskmasters also receives state funding of over \$160 000 to operate a couple of other businesses at Hazelwood and Moe for 15 state clients. Again that is an admirable program.

However, all of this has been put in some doubt because of the financial position of Taskmasters, which has built up liabilities in excess of \$900 000, a significant amount. I understand a liquidator is to be appointed to manage the affairs of the company, and probably rightfully so. I do not disagree with that. Both the state and federal governments have significant amounts involved and we need to have a close look at that.

Of primary concern to me is the future of those 36 workers involved under the supported employment services and the 15 state clients under the Futures for Young Adults program. I am very keen to ensure that there is continued support for those people with disabilities and the tasks that they undertake. I have been contacted by several parents of young adults with disabilities who are under the state government program who have expressed their concern to me today. This service is likely to close within the next two weeks, so the problem is very urgent. For example, one of the parents informed me that her son had recently secured a horticulture apprenticeship, and he is absolutely delighted with the work that he has been able to do under that apprenticeship. However, he is only able to do it with the support case worker provided

through Taskmasters and the support that organisation gives him. If the organisation folds, it will put in jeopardy his future with the apprenticeship he is currently undertaking.

So my urgent request to the Minister for Community Services tonight is for her to provide some immediate feedback to the families of the 15 state clients involved, to ensure that they have a positive future and that they will be supported in their endeavours under the Futures for Young Adults program.

Gas: Creswick supply

Ms HADDEN (Ballarat) — My adjournment question tonight is for the Minister for Energy Industries and Resources, the Honourable Theo Theophanous. It is to do with the issue of converting appliances to natural gas. I note the minister's announcement earlier this month of a revamped \$2.5 million high-efficiency gas heater rebate program which came into effect on 1 April. It enables consumers who participate in the rebate program to receive up to \$1000 towards the purchase and installation of a high-efficiency gas heater and up to \$700 for converting a day-rate electric water heater to a gas hot water system. This revamped package is of course very welcome. It apparently followed a statewide review of the scheme after its first 12 months in operation, and of course the minister is encouraging regional consumers to consider switching to natural gas.

The residents of Creswick are very keen to participate in this revamped \$2.5 million high-efficiency gas heater rebate, but the problem is that TXU does not expect to connect the first home before the second quarter of 2006. It does not expect to connect up to 60 per cent of the township area that it is going to reticulate before the end of 2006. My request to the minister is for this high-efficiency gas heater rebate program to continue and be available for the potential natural gas customers of Creswick until the end of 2006 to enable them to participate in this worthy program.

Responses

Mr LENDERS (Minister for Finance) — I have responses to three adjournment questions. The first matter is from Mr Vogels to me in my capacity as Minister for WorkCover and the TAC, dealing with a local government issue. Our general rule is that we would completely agree with Mr Vogels that the more money that can be spent on delivering services in local government the better. Clearly, though, we need to have safe work environments, and that always requires a balance between what is done in an occupational health

and safety area and what is done in an insurance area. I will certainly take on board his request and I get back to him with a detailed response.

The other two adjournment matters that I received as Minister for Major Projects were from Ms Argondizzo and Mr Forwood. I will deal with them together. They raised complaints of noise at the Austin Hospital and Mercy Hospital for Women that have been coming from the testing of the generators for the airconditioning units — the general thing. There is clearly an issue which, as Ms Argondizzo said, was raised with the Banyule City Council. Major Projects Victoria is acutely conscious of this as an issue that needs to be fixed. The Austin and Mercy hospitals are absolutely fantastic health facilities that we and the community are proud of, and we do not want to detract from this in any way by having noise affecting the amenity of local residents. I have spoken to Major Projects Victoria. It is awaiting acoustic testing and other reports, but there should be no problem now. I will certainly take the request on board, as I find that we need results earlier than the end of May. Major Projects Victoria is focusing on it so that we do not in any way affect the amenity of the locals near to this great institution.

I cannot let pass Mr Forwood's shots about the site and a range of things. I remind Mr Forwood and the house that because of the intervention of the Bracks government this is now a fantastic facility in public ownership, which is something we are particularly proud of. Nor can I let pass that other comment from Mr Forwood. I know we all have conflicts between our roles as local members and our other duties, but as a former chair and current deputy chair of the Public Accounts and Estimates Committee, Mr Forwood should not be so flippant about the government's managing of the dollars in this state. I think he was saying it tongue in cheek and perhaps he had his hand on his heart as a local member, but whether it is as Minister for Major Projects or Minister for Finance, or whatever, it is my role — our role — to make sure that we live within our means and look at things closely. I take it that he was bantering a little about some of those issues. While relishing his great facility I urge him to also remember that he is the deputy chair of the Public Accounts and Estimates Committee and I expect his vigorous support. We must keep costs well and truly under control.

Ms BROAD (Minister for Local Government) — The Honourable Andrea Coote raised a matter for the attention of the Minister for Planning in the other place concerning master planning for the Beacon Cove precinct. I will refer that matter to the minister.

Ms Carbines raised a matter for the attention of Minister for State and Regional Development in the other place concerning representations to her from the Colac-Otway shire about the Lake Colac foreshore. I will refer that matter to the minister.

The Honourable Richard Dalla-Riva raised a matter for the attention of the Minister for Community Services in the other place concerning the utilisation of bus services and Centrelink mobility allowances by community residential unit clients of adult day care centres. I will refer that matter to the attention of the minister.

The Honourable Sang Nguyen raised a matter for the attention of the Minister for Multicultural Affairs in the other place concerning a conference in Melbourne in November this year and requesting assistance in relation to that conference. I will refer that matter to the minister.

The Honourable Damian Drum raised a matter for the attention of the Minister for Racing in the other place concerning the Harness Racing Victoria strategy. I will refer that matter to the minister.

The Honourable Kaye Darveniza raised a matter for the attention of the Minister for Agriculture in the other place concerning action on fire ants. I will refer the matter to the minister.

The Honourable Andrew Olexander raised for the attention of the Minister for Transport in the other place the matter of the extension of rail services from Epping to South Morang. I will refer that matter to the minister.

The Honourable Peter Hall raised for the attention of the Minister for Community Services in the other place the issues of the need for ongoing services for state clients of the Taskmasters organisation and the difficulties it is in. I will refer those matters for the urgent attention of the minister.

Ms Hadden raised a matter for the attention of the Minister for Energy Industries and Resources concerning the conversion of appliances to natural gas. I will refer that matter to the minister.

Motion agreed to.

House adjourned 9.24 p.m.

